



2024 South Dakota Legislature

House Bill 1082

SENATE TAXATION ENGROSSED

Introduced by: **Representative Pinnow**

1 **An Act to change the eligibility requirements, and the exempt value, of a property**
 2 **tax relief program for 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~~Two hundred ~~five~~ thousand dollars of the full and true value of the
 6 total amount of a dwelling or portion thereof classified as owner-occupied pursuant to
 7 §§ 10-13-39 to 10-13-40.4, inclusive, that is owned and occupied by a veteran who is
 8 rated as permanently and totally disabled from a service-connected disability is exempt
 9 from property taxation. The veteran shall apply for this partial exemption on a form
 10 prescribed by the secretary of revenue. Any application or supporting document for this
 11 exemption is confidential. Any veteran who would otherwise qualify for this exemption but
 12 fails 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 veteran receives an exemption
 17 for the veteran's dwelling pursuant to this section, the veteran retains that exemption
 18 until ~~such time as~~ the property ownership is transferred, the veteran does not occupy the
 19 dwelling, or the property has a change in use. If the legal description of property is
 20 changed or amended and the veteran continues to reside in the dwelling, the veteran
 21 retains the exemption provided by this section.

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

23 **10-4-41.** ~~One~~Two hundred ~~five~~ thousand dollars of the full and true value of the
 24 total amount of a dwelling, or portion thereof, classified as owner-occupied pursuant to

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

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

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

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

22 **Section 3. That § 10-6-154 be AMENDED:**

23 **10-6-154.** The director shall mail or transmit electronically a notice of assessment
 24 to each property owner not later than March first that contains:

- 25 (1) A statement that property occupied by the owner or a parent of the owner may be
 26 eligible for tax relief by being classified as an owner-occupied single-family dwelling
 27 pursuant to §§ 10-13-39 through 10-13-40;
 28 (2) A statement that property owned and occupied by a veteran who is rated as
 29 permanently and totally disabled from a service-connected disability_z or the
 30 veteran's surviving spouse_z may be eligible for tax relief pursuant to §§ 10-4-40
 31 and 10-4-41;
 32 (3) A statement that a dwelling specifically designed for use by a paraplegic as a
 33 wheelchair home that is owned and occupied by a paraplegic veteran, a veteran

- 1 with the loss or loss of use of both lower extremities, or the veteran's surviving
2 spouse may be eligible for tax relief pursuant to § 10-4-24.10;
- 3 (4) A statement that a dwelling owned and occupied by a paraplegic or an individual
4 with the loss or loss of use of both lower extremities may be eligible for tax relief
5 pursuant to § 10-4-24.11;
- 6 (5) A statement that property owned by a citizen who reached sixty-five years of age
7 or who is disabled may be eligible for tax relief pursuant to chapter 10-6A; and
- 8 (6) Uniform information prescribed by the secretary of the department.
- 9 The secretary of the department may promulgate rules, pursuant to chapter 1-26,
10 concerning the form and content of the notice.