

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

690S0355

## SENATE BILL NO. 152

Introduced by: Senators Rhoden, Adelstein, Cutler, Fryslie, Gray, Hunhoff (Jean), Kraus, Krebs, Lederman, Maher, Nelson (Tom), Nygaard, Olson (Russell), Putnam, Rampelberg, Rave, Schlekeway, Tidemann, Tieszen, and Vehle and Representatives Dryden, Abdallah, Brunner, Carson, Gosch, Hansen (Jon), Hoffman, Kirkeby, Kopp, Moser, Munsterman, Nelson (Stace), Olson (Betty), Perry, Romkema, Sly, Steele, Verchio, Willadsen, and Wink

1 FOR AN ACT ENTITLED, An Act to require that any reduction in the general fund levies of  
2 a school district only account for increases in the taxable valuation of property and to revise  
3 the property tax levies for the general fund of a school district.

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

5 Section 1. If the per student allocation for school fiscal year 2012 is less than the per student  
6 allocation provided in subdivision 13-13-10.1(4) for school fiscal year 2011, the provisions of  
7 §§ 13-13-71, 13-13-72, and 13-13-72.1 do not apply. The maximum levies for the general fund  
8 of a school district provided in § 10-12-42 for taxes payable in fiscal year 2012 may only be  
9 lowered to account for increases in the taxable valuation of real property. The maximum levies  
10 may not be lowered to account for any reduction in the per student allocation for school fiscal  
11 year 2012.

12 Section 2. That § 10-12-42 be amended to read as follows:

13 10-12-42. For taxes payable in ~~2011~~ 2012 and each year thereafter, the levy for the general



1 fund of a school district shall be as follows:

2 (1) The maximum tax levy shall be eight dollars and ~~forty-nine~~ forty-eight and one tenth  
3 cents per thousand dollars of taxable valuation subject to the limitations on  
4 agricultural property as provided in subdivision (2) of this section, and owner-  
5 occupied property as provided ~~for~~ in subdivision (3) of this section;

6 (2) The maximum tax levy on agricultural property for such school district shall be two  
7 dollars and ~~fifty-five~~ fifty-four and four tenths cents per thousand dollars of taxable  
8 valuation. If the district's levies are less than the maximum levies as stated in this  
9 section, the levies shall maintain the same proportion to each other as represented in  
10 the mathematical relationship at the maximum levies; and

11 (3) The maximum tax levy for an owner-occupied single-family dwelling as defined in  
12 § 10-13-40; for such school district ~~may not exceed~~ shall be three dollars and ~~ninety-~~  
13 ~~six~~ ninety-five and five tenths cents per thousand dollars of taxable valuation. If the  
14 district's levies are less than the maximum levies as stated in this section, the levies  
15 shall maintain the same proportion to each other as represented in the mathematical  
16 relationship at the maximum levies.

17 All levies in this section shall be imposed on valuations where the median level of  
18 assessment represents eighty-five percent of market value as determined by the Department of  
19 Revenue and Regulation. These valuations shall be used for all school funding purposes. If the  
20 district has imposed an excess levy pursuant to § 10-12-43, the levies shall maintain the same  
21 proportion to each other as represented in the mathematical relationship at the maximum levies  
22 in this section. The school district may elect to tax at less than the maximum amounts set forth  
23 in this section.