



# 2025 South Dakota Legislature

## House Bill 1173

### ENROLLED

AN ACT

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

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

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

**31-13-17.** The board of supervisors shall consider the petition at the time of the hearing pursuant to § 31-13-16. The supervisors may, by resolution, assess the properties in the road district for the purpose of road improvement for an amount as the supervisors determine advisable. The assessment may not exceed the amount set forth in the petition. The assessment must be certified to the county and collected as a part of the real estate taxes against the property so assessed pursuant to § 31-13-52. The assessment may only be used by the township for the purpose of road improvement in the road district, or part thereof, assessed.

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

**31-13-51.** The township board of supervisors or, if a township is no longer organized, the board of county commissioners, prior to the assessment of real property within the township, or unorganized township, for the next fiscal year, may levy annually for the purpose of maintaining, repairing, or repaving a street surface or non-section line road, whether of a permanent type or not, a special front foot assessment per front foot upon the real property fronting and abutting the roadway. The assessment must be:

- (1) Apportioned on a front foot basis;
- (2) In an amount set by the board of supervisors, or the board of commissioners if the township is no longer organized, at the annual meeting of the township; and
- (3) Levied pursuant to § 31-13-52.

If the board of county commissioners is levying a special assessment on real property pursuant to this section, the board of county commissioners must perform the

duties, as applicable, that are required of the township board of supervisors pursuant to §§ 31-13-32 to 31-13-54, inclusive.

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

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I certify that the attached Act originated in the:

House as Bill No. 1173

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_

Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_,

2025 at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2025

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2025  
at \_\_\_\_\_ o'clock \_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1173  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State