

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

660P0006

## HOUSE BILL NO. 1117

Introduced by: Representative Carson and Senator Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to exempt veterans disability payments from income  
2 calculations for certain tax relief programs.

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

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

5 10-6A-1. Terms as used in this chapter, ~~unless the context otherwise clearly requires,~~ mean:

6 (1) "Base year," for those heads of households who reached sixty-five years of age or  
7 became disabled in or ~~prior to~~ before 1981, the base year is 1977. For those heads of  
8 households who reach sixty-five years of age or become disabled subsequent to 1981,  
9 the base year is the year in which they reach the age of sixty-five. ~~In the case of~~ For  
10 a surviving spouse, the base year is the year ~~which~~ that would have been the base  
11 year of the deceased spouse;

12 (2) "Base year assessment," the actual assessed value of a single-family dwelling in the  
13 base year or, at the applicant's election, a year subsequent to the base year;

14 (3) "Department," the South Dakota Department of Revenue and Regulation;

15 (4) "Disabled," persons receiving or having qualified to receive monetary payments,



1 pursuant to Title II, X, XIV, or XVI of the Social Security Act, as amended, ~~and in~~  
2 ~~effect on January 1, 1981~~ to January 1, 2008, for all or part of the year for which a  
3 property tax assessment freeze application is made;

4 (5) "Head of household," a married person, a single person, a widow or widower, or a  
5 divorced person;

6 (6) "Household," the association of persons who live in the same dwelling, sharing its  
7 furnishings, facilities, and accommodations, but not including bona fide lessees,  
8 tenants, or roomers and boarders on contract;

9 (7) "Household income," all income received during the preceding calendar year by all  
10 persons of a household while members of the household;

11 (8) "Income," the sum of adjusted gross income as defined in the United States Internal  
12 Revenue Code of 1954, as amended, ~~and in effect on December 31, 1989~~ to  
13 January 1, 2008, and all nontaxable income, including ~~but not limited to~~ the amount  
14 of capital gains excluded from adjusted gross income, alimony, support money,  
15 nontaxable strike benefits, cash public assistance and relief, the gross amount of any  
16 pension or annuity, including Railroad Retirement Act benefits ~~and veterans~~  
17 ~~disability pensions~~, all payments received under the federal social security and state  
18 unemployment insurance laws, nontaxable interest received from the federal  
19 government or any of its instrumentalities, workers' compensation, and the gross  
20 amount of "loss of time" insurance, but not including gifts from nongovernmental  
21 sources, food stamps, or surplus foods or other relief in kind provided by a public  
22 agency. Income does not include any veterans disability payment from the United  
23 States government;

24 (9) "Real property tax assessment freeze," for tax purposes, the assessment of a

1 single-family dwelling as recorded in the base year on the county assessment roll and  
2 held constant at that value;

3 (10) "Secretary," the secretary of the South Dakota Department of Revenue and  
4 Regulation;

5 (11) "Single-family dwelling," a house, condominium apartment, or manufactured home  
6 as defined in § 32-3-1 ~~which~~ that is assessed and taxed as a separate unit including  
7 the platted lot upon which the structure is situated or one acre, whichever is less, and  
8 the garage, whether attached or unattached;

9 (12) "Surviving spouse," the spouse of a deceased head of household who has not  
10 remarried.

11 Section 2. That § 10-6B-1 be amended to read as follows:

12 10-6B-1. Terms used in this chapter mean:

13 (1) "Disabled," persons receiving or having qualified to receive monetary payments,  
14 pursuant to Title II, X, XIV, or XVI of the Social Security Act, as amended, ~~and in~~  
15 ~~effect on January 1, 1974~~ to January 1, 2008, for all or part of the year for which a  
16 refund is claimed;

17 (2) "Head of household," a married person, a single person, a widow or widower, or a  
18 divorced person;

19 (3) "Household," the association of persons who live in the same dwelling, sharing its  
20 furnishings, facilities, and accommodations, but not including bona fide lessees,  
21 tenants, or roomers and boarders on contract;

22 (4) "Household income," all income received by all persons of a household while  
23 members of the household;

24 (5) "Income," the sum of adjusted gross income as defined in the United States Internal

1 Revenue Code of 1954, as amended, ~~and in effect on December 31, 1986 to~~  
2 January 1, 2008, and all nontaxable income, including ~~but not limited to~~ the amount  
3 of capital gains excluded from adjusted gross income, alimony, support money,  
4 nontaxable strike benefits, cash, public assistance and relief, not including relief  
5 granted under this chapter, the gross amount of any pension or annuity, including  
6 Railroad Retirement Act benefits ~~and veterans' disability pensions~~, all payments  
7 received under the federal social security and state unemployment insurance laws,  
8 nontaxable interest received from the federal government or any of its  
9 instrumentalities, workers' compensation, and the gross amount of "loss of time"  
10 insurance, but not including gifts from nongovernmental sources, food stamps, or  
11 surplus foods or other relief in kind provided by a public agency less real estate taxes  
12 payable on the applicant's principal residence for the year in which application is  
13 made. Income does not include any veterans disability payment from the United  
14 States government;

15 (6) "Single-family dwelling," a house, condominium apartment or manufactured home  
16 as defined in § 32-3-1 ~~which~~ that is assessed and taxed as a separate unit including  
17 the platted lot upon which the structure is situated or one acre, whichever is less, and  
18 the garage, whether attached or unattached;

19 (7) "Tax year" or "taxable year," the year in which real property is assessed and the taxes  
20 levied thereon.