State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

873Y0063

HOUSE LOCAL GOVERNMENT

ENGROSSED NO. HB 1079 - 2/7/2017

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

Introduced by: Representatives Johns, Heinemann, Holmes, Hunhoff, Lust, Otten (Herman), Ring, Schoenfish, Smith, Tieszen, and Turbiville and Senator Otten (Ernie)

FOR AN ACT ENTITLED, An Act to clarify certain provisions regarding municipal assessments and the collection of delinquent fees by the county.

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

Section 1. That chapter 6-1 be amended by adding a NEW SECTION to read:

The governing body of a municipality, county, or subdivision may levy and collect fees and charges and require licenses as are necessary to discharge the responsibility to provide for solid waste management as provided in chapter 34A-6 and utility services. The fees or charges shall be based on a fee schedule set forth in an ordinance or resolution. If any fee or charge levied, other than a municipal garbage collection fee, becomes delinquent, the delinquency may be certified to the county treasurer and shall be collected by the county treasurer in the following year. An unpaid delinquent fee or charge shall become a lien by operation of law holding priority according § 44-2-1. The chief fiscal officer of a municipality shall collect a delinquent municipal garbage collection fee as a condition precedent to the payment of any water, sewer, utility, or other charge collected by the municipality.

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Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

Section 2. That § 34A-6-1.38 be amended to read:

34A-6-1.38. In addition to the solid waste disposal fee assessed by the state under § 34A-6-1.17 and by a political subdivision under ~~§ 34A-6-29~~ section 1 of this Act, a county or municipality may impose and levy a solid waste disposal fee upon the disposal of solid waste at a solid waste facility within, or operated under, its jurisdiction. Fees imposed under this section are in addition to all other fees and taxes levied by law.

The fee imposed in this section shall be paid by the owner of the solid waste disposal facility and remitted to the county or municipal treasurer. The obligation to pay the fee accrues at the time the solid waste is disposed of at the solid waste facility. The owner of the facility may collect these fees from persons disposing of solid waste at the facility. The fee imposed by this section is due and payable by the owner on or before the fifteenth day of the month next succeeding the month in which the fee accrued together with a return on a form prescribed by the county or municipal treasurer. Each person required to pay the fee imposed by this section shall keep complete and accurate records in a form required by the county or municipal treasurer.

The county or municipality may distribute shares of this fee to municipalities and school districts within its boundary as it deems appropriate considering the location of the facility and the impacts on the representation jurisdiction.

Section 3. That § 10-23-1.1 be amended to read:

10-23-1.1. The procedures in this chapter shall be followed whenever a municipality certifies a delinquent fee, charge, or assessment as provided in § 9-38-29, 21-10-6, or ~~34A-6-29~~ section 1 of this Act or any other assessment the municipality is legally able to certify to the county auditor for collection.

Section 4. That § 34A-6-29 be repealed.

~~34A-6-29. The governing body of a municipality, county, or subdivision may levy and collect fees and charges and require licenses as are necessary to discharge their responsibility. The fees, charges, and licenses shall be based on a fee schedule set forth in an ordinance or resolution. If any fee, charge, or license so levied, other than a municipal garbage collection fee, becomes delinquent, the delinquency may be certified to the county treasurer and shall be collected by the county treasurer in the following year as a condition precedent to payment of the real property tax on the lot or parcel of land with respect to which the fee, charge, or license was levied. The chief fiscal officer of a municipality shall collect a delinquent municipal garbage collection fee as a condition precedent to the payment of any water, sewer, utility, or other charge collected by the municipality.~~