

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

258Q0141

## HOUSE BILL NO. 1196

Introduced by: Representatives Feickert, Dennert, Elliott, Feinstein, Frerichs, Kirkeby, Kirschman, Lederman, Nygaard, Sorenson, Street, Vanderlinde, and Verchio and Senators Dempster, Abdallah, Bartling, Hanson (Gary), Hundstad, Kloucek, Peterson, and Rhoden

1 FOR AN ACT ENTITLED, An Act to require the consent of the governing bodies of certain  
2 local governments before creating tax incremental districts.

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

4 Section 1. That § 11-9-8 be amended to read as follows:

5 11-9-8. To implement the provisions of this chapter, the resolution required by § 11-9-5  
6 shall contain findings that:

7 (1) Not less than twenty-five percent, by area, of the real property within the district is  
8 a blighted area; and

9 (2) The improvement of the area is likely to enhance significantly the value of  
10 substantially all of the other real property in the district.

11 It is not necessary to identify the specific parcels meeting the criteria. No county may create  
12 a tax incremental district located, in whole or in part, within a municipality, unless the  
13 governing body of such municipality has consented thereto by resolution. No municipality may  
14 create a tax incremental district located, in whole or in part, within a county, unless the



1 governing body of such county has consented thereto by resolution. No county or municipality  
2 may create a tax incremental district located, in whole or in part, within a school district, unless  
3 the governing body of such school district has consented thereto by resolution.