



2025 South Dakota Legislature

House Bill 1157

HOUSE AGRICULTURE AND NATURAL RESOURCES ENGROSSED

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~~ 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 five~~ 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.