

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

617J0613

HOUSE BILL NO. 1156

Introduced by: Representatives Juhnke, Bartling, Deadrick (Thomas), and Garnos and
Senators Koskan and Nachtigal

1 FOR AN ACT ENTITLED, An Act to restrict the authority of the Transportation Commission
2 regarding the mowing of certain ditches on the state trunk highway system.

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

4 Section 1. That § 31-5-21 be amended to read as follows:

5 31-5-21. The Transportation Commission may, by ~~rule adopted~~ rules promulgated pursuant
6 to chapter 1-26, authorize the issuance of permits for the mowing of ditches on the state trunk
7 highway and interstate highway systems, to fix fees for issuance of ~~such~~ the permits, to establish
8 when mowing may be done, by whom mowing may be done, how and where mowing may be
9 done and the time limit for removal of hay if mowing is done for hay production. However, ~~such~~
10 the rules ~~and regulations~~ shall provide that the original owner or assigns of land abutting the
11 ditches on the state trunk highway and interstate highway systems shall be given priority in the
12 issuance of ~~such~~ the permits. In addition, no rules may be promulgated which would prohibit
13 the mowing of a right-of-way west of the Missouri River before a specific date each year.

