



2025 South Dakota Legislature

Senate Bill 216

SENATE STATE AFFAIRS ENGROSSED

Introduced by: The Committee on State Affairs at the request of the Governor

1 **An Act to reduce the growth in the assessed value of owner-occupied property, limit**
 2 **increases in certain property tax revenues, and revise eligibility requirements**
 3 **for a property tax assessment freeze.**

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

5 **Section 1. That a NEW SECTION be added to chapter 10-6:**

6 For taxes payable in 2027, 2028, 2029, 2030, and 2031, the total assessed value
 7 of all property in a county with an owner-occupied single-family dwelling classification, as
 8 defined in § 10-13-39, may not increase more than three percent over the total assessed
 9 value of all property in the county with an owner-occupied single-family dwelling
 10 classification in the prior year, except as otherwise provided in this section.

11 A county may further increase the total assessed value of all property with an
 12 owner-occupied single-family dwelling classification by an amount equal to the assessed
 13 value of all new improvements made to owner-occupied single-family dwellings or
 14 property reclassified to the owner-occupied single-family dwelling classification in the
 15 county in the prior year.

16 Notwithstanding the provisions of this section, a county must adjust the total
 17 assessed value of all property with an owner-occupied single-family dwelling classification
 18 pursuant to § 10-6-121.

19 **Section 2. That § 10-13-35 be AMENDED:**

20 **10-13-35.** This section does not apply to school districts. ~~For taxes payable in~~
 21 ~~1997, and each year thereafter, the~~ The total amount of revenue payable from taxes on
 22 real property within a taxing district, excluding the levy pursuant to § 10-13-36, may
 23 increase no more than the lesser of three percent or the index factor, as defined in § 10-
 24 13-38, over the amount of revenue payable from taxes on real property in the preceding
 25 year, excluding the amount of taxes levied pursuant to § 10-13-36.

1 After applying the index factor, a taxing district may increase the revenue payable
 2 from taxes on real property above the limitations provided by this section by no more than
 3 the lesser of two percent or the percentage increase of value resulting from any
 4 improvements or change in use of real property, annexation, minor boundary changes,
 5 and any adjustments in taxation of property separately classified and subject to statutory
 6 adjustments and reductions under chapters 10-4, 10-6, 10-6A, and 10-6B, except § 10-
 7 6-113, only if assessed the same as property of equal value.

8 A taxing district may increase the revenue it receives from taxes on real property
 9 above the limit provided by this section for taxes levied to pay the principal, interest, and
 10 redemption charges on any bonds ~~issued after January 1, 1997,~~ which are subject to
 11 referendum, scheduled payment increases on bonds ~~and,~~ for a levy directed by the order
 12 of a court for the purpose of paying a judgment against ~~such~~ the taxing district, upon the
 13 termination of a tax increment financing district pursuant to § 11-9-46, or upon the
 14 application of any discretionary formula to real property pursuant to § 10-6-137. Any
 15 taxing district created after the effective date of this section is exempt from the limitation
 16 provided by this section for a period of two years immediately following its creation.

17 For purposes of this section, an increase in value resulting from an improvement
 18 made to an owner-occupied single-family dwelling does not include additions to, or
 19 improvements of, existing structures affixed to land that result in an increase in value of
 20 forty percent or less to the owner-occupied single-family dwelling.

21 **Section 3. That § 13-16-7 be AMENDED:**

22 **13-16-7.** The school board of any school district of this state may at the board's
 23 discretion authorize an annual levy of a tax not to exceed three dollars per thousand
 24 dollars of taxable valuation on the taxable valuation of the district for the capital outlay
 25 fund for assets as defined by § 13-16-6 or for the district's obligations under a resolution,
 26 lease-purchase agreement, capital outlay certificate, or other arrangement with the Health
 27 and Educational Facilities Authority. Taxes collected pursuant to the levy may be
 28 irrevocably pledged by the school board to the payment of principal of and interest on
 29 installment purchase contracts or capital outlay certificates entered into or issued pursuant
 30 to § 13-16-6 or 13-16-6.2 or lease-purchase agreements or other arrangement with the
 31 Health and Educational Facilities Authority and, so long as any capital outlay certificates
 32 are outstanding, installment agreement payments, lease-purchase agreements, or other
 33 arrangements are unpaid, the school board of any district may be compelled by mandamus
 34 or other appropriate remedy to levy an annual tax sufficient to pay principal and interest

1 thereon, but not to exceed the three dollars per thousand dollars of taxable valuation in
2 any year authorized to be levied hereby.

3 The total amount of revenue payable from the levy provided in this section may
4 not increase annually by more than the lesser of three percent or the index factor, as
5 defined in § 10-13-38, over the maximum amount of revenue that could have been
6 generated from the taxes payable in 2016. Starting with taxes payable in 2021, the total
7 amount of revenue payable from the levy provided in this section may not increase
8 annually by more than three percent over the amount of revenue that could have been
9 raised in the prior year. After applying three percent, a school district may increase the
10 revenue payable from taxes on real property above the limitations provided by this section
11 by no more than the lesser of two percent or the percentage increase of value resulting
12 from any improvements or change in use of real property, annexation, minor boundary
13 changes, and any adjustments in taxation of real property separately classified and subject
14 to statutory adjustments and reductions under chapters 10-4, 10-6, 10-6A, and 10-6B,
15 except § 10-6-113, only if assessed the same as property of equal value. A school district
16 may increase the revenue the district receives from taxes on real property above the limit
17 provided by this section for taxes levied to pay the principal, interest, and redemption
18 charges on any bonds issued after January 1, 2009, which are subject to referendum,
19 scheduled payment increases on bonds~~and~~, for a levy directed by the order of a court for
20 the purpose of paying a judgment against the school district, upon the termination of a
21 tax increment financing district pursuant to § 11-9-46, or upon the application of any
22 discretionary formula to real property pursuant to § 10-6-137. Any school district created
23 or reorganized after January 1, 2016, is exempt from the limitation provided by this
24 section for a period of two years immediately following the district's creation.

25 In no year may the annual tax levy provided in this section exceed three dollars
26 per thousand dollars of taxable valuation of the school district for the current year.

27 For purposes of this section, an increase in value resulting from an improvement
28 made to an owner-occupied single-family dwelling does not include additions to, or
29 improvements of, existing structures affixed to land that result in an increase in value of
30 forty percent or less to the owner-occupied single-family dwelling.

31 **Section 4. That § 10-6A-2 be AMENDED:**

32 **10-6A-2.** Any person making an application under the provisions of this chapter is
33 entitled to a real property tax assessment freeze upon the person's single-family dwelling
34 if the person:

- 1 (1) Has a household income of less than ~~thirty-five~~ fifty-five thousand dollars if the
- 2 household is a single-member household or the person has a household income of
- 3 less than ~~forty-five~~ sixty-five thousand dollars if the household is a multiple-
- 4 member household; ~~and~~
- 5 (2) Has been ~~a property owner~~ an owner of an owner-occupied single-family dwelling
- 6 and a resident of South Dakota for at least ~~one year~~ five years, unless the person
- 7 has received the assessment freeze in the previous year; ~~and~~
- 8 (3) Has resided for at least two hundred days of the previous calendar year in the
- 9 single-family dwelling; and
- 10 (4) Has established a base year.

11 The surviving spouse of a person who has previously qualified is entitled to the real
 12 property tax assessment freeze if the surviving spouse meets the other conditions of this
 13 chapter.

14 Beginning on January 1, ~~2023~~ 2026, the household income listed in subdivision (1)
 15 of this section ~~shall~~ must increase annually by the index factor. The index factor is the
 16 annual percentage change in the consumer price index for urban wage earners and clerical
 17 workers as computed by the Bureau of Labor Statistics of the United States Department
 18 of Labor for the year before the year immediately preceding the year of adjustment or the
 19 annual percentage change in federal social security payments for the preceding year,
 20 whichever is greater.

21 **Section 5. That § 10-6A-3 be AMENDED:**

22 **10-6A-3.** This chapter does not apply to a single-family dwelling with a full and
 23 true market value of ~~three~~ five hundred thousand dollars or more unless the applicant has
 24 received the freeze on assessments in a preceding year on the single-family dwelling.
 25 Beginning on January 1, ~~2023~~ 2026, the eligibility qualification value of the single-family
 26 dwelling provided in this section shall be annually increased by an index factor. The index
 27 factor is the annual percentage change in the consumer price index for urban wage earners
 28 and clerical workers as computed by the Bureau of Labor Statistics of the United States
 29 Department of Labor for the year before the year immediately preceding the year of
 30 adjustment or the annual percentage change in federal social security payments for the
 31 preceding year, whichever is greater.

Underscores indicate new language.
 Overstrikes indicate deleted language.