State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, **2016**

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SENATE BILL NO. 59

Introduced by: Senator Vehle and Representative Duvall

1   FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the application of the

2   special annual road funding levy.

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

4   Section 1. That § 10-12-13 be amended to read:

5   10-12-13. The board of county commissioners may levy an annual tax as a reserve fund to

6   be accumulated and used for the purpose of maintaining, repairing, constructing, and

7   reconstructing roads and bridges as follows:

8   (1)   A levy not to exceed one dollar and twenty cents per thousand dollars of taxable

9   valuation, if the total taxable valuation of the county is one billion dollars or less-;

10   (2)   A levy not to exceed ninety cents per thousand dollars of taxable valuation, if the

11   total taxable valuation of the county is more than one billion dollars but less than two

12   billion dollars; and

13   (3)   A levy not to exceed sixty cents per thousand dollars of taxable valuation, if the total

14   taxable valuation of the county is two billion dollars or more.

15   Moneys Money in the fund may be expended in the laying out, marking, maintaining,

1   constructing, and reconstructing roads and maintaining, constructing, and reconstructing

2   bridges, under the jurisdiction of the board of county commissioners. The tax levy shall be in

3   addition to all other levies authorized to be made by the board of county commissioners for road

4   and bridge purposes provided for in § 10-12-21. The proceeds of such levy shall be placed in

5   a special fund to be known as the county highway and bridge reserve fund. Any increased tax

6   levy imposed pursuant to this section is exempt from the provisions of chapter 10-13, if the

7   county establishes the amount of revenue payable from taxes on real property pursuant to § 10-

8   12-13.1. However, each year thereafter, the county may increase the amount of revenue payable

9   from property taxes by applying the growth and the index factor pursuant to the provisions of

10   § 10-13-35.

11   The total amount of revenue payable from any increased tax levy imposed pursuant to this

12   section may increase no more than the lesser of three percent or the index factor, as defined in

13   § 10-13-38, over the amount of revenue payable in the preceding year. After applying the index

14   factor, a county may increase the revenue payable from taxes on real property above the

15   limitations provided by this section by the percentage increase of value resulting from any

16   improvements or change in use of real property and any adjustments in taxation of property

17   separately classified and subject to statutory adjustments and reductions under chapters 10-4,

18   10-6, 10-6A, and 10-6B, except § 10-6-31.4, only if assessed the same as property of equal

19   value.

20   Section 2. That § 10-12-13.1 be amended to read:

21   10-12-13.1. The governing body of the county may, by resolution, impose the increased tax

22   levy provided in § 10-12-13 with an affirmative two-thirds vote of the governing body on or

23   before July fifteenth. The action of the governing body to authorize an increased tax levy shall

24   be published within ten days of the action and shall be published at least twice in each legal

1   newspaper designated by the county. The action to authorize an increased tax levy is subject to

2   the referendum process in accordance with chapter 7-18A.

3   <u>The governing body of the county may continue to impose the increased tax levy authorized</u>

4   <u>by this section in subsequent years in accordance with the limitation on the amount of revenue</u>

5   <u>payable from property taxes provided under § 10-12-13.</u>

6   <u>The governing body of the county may increase the amount of revenue payable from</u>

7   <u>property taxes in excess of the limitation provided under § 10-12-13 if the increased tax levy</u>

8   <u>is authorized by the governing body of the county in accordance with the requirements of this</u>

9   <u>section.</u>