

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

717L0059

SENATE BILL NO. 3

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

1 FOR AN ACT ENTITLED, An Act to require 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 shall be abstracted in a written statement in a form approved by the department.

9 The statement 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;
- 15 (6) The conditions of the lease, including the relationship, if any, of the parties; and



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

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

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

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

11 The owner or lessor or an agent of the owner or lessor shall file the written statement with
12 the director of equalization for use by the assessor for the valuation process. The person filing
13 the written statement shall sign the statement and declare under penalty of perjury that the
14 contents of the statement are accurate. If the ownership or the lessor or lessee of the property
15 changes or if there is change in the lease as abstracted pursuant to section 1 of this Act, a new
16 statement shall be filed with the director of equalization within three months after the change
17 or September first, whichever occurs first. The director of equalization shall transmit a copy of
18 the statement to the department.

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

21 No person who fails to file the statement required by this Act may appeal a property
22 assessment based on such data used to determine assessed valuations.