

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

706J0478

## HOUSE BILL NO. 1098

Introduced by: Representatives Pederson (Gordon) and Hennies and Senators Vitter and McCracken

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to referendums in  
2 county road districts.

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

4 Section 1. That § 31-12A-23 be amended to read as follows:

5 31-12A-23. The board of trustees ~~have the power to~~ may cause the amount of any charges,  
6 and interest and penalties ~~thereon~~ on the charges, for road district service rendered or made  
7 available to any land within and part of the district, which are due and unpaid on the first day  
8 of October in each year to be certified by the clerk of the district to the county auditor in the  
9 manner provided in § 10-12-7 together with any taxes levied by the district for corporate  
10 purposes, ~~and all~~. All amounts so certified shall be inserted by the county auditor upon the tax  
11 list of the current year and ~~shall be~~ are payable and delinquent at the same time and shall incur  
12 penalty and interest and shall be collected by the same procedure as real estate taxes on the same  
13 property. In the event of a tax sale or the issuance of a tax deed, the provisions of §§ 9-43-39  
14 to 9-43-41, inclusive, apply to all amounts so certified and then delinquent, in the same manner  
15 as delinquent installments of special assessments. Five percent of the landowners of the district



1 may petition the board of trustees for referendum of any special assessment or bond issue. A  
2 majority of all the ~~registered voters of~~ landowners of the lots, tracts, or parcels of land subject  
3 to a special assessment or bond issue by the road district is required for approval of the special  
4 assessment or bond issue. For purposes of a referendum, if more than one person holds an  
5 interest in a lot, tract, or parcel of land subject to a special assessment or bond issue, the vote  
6 for such lot, tract, or parcel of land shall be exercised as the owners may among themselves  
7 determine and in no event may more than one vote be cast with respect to any one lot, tract, or  
8 parcel of land in any referendum. The referendum shall be governed, to the extent applicable,  
9 by chapter 9-20. The referendum petition shall be filed with the clerk of the district within  
10 twenty days after the notice of the levy of the special assessment or bond issue has been given  
11 the landowner.