

2021 South Dakota Legislature

Senate Bill 137**AMENDMENT 137B FOR THE INTRODUCED BILL**

1 **An Act to provide for the reimbursement of lost revenue for businesses forcibly**
2 **closed or has indoor capacity limits imposed by a governmental entity.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **1-16G-90. State or political subdivision--Lost revenue reimbursement.**

6 If the state or a political subdivision of the state passes or enacts a resolution or
7 ordinance that orders temporary closure of a classification of business or temporarily limits
8 the indoor capacity of a classification of business, the state or political subdivision that
9 caused the closure passed or enacted the resolution or ordinance shall reimburse ~~any the~~
10 affected business ~~for as follows:~~

11 (1) For the period of closure, fifty percent of its projected lost revenue ~~during the~~
12 period of closure; and

13 (2) For the period of capacity limitation, the amount allowed under subdivision (1),
14 but reduced in proportion to the capacity limit over the maximum capacity otherwise
15 allowed by law.

16 A business's projected lost revenue during the period of closure or capacity
17 limitation shall be based on three years of historical data from the business, the industry,
18 and the market, ~~or, if less than three years of such historical data is available, the data~~
19 that is available shall be used.

20 For the purposes of this section, a classification of business is more than one
21 business registered with the secretary of state that shares the same two-digit code of the
22 North American Industry Classification System.