

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

177R0413

HOUSE BILL NO. 1252

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 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 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~~
15 ~~services and facilities to be furnished with respect to that project, in the manner provided by law~~



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