



## 2025 South Dakota Legislature

# House Bill 1173

Introduced by: **Representative Kull**

1 **An Act to eliminate the cap on assessment amounts for road improvements.**

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

3 **Section 1. That § 31-13-17 be AMENDED:**

4 **31-13-17.** ~~At the time and place of hearing pursuant to § 31-13-16, the~~The board  
5 of supervisors shall consider the petition. ~~If the supervisors determine it advisable, the~~ at  
6 the time of the hearing pursuant to § 31-13-16. The supervisors may, by resolution,  
7 assess such the properties in the road district for ~~purposes~~ the purpose of road  
8 improvement for an amount as the supervisors determine advisable. The assessment may  
9 not exceed the amount set forth in the petition ~~and in no event may the assessment~~  
10 ~~exceed two dollars a foot front in any one calendar year.~~ The assessment shall must be  
11 certified to the county and collected as a part of the real estate taxes against the property  
12 so assessed ~~and pursuant to § 31-13-52.~~ The assessment may only be used by the  
13 township for the purpose of road improvement in the road district, or part thereof, ~~in~~  
14 ~~which~~ assessed.

15 **Section 2. That § 31-13-51 be AMENDED:**

16 **31-13-51.** The township board of supervisors or, ~~in the case of any~~ if a township  
17 ~~which~~ is no longer organized, the board of county commissioners, prior to the assessment  
18 of real property within the township, or unorganized township, for the next fiscal year,  
19 may levy annually for the purpose of maintaining ~~or,~~ repairing street surfaces, or repaving  
20 a street surface or non-section line road, whether of a permanent type or not, a special  
21 front foot assessment ~~not to exceed two dollars~~ per front foot upon the real property  
22 fronting and abutting the roadway. ~~Such~~ The assessment ~~shall be apportioned~~ must be:  
23 (1) Apportioned on a front foot basis;

1        (2) In an amount set by the board of supervisors, or the board of commissioners if the  
2            township is no longer organized, at the annual meeting of the township; and~~shall~~  
3            ~~be levied~~

4        (3) Levied pursuant to § 31-13-52.

5            If the board of county commissioners is levying a special assessment on real  
6        property pursuant to this section, the board of county commissioners~~shall~~ must perform  
7        the duties, as applicable, that are required of the township board of supervisors pursuant  
8        to §§ 31-13-32 to 31-13-54, inclusive.