



2020 South Dakota Legislature

House Bill 1151

Introduced by: **Representative** Pischke

1 **An Act to establish the minimum value of the benefit of a street improvement.**

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

3 **Section 1.** That § 31-13-46 be AMENDED:

4 **31-13-46. Assessment according to special benefits--Investigation of**
 5 **benefits--Value of benefit.**

6 In lieu of the method of apportionment prescribed in §§ 31-13-44 and 31-13-45,
 7 it may be provided in and by the resolution determining the necessity of any street
 8 improvement that the cost shall be assessed against all assessable lots and tracts of land
 9 fronting or abutting thereon or lying within one-half block or three hundred feet thereof,
 10 whichever is less, according to the benefits determined by the board of supervisors to
 11 accrue to each of such lots and tracts from the construction of the improvement. In that
 12 event the board of supervisors, in preparing, considering, and hearing objections to the
 13 assessment, shall make such investigation as may be necessary and shall find and
 14 determine the amount in which each such lot and tract will be especially benefited by the
 15 construction of the improvement. The board of supervisors shall assess against each such
 16 lot and tract an amount, not exceeding the benefit, as shall be necessary to pay its just
 17 portion of the total cost of the work to be assessed.

18 For purposes of this section, the value of the benefit of a street improvement is no
 19 less than the contract price of the improvement and all engineering, inspection,
 20 publication, fiscal, legal, and other expenses incidental to the improvement.