

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

366R0350

## SENATE BILL NO. 78

Introduced by: Senators Gant, Maher, and Tieszen and Representatives Kirkeby and Vanderlinde

1 FOR AN ACT ENTITLED, An Act to revise the total amount of revenue payable to  
2 municipalities from taxes on real property.

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

4 Section 1. That § 10-13-35.3 be amended to read as follows:

5 10-13-35.3. Any county or municipality may decrease the total amount of revenue payable  
6 from taxes on real property below the maximum limit allowed by § 10-13-35 in any year. The  
7 decrease may not affect the amount of revenue payable that may be raised in accordance with  
8 §§ 10-13-35.4 and 10-13-35.5.

9 Section 2. That § 10-13-35.4 be amended to read as follows:

10 10-13-35.4. For taxes payable in the year 2003 and each year thereafter, the county auditor  
11 shall calculate what the maximum amount of revenue payable the county or municipality may  
12 request based on growth and the index factor pursuant to § 10-13-35. The calculation shall also  
13 show any accumulative percent of the index factor not used by the county or municipality. This  
14 calculation shall exclude the levy pursuant to § 10-13-36.

15 Section 3. That § 10-13-35.5 be amended to read as follows:



1        10-13-35.5. The county or municipality may increase the total amount of revenue payable  
2        from taxes on real property in any year up to the maximum amount calculated in accordance  
3        with § 10-13-35.4 utilizing any unused index factor from the prior three years. However, such  
4        an amount may not exceed the prior three year index factor total or ten percent, whichever is  
5        less.