



# State of South Dakota

EIGHTIETH  
LEGISLATIVE ASSEMBLY, 2005

717L0074

SENATE TAXATION COMMITTEE ENGROSSED NO.

**HB 1002 - 02/02/2005**

Introduced by: Representatives Weems, Deadrick, Fryslie, Murschel, and Sebert and Senators Dempster, Hundstad, Kloucek, Knudson, and Peterson (Jim) at the request of the Interim Committee on Property Assessment

1 FOR AN ACT ENTITLED, An Act to revise the requirements for determining whether  
2 dwellings are eligible to be classified as owner-occupied single-family dwellings.

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 and that the dwelling is the owner's principal place of  
9 residence as defined in § 12-1-4. If the owner occupies two or more dwellings during an  
10 assessment year, the owner shall provide the location of any other dwellings that the owner  
11 occupies when submitting the certificate. The director of equalization may request additional  
12 documentation from the owner when making the determination of eligibility. If any person  
13 submits information to the director of equalization contesting the eligibility of a dwelling to be  
14 classified as an owner-occupied single-family dwelling, the director of equalization shall review



1 the classification and make a determination of eligibility. The owner shall state on the certificate  
2 the portion of the dwelling so occupied by the owner if it is less than fifty percent of the  
3 dwelling or if the dwelling is a duplex, triplex, or fourplex. The owner-occupant shall submit  
4 the certificate by March fifteenth. The owner of each manufactured or mobile home as defined  
5 in § 32-3-1, shall submit a certificate to the county director of equalization stating such person  
6 is the owner and occupant of the dwelling as of the assessment date. The owner-occupant of  
7 each manufactured or mobile home shall submit the certificate during the time of registration  
8 pursuant to §§ 10-9-3 to 10-9-4, inclusive. If the owner-occupant of a manufactured or mobile  
9 home fails to submit the certificate by the date or time frame required pursuant to §§ 10-9-3 to  
10 10-9-4, inclusive, it does not affect the eligibility of the property to be classified as an  
11 owner-occupied dwelling. The owner-occupant shall sign the certificate under penalty of  
12 perjury. If the director of equalization classifies the property, mobile home, or manufactured  
13 home as owner-occupied single-family dwelling, it shall retain the classification until such time  
14 as the property ownership is transferred or the property has a change in use. The new  
15 owner-occupant of transferred property which is already classified as owner-occupied may meet  
16 the requirements of this section by completing and filing the certificate of value required  
17 pursuant to § 7-9-7 at the time of the transfer of the property. If the legal description of property  
18 is changed or amended and the owner continues to reside in the dwelling that is classified as a  
19 owner- occupied single-family dwelling, the owner shall retain the owner-occupied  
20 single-family dwelling classification. The Department of Revenue and Regulation shall  
21 prescribe the form of the certificate and the certificate of value required pursuant to § 7-9-7.  
22 Appeals regarding the owner-occupied classification shall be made directly to the county board  
23 of equalization pursuant to § 10-11-23.

24 Section 2. No amendment to § 10-13-40 made pursuant to section 1 of this Act compels the

1 director of equalization to review any owner-occupied single-family classifications determined  
2 before July 1, 2005. However, the director of equalization may review such classifications if  
3 information is provided or discovered concerning the eligibility of any dwelling that is classified  
4 as an owner-occupied single-family dwelling.

5 Section 3. That § 10-13-39 be amended to read as follows:

6 10-13-39. Each owner-occupied single-family dwelling in this state is specifically classified  
7 for the purpose of taxation. For the purposes of this section, an owner-occupied single-family  
8 dwelling is a house, condominium apartment, residential housing consisting of four or less  
9 family units, town house, town home, housing cooperatives where membership in the  
10 cooperative is strictly limited to stockholder occupants of the building, dwelling as classified  
11 in § 10-13-39.1, and manufactured or mobile home as defined in § 32-3-1, which is assessed and  
12 taxed as a separate unit, including an attached or unattached garage and the parcel of land upon  
13 which the structure is situated as recorded in the records of the director of equalization. A  
14 person may only have one dwelling, which is the person's principal place of residence as defined  
15 in § 12-1-4, classified as an owner-occupied single-family dwelling. If the owner occupies fifty  
16 percent or more of the living space within the dwelling, the entire dwelling is classified as an  
17 owner-occupied single-family dwelling. If the owner occupies a duplex, triplex, or fourplex,  
18 or less than fifty percent of the living space within the dwelling, the portion of the dwelling so  
19 occupied shall be classified as an owner-occupied single-family dwelling.

20 Section 4. That § 10-13-39.1 be amended to read as follows:

21 10-13-39.1. Any person may request the director of equalization before August first to  
22 specifically classify certain property for the purpose of taxation if a portion of any property,  
23 building, or structure is occupied by the owner. If the director of equalization determines that  
24 such portion is occupied by the owner and meets the requirements of § 10-13-39, the director

1 of equalization shall assess as a separate unit the portion of the property, building, or structure  
2 occupied and it shall be specifically classified for the purpose of taxation. An aggrieved person  
3 may appeal the decision of the director pursuant to chapter 1-26D. The director shall act upon  
4 the request within thirty days of the date of the request.

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0316                    **HOUSE AGRICULTURE AND NATURAL RESOURCES**  
**COMMITTEE ENGROSSED NO. SB 42 - 02/01/2005**

Introduced by: The Committee on State Affairs at the request of the Department of Game,  
Fish and Parks

1 FOR AN ACT ENTITLED, An Act to revise the areas where the Game, Fish and Parks  
2 Commission may require a park license.

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

4 Section 1. That § 41-17-13 be amended to read as follows:

5 41-17-13. A park license may be required to permit a motor vehicle and the occupants  
6 entrance to any state park (except Bear Butte when used by persons participating in religious  
7 activities) and to any of the following state recreation areas or state lakeside use areas: Lake  
8 Poinsett; the Yankton unit, the Midway unit, and the Gavins Point unit of Lewis and Clark Lake;  
9 Sandy Shore; Farm Island; Mina Lake; Richmond Lake; Lake Louise; Pickerel Lake; Angostura;  
10 Lake Vermillion; Shadehill; Llewellyn Johns; Burke Lake; Lake Cochrane; West Whitlock;  
11 Swan Creek; West Bend; Snake Creek; Walker's Point; Platte Creek; Lake Alvin; Pelican Lake;  
12 Bush's Landing; Little Bend; Lake Hiddenwood; East Whitlock; Sutton Bay; Dodge Draw; Lake  
13 Thompson; Indian Creek; Downstream (below Oahe Dam); North Point; American Creek;  
14 Randall Creek; Chief White Crane; Pierson Ranch; Spring/Cow Creek; Okobojo Point; Walth  
15 Bay; Spillway (Fort Randall Dam); Pease Creek; North Wheeler; Whetstone Bay; East Shore;



1 Peoria Flats; West Shore; West Chamberlain; South Shore; Tailrace (Fort Randall Dam);  
2 Revheim Park; Springfield; Buryanek; West Pollock; Bob's Landing; Rocky Point; and Big  
3 Sioux. The Game, Fish and Parks Commission shall, by rules promulgated pursuant to chapter  
4 1-26, set annual and daily park entrance fees. The Game, Fish and Parks Commission shall, by  
5 rules promulgated pursuant to chapter 1-26, establish a system by which owners of two or more  
6 vehicles may purchase an additional license each year for each vehicle registered to the same  
7 owner for one-half the price of the annual license. All fees collected pursuant to this section  
8 shall be deposited in the parks and recreation fund established in § 41-17-21.

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

922L0507

SENATE EDUCATION COMMITTEE ENGROSSED NO.

**SB 125** - 02/03/2005

Introduced by: Senators Bogue, Dempster, and Olson (Ed) and Representatives Rhoden,  
Dykstra, and Hackl

1 FOR AN ACT ENTITLED, An Act to exempt transfers of funds from certain municipal revenue  
2 producing ventures from the calculation of the general fund balance of school districts.

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

4 Section 1. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Any funds transferred by a school district to the general fund of the school district pursuant  
7 to § 9-21-28 may not be considered a part of the general fund balance for purposes of this  
8 chapter.

9 Section 2. That § 9-21-28 be amended to read as follows:

10 9-21-28. Authority is hereby granted to all municipalities to transfer surplus funds  
11 accumulated through special municipal revenue producing enterprises to public school districts  
12 operating within the municipality; provided such transfer of funds shall be made through a  
13 majority vote of the governing body of the municipality and accepted by a majority vote of the  
14 governing body of such school district.

15 No funds shall be transferred that are acquired through legal tax levy in the municipality. All



- 1 such funds ~~shall~~ may be transferred by the school district to the general fund or the capital outlay
- 2 fund of such school district.

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

237L0402

## SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **SB 152** - 02/03/2005

Introduced by: Senators Duenwald, Greenfield, Hansen (Tom), and Hanson (Gary) and  
Representatives Davis, Fryslie, Hackl, Hargens, and Jensen

1 FOR AN ACT ENTITLED, An Act to provide the secretary of agriculture with certain rule-  
2 making powers to regulate seed.

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

4 Section 1. That § 38-12A-20 be amended to read as follows:

5 38-12A-20. The secretary may promulgate rules, pursuant to the provisions of chapter 1-26,  
6 which are consistent with the following:

- 7 (1) To provide application forms for seed permits;
- 8 (2) To provide for procedures for contested cases;
- 9 (3) To designate which weed seeds are prohibited or restricted;
- 10 (4) To establish standards for sampling, inspecting, analyzing, and testing seeds;
- 11 (5) To establish the tolerances to be used;
- 12 (6) To establish which kinds of seed have to be labeled as to variety, variety not stated,  
13 type or performance characteristics;
- 14 (7) To establish standards for allowable weed seed or restricted noxious weed seed;
- 15 (8) To establish the length of time for which a germination test shall be acceptable;



- 1 (9) To establish standards for percentage of germination and inert matter;
- 2 (10) To establish which seeds a farmer can produce and sell without a label;
- 3 (11) To establish which seeds are subject to specific labeling and germination
- 4 requirements;
- 5 (12) To establish standards for enforcement of plant variety protection;
- 6 (13) To provide procedures for releasing seed from stop sales;
- 7 (14) To establish standards for imposing civil penalties;
- 8 (15) To establish standards for labels;
- 9 (16) To establish standards for size of file samples;
- 10 (17) To establish procedures and standards for the arbitration committee and the
- 11 arbitration process;
- 12 (18) To establish standards for the sale, transportation, storage, planting, disposal, or other
- 13 use of seed and for the posting of planted sites and notification of seed use.

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

277L0440

SENATE COMMERCE COMMITTEE ENGROSSED NO.

**SB 154 - 02/03/2005**

**This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Senators Kelly, Broderick, Dempster, Gant, Hansen (Tom), and Napoli and Representatives Weems, Cutler, Dykstra, Krebs, and Kroger

1 FOR AN ACT ENTITLED, An Act to exempt certain entities from the lending license fees and  
2 surety bond requirements.

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

4 Section 1. That § 54-4-40 be amended to read as follows:

5 54-4-40. Any person who engages in the business of lending money shall apply for a license  
6 as prescribed by §§ 54-4-36 to 54-4-63, inclusive. The applicant shall apply for a license under  
7 oath on forms supplied by the division. The application shall contain the name of the applicant's  
8 business, proof of surety bond, address of the business, and other information as required by the  
9 director by rule or order. The applicant shall pay an original license fee as set by rules of the  
10 commission promulgated pursuant to chapter 1-26 not to exceed one thousand dollars. If the  
11 application of an existing licensee is for an additional location, the application need only include  
12 the location and identity of the location manager, plus any changes from the existing license,  
13 or such other information the director may consider necessary. Nonprofit corporations formed  
14 pursuant to chapter 47-22 and lending entities of the State of South Dakota and any of its



1 political subdivisions are subject to this chapter but are exempt from initial license fees, renewal  
2 fees, and surety bond requirements under this chapter.

3 Section 2. That § 54-14-2 be amended to read as follows:

4 54-14-2. Any person who engages in the business of a mortgage banker or mortgage broker  
5 shall obtain an original license to engage in such business under the terms and conditions of this  
6 chapter, shall apply therefor under oath, on forms prescribed by the division, and shall pay an  
7 original, nonrefundable license fee as set by rules of the commission promulgated pursuant to  
8 chapter 1-26. The fee for a mortgage banker license may not exceed one thousand dollars and  
9 the fee for a mortgage broker license may not exceed five hundred dollars. If the application is  
10 approved, a license shall be issued.

11 To renew a license, the licensee shall file for renewal by June fifteenth. Licenses shall be  
12 renewed on July first. The commission shall establish a renewal license fee by rules  
13 promulgated pursuant to chapter 1-26. The renewal fee for a mortgage banker license may not  
14 exceed one thousand dollars and the renewal fee for a mortgage broker license may not exceed  
15 five hundred dollars. Nonprofit corporations formed pursuant to chapter 47-22 and lending  
16 entities of the State of South Dakota and any of its political subdivisions are subject to this  
17 chapter but are exempt from initial license fees, renewal fees, and surety bond requirements  
18 under this chapter.

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

645L0724

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 172** - 01/31/2005

Introduced by: Senators Schoenbeck, Apa, Bartling, Bogue, Earley, Hundstad, and Napoli  
and Representatives Klaudt, Haverly, Peters, and Rausch

1 FOR AN ACT ENTITLED, An Act to limit the contributions of any person to a political action  
2 committee.

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

4 Section 1. That chapter 12-25 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 No person may contribute more than five thousand dollars to any political action committee  
7 in any calendar year. A violation of this section is a Class 2 misdemeanor.

