



2023 South Dakota Legislature

House Bill 1052

Introduced by: **Representative Teunissen**

1 **An Act to change the eligibility requirements of a property tax relief program for**
 2 **disabled veterans and surviving spouses.**

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

4 **Section 1. That § 10-4-40 be AMENDED:**

5 **10-4-40.** One hundred fifty thousand dollars of the full and true value of the total
 6 amount of a dwelling or portion thereof classified as owner-occupied pursuant to §§ 10-
 7 13-39 to 10-13-40.4, inclusive, that is owned and occupied by a veteran who is rated as
 8 permanently and totally disabled, or is rated at least seventy percent disabled, from a
 9 service-connected disability is exempt from property taxation. The veteran shall apply for
 10 this partial exemption on a form prescribed by the secretary of revenue. Any application
 11 or supporting document for this exemption is confidential. Any veteran who would
 12 otherwise qualify for this exemption but fails to comply with the application deadline for
 13 the owner-occupied classification or the deadline for application for this exemption may
 14 petition the board of county commissioners to recalculate the taxes based upon the owner-
 15 occupied classification and this exemption and abate or refund the difference in taxes
 16 pursuant to chapter 10-18.

17 If the director of equalization determines that the veteran receives an exemption
 18 for the veteran's dwelling pursuant to this section, the veteran retains that exemption
 19 until such time as the property ownership is transferred, the veteran does not occupy the
 20 dwelling, or the property has a change in use. If the legal description of property is
 21 changed or amended and the veteran continues to reside in the dwelling, the veteran
 22 retains the exemption provided by this section.

23 **Section 2. That § 10-4-41 be AMENDED:**

24 **10-4-41.** One hundred fifty thousand dollars of the full and true value of the total
 25 amount of a dwelling, or portion thereof, classified as owner-occupied pursuant to §§ 10-

1 13-39 to 10-13-40.4, inclusive, is exempt from property taxation if owned and occupied
2 by:

- 3 (1) The surviving spouse of a veteran who was rated as permanently and totally
4 disabled, or was rated at least seventy percent disabled, from a service-connected
5 disability; or
6 (2) The surviving spouse of a veteran, who receives dependency and indemnity
7 compensation from the United States Department of Veterans Affairs as a result of
8 the veteran's service-connected death.

9 The surviving spouse shall apply for this partial exemption on a form prescribed by
10 the secretary of revenue. Any application or supporting document for this exemption is
11 confidential. Any surviving spouse who would otherwise qualify for this exemption but fails
12 to comply with the application deadline for the owner-occupied classification or the
13 deadline for application for this exemption may petition the board of county commissioners
14 to recalculate the taxes based upon the owner-occupied classification and this exemption
15 and abate or refund the difference in taxes pursuant to chapter 10-18.

16 If the director of equalization determines that the surviving spouse receives an
17 exemption for the dwelling pursuant to this section, the surviving spouse retains that
18 exemption until such time as the property ownership is transferred, the surviving spouse
19 does not occupy the dwelling, the surviving spouse remarries, or the property has a
20 change in use. If the legal description of property is changed or amended and the surviving
21 spouse continues to reside in the dwelling, the surviving spouse retains the exemption
22 provided by this section.