

2025 South Dakota Legislature

Senate Bill 191**AMENDMENT 191B
FOR THE INTRODUCED BILL**

1 **An Act to limit annual valuation increases on owner-occupied single-family**
2 **dwellings.**

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

4 **Section 1.** The Legislature finds that the principles established in Nordlinger v. Hahn, 505
5 U.S. 1 (1992), affirm the constitutionality of basing property tax assessments on the purchase
6 price of property rather than current market value, for the purpose of protecting homeowners
7 from unexpected hikes and escalating real estate values impacting the reliance interests in
8 their homes. This Act is intended to stabilize property taxes for homeowners of this state,
9 while ensuring compliance with equal protection guarantees under the United States
10 Constitution.

11 **Section 2. That § 10-6-105 be AMENDED:**

12 **10-6-105.** All real property subject to taxation ~~shall~~ must be listed and assessed
13 annually, but the value of ~~such~~ the property is to be determined according to its value on
14 the first day of November preceding the assessment, while the value of any owner-
15 occupied single-family dwelling and nonagricultural property is subject to the value
16 limitations provided in sections 3 and 4 of this Act.

17 **Section 3. That chapter 10-6 be amended with a NEW SECTION:**

18 For purposes of this section, "base amount" means:

19 (1) The fair market value of any owner-occupied single-family dwelling or
20 nonagricultural property, on November 1, 2020, increased by no more than three
21 percent annually for each assessment required by § 10-6-105, which was
22 completed in 2021, 2022, 2023, and 2024;

23 (2) Where a change in ownership of an owner-occupied single-family dwelling or
24 nonagricultural property has occurred between November 2, 2020, and October

1 31, 2025, inclusive, the fair market value of the property on the date of transfer
2 or purchase, increased by no more than three percent annually for any assessment
3 required by § 10-6-105, which was completed after the transfer or purchase in any
4 year between 2021 and 2024, inclusive; or

5 (3) Where a change in ownership of an owner-occupied single-family dwelling or
6 nonagricultural property occurs on November 1, 2025, or later, the fair market
7 value of the property.

8 For purposes of the annual assessment required by § 10-6-105, the assessed value
9 of an owner-occupied single-family dwelling or nonagricultural property may not increase
10 more than three percent annually, beginning with the base amount as determined for
11 assessment year 2025, or any subsequent base year as provided in this section, whichever
12 is later.

13 When a change in ownership of an owner-occupied single-family dwelling or
14 nonagricultural property occurs, the property must be reassessed at its fair market value,
15 to determine the property's base amount. When an owner-occupied single-family dwelling
16 or nonagricultural property is sold between a willing seller and a willing buyer, with no
17 coercion or advantage taken by either party, the property's base amount may not exceed
18 the sales price of the property.

19 **Section 4. That a NEW SECTION be added to chapter 10-6:**

20 The base amount of any owner-occupied single-family dwelling or nonagricultural
21 property may be further increased above the limitations provided by section 3 of this Act,
22 if there is a change in the use or classification of the property, or to account for any
23 addition to, or expansion to of, the property.

24 An addition to, or expansion to of, the property may only result in an increase in
25 the assessed value above the limitations provided by section 3 of this Act by the difference
26 between the real property with the addition or expansion and the real property as if no
27 addition or expansion was made.

28 ~~The renovation of existing structures does not constitute an addition or expansion~~
29 ~~of the property. For purposes of this section, the increase in taxable value from~~
30 ~~improvements to owner occupied property does not include additions to, or improvements~~
31 ~~of, existing structures affixed to the land if the improvements result in an increased~~
32 ~~valuation of forty percent or less of the current valuation.~~