

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

822C0437

## HOUSE BILL NO. 1266

Introduced by: Representatives Hunt, Brooks, Brown (Richard), Crisp, Diedrich (Larry), and Koetzle and Senators Hainje, Dunn (Rebecca), Everist, Munson (David), Olson, and Paisley

1 FOR AN ACT ENTITLED, An Act to revise the requirements for certifying eligibility for  
2 owner-occupied classification.

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

4 Section 1. That § 10-13-40 be amended to read as follows:

5 10-13-40. To be eligible for a property classification pursuant to § 10-13-39, the owner of  
6 each owner-occupied dwelling, as defined in § 10-13-39, shall submit a certificate to the county  
7 director of equalization stating such person is the owner and occupant of the dwelling as of the  
8 assessment date pursuant to § 10-6-2. The owner shall state on the certificate the portion of the  
9 dwelling so occupied by the owner if it is less than fifty percent of the dwelling or if the dwelling  
10 is a duplex, triplex, or fourplex. The owner-occupant shall submit the certificate by March  
11 fifteenth. The owner of each manufactured or mobile home as defined in § 32-3-1, shall submit  
12 a certificate to the county director of equalization stating such person is the owner and occupant  
13 of the dwelling as of the assessment date. The owner-occupant of each manufactured or mobile  
14 home shall submit the certificate during the time of registration pursuant to §§ 10-9-3 to 10-9-4,  
15 inclusive. If the owner-occupant of a manufactured or mobile home fails to submit the certificate  
16 by the date or time frame required pursuant to §§ 10-9-3 to 10-9-4, inclusive, it does not affect

1 the eligibility of the property to be classified as an owner-occupied dwelling. The  
2 owner-occupant shall sign the certificate under penalty of perjury. If the director of equalization  
3 classifies the property, mobile home, or manufactured home as owner-occupied single-family  
4 dwelling, it shall retain the classification until such time as the property ownership is transferred  
5 or the property has a change in use. The new owner-occupant of transferred or newly  
6 constructed property may meet the requirements of this section by completing and filing the  
7 certificate of value required pursuant to § 7-9-7 at the time of the transfer of the property. The  
8 Department of Revenue shall prescribe the form of the certificate and the certificate of value  
9 required pursuant to § 7-9-7. Appeals regarding the owner-occupied classification shall be made  
10 directly to the county board of equalization pursuant to § 10-11-23.

11 Section 2. That § 7-9-7 be amended to read as follows:

12 7-9-7. No register of deeds may accept for record ~~in his office:~~

- 13 (1) Any deed or oil, gas or other mineral lease that does not include the post office  
14 address of the grantee or lessee and a legal description of the property conveyed or  
15 leased;
- 16 (2) Any mortgage which does not include the post office address of the mortgagee, a  
17 legal description of the property and the amount of the mortgage and when it is due;
- 18 (3) Any assignment of mortgage or oil, gas, or other mineral lease which does not include  
19 the post office address of the assignee and a legal description of the property; or
- 20 (4) Any deed or contract for deed dated after July 1, 1988, used in the purchase,  
21 exchange, transfer, or assignment of interest in real property which is not  
22 accompanied by a certificate of value containing; the name and address of the buyer  
23 and seller, the legal description of the real property, the actual consideration  
24 exchanged for the real property, the relationship of the seller and buyer, if any, ~~and~~  
25 the terms of payment if other than payment in full at the time of sale, and the status

1           of the property as owner-occupied for the new owner.

2           Section 3. That § 7-9-7.2 be amended to read as follows:

3           7-9-7.2. The form of the certificate of value required by § 7-9-7 and § 10-13-40 shall be

4           established by the secretary of revenue by rule promulgated pursuant to chapter 1-26.