



## 2022 South Dakota Legislature

# House Bill 1168

Introduced by: **Representative Phil Jensen**

1 **An Act to to eliminate property tax for certain seniors.**

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

3 **Section 1. That chapter 43-31 be amended with a NEW SECTION:**

4 Any person making an application under sections 1 to 5, inclusive, of this Act, is  
 5 entitled to an exemption from property tax on the entirety of the assessed value of the  
 6 person's owner-occupied, single-family dwelling, if the person:

7 (1) Has established a base year;

8 (2) Has owned any dwelling in the state of South Dakota, in fee or by contract to  
 9 purchase, for no fewer than twenty years;

10 (3) Has a household income, as defined in § 10-6A-1, of sixty thousand dollars or less;

11 (4) Owns an owner-occupied, single family dwelling with a full and true market value  
 12 of five hundred thousand dollars or less, or the applicant has received the property  
 13 tax exemption under this Act in the preceding year on the single-family dwelling;

14 and

15 (5) Does not have any delinquent, outstanding property tax liability.

16 **Section 2. That chapter 43-31 be amended with a NEW SECTION:**

17 Beginning on January 1, 2023, the market value qualification of the single-family  
 18 dwelling provided in this section 1 subsection 4 of this Act, and the household income  
 19 qualification provided in section 1 subsection 3 of this Act, increase by an index factor.  
 20 The index factor is the annual percentage change in the consumer price index for urban  
 21 wage earners and clerical workers as computed by the Bureau of Labor Statistics of the  
 22 United States Department of Labor for the year immediately preceding the year of  
 23 adjustment.

24 **Section 3. That chapter 43-31 be amended with a NEW SECTION:**

1           To be eligible for the limited-income senior exemption on the assessed value under  
2           sections 1 to 5, inclusive, of this Act, a person shall apply annually on or before April first  
3           on forms prescribed by the secretary. Each county treasurer shall make the forms  
4           available at the courthouse and on the county treasurer's website and, upon request of  
5           an applicant, assist the applicant in completing the forms.

6           **Section 4. That chapter 43-31 be amended with a NEW SECTION:**

7           An applicant shall provide to the county treasurer of the county in which the  
8           applicant's dwelling is located, documentary evidence necessary to assure the validity of  
9           the applicant's claim of qualification under section 1 of this Act.

10          **Section 5. That chapter 43-31 be amended with a NEW SECTION:**

11          The county treasurer of the county in which a dwelling is located shall make the  
12          final determination as to whether an applicant seeking a limited-income senior exemption  
13          on the assessed value pursuant to sections 1 to 5, inclusive, of this Act, is qualified. The  
14          county treasurer shall maintain limited-income senior exemption application records .

15          **Section 6. That chapter 43-31 be amended with a NEW SECTION:**

16          Any person aggrieved by the denial in whole or in part of relief claimed under the  
17          provisions of sections 1 to 5, inclusive, of this Act, may, within thirty days after receiving  
18          notice of the county treasurer's denial, demand and shall receive a hearing, upon notice,  
19          before the secretary, on the question. The hearing must be conducted and appeals allowed  
20          in the manner specified in chapter 1-26.

21          **Section 7. That § 43-31-31 be AMENDED:**

22                 **43-31-31.** Terms as used in this act §§ 43-31-31 to 43-31-41, inclusive, and  
23                 sections 1 to 5, inclusive, of this Act, mean:

- 24                 (1) "Base year," for those heads of households who reached seventy years of age in  
25                     or prior to 1994, the base year is 1994. For those heads of households who will  
26                     reach seventy years of age subsequent to 1994, the base year is the year in which  
27                     they will reach the age of seventy. In the case of a surviving spouse, the base year  
28                     is the year which would have been the base year of the deceased spouse;  
29                 (2) "Department," the Department of Revenue;

- 1 (3) "Head of household," a married person, a single person, a widow or widower, or a  
2 divorced person;
- 3 (4) "Household," the association of persons who live in the same dwelling, sharing its  
4 furnishings, facilities, and accommodations, but not including bona fide lessees,  
5 tenants, or roomers and boarders on contract;
- 6 (5) "Secretary," the secretary of the Department of Revenue;
- 7 (6) "Single-family dwelling," a house, condominium apartment, or manufactured home  
8 as defined in § 32-3-1, ~~which~~ that is assessed and taxed as a separate unit  
9 including the platted lot upon which the structure is situated or one acre, whichever  
10 is less, and the garage, whether attached or unattached;
- 11 (7) "Surviving spouse," the spouse of a deceased head of household who has not  
12 remarried.