

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

177R0413

HOUSE TAXATION ENGROSSED NO. **HB 1252** - 2/16/2010

Introduced by: Representatives Gibson, Burg, Feickert, Hunhoff (Bernie), Kirkeby, Lederman, Nygaard, and Thompson and Senators Hansen (Tom) and Fryslie

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the payment in lieu
2 of taxes for certain housing projects exempt from property taxation.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 11-7-73 be amended to read as follows:

5 11-7-73. Notwithstanding the provisions of § 11-7-72 ~~with respect to~~, any housing project
6 of the commission, ~~the commission shall, after that project that~~ that has become occupied, either in
7 whole or in part, and is exempt from taxation pursuant to § 11-7-72 shall make payments in lieu
8 of taxes. The commission shall file with the proper director of equalization, on or before May
9 first of each year, a statement of the ~~aggregate shelter~~ dwelling unit rentals of that project
10 collected during the preceding calendar year; ~~and, unless. Unless~~ a greater amount is permitted
11 pursuant to federal legislation and has been agreed upon between the commission and the
12 municipality or the county ~~as the case may be in and for which created~~ created the commission was
13 ~~created, ten, five~~ percent of ~~such aggregate shelter~~ the revenue from the dwelling unit rentals
14 shall be charged to the commission ~~and collected from it as payments in lieu of taxes for the~~



1 ~~services and facilities to be furnished with respect to that project, in the manner provided by law~~
2 ~~for the assessment and collection of taxes, and the amount so collected. The payments in lieu~~
3 ~~of taxes shall be distributed to all of the appropriate governmental units in the area of operation~~
4 ~~in such proportions that each governmental unit will receive ~~therefrom~~ from the payments the~~
5 ~~same proportion as it would of actual taxes, were such project not exempt from taxation;~~
6 ~~provided, however, that if property taxes were paid. However, no such payments in lieu of taxes~~
7 ~~shall exceed the amounts which would be payable in property taxes on the project if it were the~~
8 ~~project was not exempt from taxation. ~~Shelter~~ The term, dwelling unit rental, means the total
9 ~~revenue collected for rentals of a housing project exclusive of any charge for utilities and special~~
10 ~~services such as heat, water, electricity, gas, cooking fuel, and other necessary services or~~
11 ~~facilities residential dwelling units. The term, dwelling unit rental, does not include any revenue~~
12 ~~from other income, fees, or services that may be received by the commission. The records of~~
13 ~~each housing project shall be open to inspection by the ~~proper assessing officers~~ director of~~
14 ~~equalization.~~~~