

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

456V0069

HOUSE BILL NO. \_\_\_\_\_

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to revise the criteria for classifying property as agricultural  
2 land.

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

4 Section 1. That § 10-6-31.3 be amended to read as follows:

5 10-6-31.3. For tax purposes, land is agricultural land if it ~~meets two of the following three~~  
6 ~~criteria:~~

7 ~~—(1)—~~ At least ~~thirty-three and one-third percent of the total family gross income of the~~  
8 ~~owner is derived from the pursuit of agriculture as defined in subdivision (2) of this~~  
9 ~~section or it is a state-owned public shooting area or a state-owned game production~~  
10 ~~area as identified in § 41-4-8 and it is owned and managed by the Department of~~  
11 ~~Game, Fish and Parks;~~

12 ~~—(2)—~~ Its its principal use is devoted to the management of the following: raising and  
13 harvesting of crops or timber or fruit trees;; the rearing; and feeding; ~~and management~~  
14 of farm livestock, poultry, fish, or nursery stock;; the production of bees and apiary  
15 products;; or horticulture, all for ~~intended~~ a reasonable expectation of profit pursuant  
16 to subdivision (1) of this section. Agricultural real estate also includes woodland,



1 wasteland, and pasture land, but only if the land is held and operated in conjunction  
2 with agricultural real estate as defined and it is under the same ownership; The land  
3 shall also meet one of the following two criteria:

4 (1) At least one thousand dollars of gross income is annually derived from agricultural  
5 enterprises on the land by the owner; or

6 ~~(3)~~(2) It consists of not no less than twenty acres of unplatted land or is a part of a  
7 contiguous ownership of not less than eighty management unit of no less than one  
8 hundred sixty acres of unplatted land. The same acreage specifications apply to  
9 platted land, excluding land platted as a subdivision, which is in an unincorporated  
10 area. However, the The board of county commissioners may increase the minimum  
11 acre requirement up to one hundred sixty acres. No land platted as a subdivision may  
12 be classified as agricultural property.

13 Any state-owned public shooting area or a state-owned game production area as identified  
14 in § 41-4-8 that is owned and managed by the Department of Game, Fish and Parks for the  
15 purposes of this chapter shall be assessed and taxed as agricultural land.

16 For the purpose of this section, the term management unit means, any land or parcels of land  
17 of not less than one-hundred sixty total acres under one ownership located within this state and  
18 managed and operated as a unit for one or more of the agricultural uses listed in this section.

19 For the purposes of this section, the term, management, means any function necessary to run  
20 an agricultural operation.

21 For the purposes of this section, the term, subdivision, means any division of land which  
22 creates ten or more lots and is recorded with a subdivision name.