

State of South Dakota

EIGHTIETH
LEGISLATIVE ASSEMBLY, 2005

717L0059 **SENATE TAXATION COMMITTEE ENGROSSED NO.**
SB 3 - 01/26/2005

Introduced by: Senators Lintz, Greenfield, Hundstad, Knudson, and Peterson (Jim) and
Representatives Hargens, Dadrick, Fryslic, and Rhoden at the request of the
Interim Committee on Property Assessment

1 FOR AN ACT ENTITLED, An Act to permit written statements to be filed concerning the
2 leasing of agricultural land and to provide for the confidentiality and usage of such
3 information.

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

5 Section 1. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Each lease of agricultural land or agreement to rent agricultural land for a period of more
8 than ninety days may be abstracted in a written statement in a form approved by the department.

9 The statement, if filed, shall contain the following information:

- 10 (1) The name and address of the lessor and lessee;
- 11 (2) The legal description of the property;
- 12 (3) The situs address, if any, of the property;
- 13 (4) The cash or cash equivalent of the lease payments for cropland and noncropland;
- 14 (5) The value per acre of any other rights retained by the lessor;



1 (6) The conditions of the lease, including the relationship, if any, of the parties; and

2 (7) The lessor expenses associated with the property excluding land cost, interest on the
3 land cost, income tax depreciation, and capital improvements.

4 Section 2. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 All financial information submitted by the lessor or lessee to the director of equalization and
7 received by the department pursuant to this Act is confidential. It is a Class 2 misdemeanor to
8 disclose any financial information collected pursuant to this Act, except to the extent necessary
9 to carry out the official duties of the director of equalization and the department.

10 Section 3. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 The owner or lessor or an agent of the owner or lessor may file the written statement with
13 the director of equalization for use by the assessor for the valuation process. The person filing
14 the written statement shall sign the statement and declare under penalty of perjury that the
15 contents of the statement are accurate. The director of equalization shall transmit a copy of the
16 statement to the department.