

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

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## HOUSE BILL NO. 1108

Introduced by: Representatives Rozum and Soli and Senators Rusch, Buhl O'Donnell, and Fiegen

1 FOR AN ACT ENTITLED, An Act to revise certain municipal special assessment provisions  
2 and to provide for exclusion of territory from municipalities.

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

4 Section 1. That § 9-43-86 be amended to read:

5 9-43-86. Twenty days after publication of the adopted resolution of necessity, unless the  
6 referendum is invoked or unless a written protest is filed with the finance officer signed by the  
7 owners of more than fifty-five percent of the frontage of the property to be assessed, the  
8 governing body may cause the local improvement to be made, may contract for the  
9 improvement, and may levy and collect special assessments as provided in this chapter. Upon  
10 a two-thirds vote of the governing body, a protest petition may be denied and the governing  
11 body may cause the local improvement to be made.

12 Section 2. That § 9-43-87 be amended to read:

13 9-43-87. At any time after the ~~execution of any contract is signed,~~ for any local improvement  
14 for which special assessments are to be levied, the governing body may ~~cause to be made~~ make  
15 and ~~file~~ file in the office of the finance officer an assessment roll showing:



1 (1) The name of the owner of each lot to be assessed as shown by the assessment roll of  
2 the county director of equalization;

3 (2) The legal description of each parcel of land to be assessed. The division by deeds of  
4 platted lots shall be recognized. The legal description of lands included in the  
5 assessment roll shall be taken as of the date of the adoption of the resolution of  
6 necessity; and

7 (3) The amount assessed against each lot.

8 Section 3. That § 9-48-15 be amended to read:

9 9-48-15. If either a main, ~~sewer or trunk, sewer~~ or service sewer has been constructed for  
10 ~~which and~~ the cost has not been apportioned against property that may ~~be benefited thereby~~  
11 benefit as provided by this chapter or chapter 9-43, the governing body may require the owner  
12 of the property to pay its the owner's proportionate share of the cost of the construction, without  
13 interest, according to the benefits to accrue to the property before the property may be platted,  
14 replatted, or served by the facilities, as determined by the governing body. The governing body  
15 shall investigate and determine the amount to be paid. The amount shall be apportioned by the  
16 governing body ~~as it determines~~ among the persons, including the municipality, paying the  
17 appropriate cost.

18 Section 4. That § 9-4-6 be amended to read:

19 9-4-6. ~~On~~ Upon a two-thirds vote of the governing body, or on petition in writing signed by  
20 not less than three-fourths of the legal voters and by the owners of not less than three-fourths  
21 in value of the property in any territory within any municipality being upon the border thereof  
22 ~~and not being laid out into lots and blocks,~~ the governing body may by resolution exclude ~~such~~  
23 the territory therefrom; provided, however, that from the municipality. However, if all the land  
24 sought to be excluded is more than one-half mile from any platted portion of the municipality,

1 the petition ~~in such case need~~ must be signed by the owner only.

2 Section 5. That chapter 9-47 be amended by adding a NEW SECTION to read:

3 If a main, trunk, or service water line has been constructed and the cost has not been  
4 apportioned against property that may benefit as provided in this chapter or chapter 9-43, the  
5 governing body may require the owner of the property to pay the owner's proportionate share  
6 of the cost of construction, without interest, according to the benefits to accrue to the property,  
7 before the property may be platted, replatted, or served by the facilities, as determined by the  
8 governing body. The governing body shall investigate and determine the amount to be paid. The  
9 amount shall be apportioned by the governing body among the persons, including the  
10 municipality, paying the appropriate cost.