

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

492M0577

SENATE TAXATION COMMITTEE ENGROSSED NO.

HB 1174 - 02/15/2006

Introduced by: Representatives Hanks and McCoy and Senators Adelstein, Duniphan, and McCracken

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning business
2 improvement districts.

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

4 Section 1. That § 9-55-8 be amended to read as follows:

5 9-55-8. A notice of a hearing required under subdivision 9-55-7(2) shall be given by mailing
6 a complete copy of the resolution of intent to each owner of taxable property as shown on the
7 property tax roll for ~~such county~~ the proposed district. If an occupation tax is to be imposed, a
8 copy of the resolution of intent shall also be mailed to the occupant of each address located in
9 the proposed district. Mailing shall be completed at least thirty days prior to the time of hearing.

10 Section 2. That chapter 9-55 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 If a district has imposed an occupation tax based on rooms rented and the occupational tax
13 revenue was used only for the promotion of the district, a majority of the landowners may
14 dissolve the district established pursuant to § 9-55-7 by submitting a petition to the governing
15 body requesting the district to be dissolved. On and after the date the petition is filed with the



1 governing body, the district may not enter into any new obligations or contracts. Not
2 withstanding the other provisions of this chapter, the governing body, upon receiving the
3 petition and verifying that a majority of the landowners have signed the petition, shall by
4 resolution dissolve the district. However, the governing body may not dissolve the district until
5 there are sufficient funds available to extinguish all of the debts and obligations of the district.
6 The governing body shall administer any remaining affairs and issues concerning the dissolved
7 district.