

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

564I0204

SENATE BILL NO. 155

Introduced by: Senators Moore, Kooistra, Napoli, and Symens and Representatives Bartling, Fryslie, Hundstad, Sigdestad, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to revise the requirements for a congregate housing facility
2 to qualify as tax exempt property.

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

4 Section 1. That § 10-4-9.3 be amended to read as follows:

5 10-4-9.3. Property owned by any corporation, organization, or society and used primarily
6 for human health care and health care related purposes is exempt from taxation. Such
7 corporation, organization, or society ~~must be~~ shall be a nonprofit and recognized as an exempt
8 organization under section 501(c)(3) of the United States Internal Revenue Code ~~of 1954~~, as
9 ~~amended, and in effect on~~ of January 1, ~~1986~~ 2003, and may not have any of its assets available
10 to any private interest. Such health care facility, licensed pursuant to chapter 34-12, shall admit
11 any person for treatment consistent with the facility's ability to provide medical services required
12 by the patient until the health care facility is filled to its ordinary capacity. The health care facility
13 shall conform to the regulations of and permit inspection by the Department of Health. The
14 property owned by a health care facility may be a hospital, sanitarium, orphanage, mental health
15 center, or adjustment training center regulated under chapter 27A-5, asylum, home, resort,



1 congregate housing, or camp. Congregate housing is health care related if it is an assisted,
2 independent group-living environment operated by a health care facility licensed under chapter
3 34-12 which offers residential accommodations and supporting services primarily for persons at
4 least sixty-two years of age or disabled as defined under chapter 10-6A regardless of the person's
5 financial status. Supporting services ~~must include the ability to provide~~ shall include health care
6 services and ~~must include~~ a food service which provides a balanced nutrition program. ~~Such~~
7 ~~health care facility must admit all persons for treatment consistent with the facility's ability to~~
8 ~~provide medical services required by the patient until such facility is filled to its ordinary capacity~~
9 ~~and must conform to all regulations of and permit inspections by the South Dakota Department~~
10 ~~of Health.~~

11 The health care services required by this section shall be conducted in the congregate housing
12 facility and at a minimum include any service that a person receives at a routine health screening.
13 The balanced nutrition program required by this section shall meet the minimum recommended
14 daily allowances for a standard nutritional program and be provided each day of the week.