



2024 South Dakota Legislature

House Bill 1109

Introduced by: **Representative Kull**

1 **An Act to eliminate the cap on assessment amounts for road improvements and to**
 2 **allow townships to plan and pay for the paving and maintenance of non-**
 3 **section line roads.**

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

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

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

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

17 **31-13-51.** The township board of supervisors or, ~~in the case of any~~ if a township
 18 ~~which~~ is no longer organized, the board of county commissioners, prior to the assessment
 19 of real property within the township, or unorganized township, for the next fiscal year,
 20 may levy annually for the purpose of maintaining ~~or~~, repairing street surfaces, or repaving
 21 a street surface or non-section line road, whether of a permanent type or not, a special
 22 front foot assessment ~~not to exceed two dollars per front foot upon the real property~~
 23 ~~fronting and abutting the roadway~~. ~~Such~~ The assessment ~~shall~~ must be apportioned on a
 24 front foot basis, must be in an amount set by the board at the annual meeting of the
 25 township, and ~~shall~~ must be levied pursuant to § 31-13-52. If the board of county

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