



2022 South Dakota Legislature

House Bill 1156

Introduced by: **Representative Chase**

1 **An Act to revise provisions regarding weed removal along highways.**

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

3 **Section 1. That § 31-31-2 be AMENDED:**

4 **31-31-2.** The owner or occupant of any land abutting or adjoining upon township
5 roads shall cut, remove, or destroy or cause to be cut, removed, or destroyed, grass,
6 weeds, trees, crops, and brush growing on or in the right-of-way of such roads, provided
7 that such roads are left in such condition that any and all undergrowth thereby or thereon
8 can be cut with a mower. A violation of this section is a petty offense.

9 **Section 2. That § 31-31-3 be AMENDED:**

10 **31-31-3.** Grass, weeds, trees, crops, or brush referred to in §§ 31-31-1 and 31-
11 31-2 ~~shall~~ must be cut, removed, or destroyed between the first day of September and
12 the first day of October of each year, or between dates annually fixed by the board of
13 supervisors.

14 **Section 3. That § 31-31-5 be AMENDED:**

15 **31-31-5.** If the owner or occupant of land abutting upon or adjoining township
16 roads does not cut, remove, or destroy, or cause to be cut, removed, or destroyed, the
17 grass, weeds, trees, crops, or brush in the right-of-way of such roads between the first
18 day of September and the first day of October, or between the dates annually fixed by the
19 board, the board of supervisors of the township in which the land is located may employ
20 a person or persons to immediately cut and remove the grass, weeds, trees, crops, and
21 brush on or in the right-of-way of such township roads with compensation at a rate to be
22 fixed and paid by the board.

23 **Section 4. That § 31-31-6 be AMENDED:**

1 **31-31-6.** The voters at each annual township election shall by majority vote
2 determine whether the amount paid for the cleanup of township roads pursuant to 31-31-
3 5-~~shall~~ must be paid for by the landowner or the township. If the vote is to have the
4 landowner pay, the amount-~~shall~~ must be certified by the township clerk to the county
5 auditor not later than November first of the same year. The amount-~~shall~~ must be
6 extended on the tax list in a separate column headed "Removal or destruction of grass,
7 weeds, crops, and brush on highways" and-~~shall~~ must become a tax on the land adjoining
8 the highway where the grass, weeds, crops, and brush were cut or removed and-~~shall~~
9 must be collected as other taxes. If the vote is to have the township pay, the cost of
10 cutting and removal of grass, weeds, crops, and brush-~~shall~~ must be paid out of township
11 funds without extending such cutting and removal costs on the tax lists as tax on the land
12 of the adjoining township landowner.