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Deadwood Stage Run, LLC v. South Dakota Dept. of Revenue

Supreme Court of South Dakota - December 17, 2014 - N.W.2d - 2014 S.D. 90

Taxpayer brought action seeking declaratory judgment prospectively establishing assessed valuation of tax incremental district, which consisted of taxpayer's land, as the appropriate tax incremental base, rather than prior assessed valuation. The Circuit Court entered summary judgment in favor of Department of Revenue. Taxpayer appealed.

The Supreme Court of South Dakota held that Department was required to determine aggregate assessed value of the property by using the last previously certified valuation for any buildings or additions completed or removed and to adjust it for the value to the date the district was created.

Department of Revenue was statutorily required, in establishing assessed valuation of tax incremental district, to determine the aggregate assessed value of the taxable property in the district by using the last previously certified valuation for any buildings or additions completed or removed and to adjust it for the value to the date the district was created. The phrase "last previously certified" referred only to improvements in the land, and this reading harmonized the statute with other statutes.

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