

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

921T0283

## SENATE LOCAL GOVERNMENT ENGROSSED NO. **SB 101** - 1/30/2012

Introduced by: Senators Hansen (Tom), Frerichs, Gray, Juhnke, Maher, and Novstrup (Al)  
and Representatives Kirkeby, Cronin, Fargen, Munsterman, and Street

1 FOR AN ACT ENTITLED, An Act to authorize counties to borrow money using promissory  
2 notes.

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

4 Section 1. That chapter 7-21 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The provisions of § 7-21-16 or any other provision of law notwithstanding, a county may  
7 borrow money from any source willing to lend the money by issuing a promissory note subject  
8 to the limitations set in sections 2 to 5, inclusive, of this Act. Notes issued pursuant to this  
9 section are payable solely from the sources provided in section 2 of this Act and do not  
10 constitute an indebtedness of the county within the meaning of any constitutional or statutory  
11 provisions or limitations. The notes shall specify the authority under which the notes are issued  
12 and shall state that the notes are issued in conformity with the provisions, restrictions, and  
13 limitations of sections 2 to 5, inclusive, of this Act and that the notes and the interest on the  
14 notes are payable from the sources specified in sections 2 to 5, inclusive, of this Act. The notes



1 shall be authorized, issued, and sold in accordance with chapter 6-8B. No election is required,  
2 and the notes may not be issued for a term in excess of five years.

3 Section 2. That chapter 7-21 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 The money borrowed pursuant to section 1 of this Act may not exceed the sum of ninety-five  
6 percent of the amount of uncollected taxes levied by the county for the current fiscal year plus  
7 other receivables of the fund, including state or federal grant moneys, that have been earned by  
8 the county or committed by the state or federal governments but not collected at the date of  
9 borrowing.

10 Section 3. That chapter 7-21 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 If any registered warrants or promissory notes are outstanding against the fund for which the  
13 money is to be borrowed, the borrowing limit specified in section 2 of this Act is reduced by the  
14 amount of the outstanding warrants or promissory notes.

15 Section 4. That chapter 7-21 be amended by adding thereto a NEW SECTION to read as  
16 follows:

17 The rate of interest for a promissory note authorized by section 1 of this Act shall be stated  
18 on the note. The note shall be signed by the chair of the board of county commissioners and by  
19 the county auditor.

20 Section 5. That chapter 7-21 be amended by adding thereto a NEW SECTION to read as  
21 follows:

22 If a note authorized by sections 1 to 4, inclusive, of this Act has been issued and not paid  
23 in full within the term provided in section 1 of this Act, no cash receipts may be expended for  
24 any purpose except the retirement of principal and interest of notes outstanding against that

1 fund, until all such notes are retired.