



2025 South Dakota Legislature

House Bill 1157

Introduced by: **Representative Bathke**

1 **An Act to remove the maximum fee limit due when applying for a county drainage**
 2 **permit.**

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

4 **Section 1. That § 46A-10A-30 be AMENDED:**

5 **46A-10A-30.** Any board or commission under the provisions of this chapter and
 6 chapter 46A-11 may adopt a permit system for drainage. The permit system ~~shall~~ must
 7 be prospective in nature. ~~Permits shall be granted~~ and consistent with the principles
 8 outlined in § 46A-10A-20. The nonrefundable fee for a permit ~~shall be established~~ must
 9 be:

- 10 (1) Established by the permitting authority, ~~based;~~
 11 (2) Based on the administrative costs of regulating drainage activities, ~~may not exceed~~
 12 ~~one hundred dollars, and shall be paid;~~ and
 13 (3) Paid only once, with the application. ~~However, except that~~ permitted drainage that
 14 is enlarged, rerouted, or otherwise modified requires a new permit.

15 Any vested drainage right not recorded under the provisions of § 46A-10A-31
 16 requires a permit for its use, if a permit system has been established in the county where
 17 it exists.

18 Any person or the person's contractor draining water without a permit, if a permit
 19 is required under the provisions of this section, is guilty of a Class 1 misdemeanor. In
 20 addition to or in lieu of any criminal penalty, a court may assess, against any person
 21 violating the provisions of this section, a civil penalty not to exceed one thousand dollars
 22 per each day of violation.

23 A permit system is an official control.