

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

750Q0285

## HOUSE BILL NO. 1164

Introduced by: Representatives Curd, Bolin, Boomgarden, Cronin, Cutler, Krebs, Novstrup (David), Olson (Betty), Peters, Rausch, Schlekeway, Steele, and Verchio and Senators Dempster, Haverly, Jerstad, and Novstrup (Al)

1 FOR AN ACT ENTITLED, An Act to exempt certain trees from requirements related to the  
2 removal of vegetation and debris from township road rights-of-way.

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

4 Section 1. That chapter 31-31 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The owner of any land abutting or adjoining a township road that is subject to the  
7 requirements of § 31-31-2 may request the board of supervisors of the township for an  
8 exemption from any of the requirements of § 31-31-2 that may require the cutting, removal, or  
9 destruction of any established tree if the trunk of the tree is located not more than six feet inside  
10 the outer boundary of the road right-of-way and if the diameter at the trunk is at least six inches.

11 The request shall be made in writing to the board not later than August 1 and shall include a  
12 legal description of the land on which the tree is located and a description of the tree. If the  
13 board grants the request, the tree is exempted from the requirements of § 31-31-2 for the current  
14 year and for future years. However, the board may require the owner to trim portions of the tree



1 if necessary to meet the purposes of § 31-31-2.

2 Section 2. That § 31-18-2 be amended to read as follows:

3 31-18-2. Every statutory section-line highway shall be sixty-six feet wide and shall be taken  
4 equally from each side of the section line, unless changed as provided in this title, ~~but nothing~~  
5 ~~herein contained shall prevent.~~ However, nothing in this section prevents the highway authority  
6 charged with the construction, reconstruction, or repair of any public highway along a section  
7 line from purchasing or condemning right-of-way for widening the highway to more than  
8 sixty-six feet or from purchasing or condemning more right-of-way on one side of the section  
9 line than on the other, ~~provided they deem~~ if the highway authority deems it necessary so to do  
10 in order to provide a better highway, to avoid destruction of trees or valuable buildings, or to  
11 avoid unsuitable terrain.

12 The board of supervisors of a township may reduce the width of the right-of-way of a  
13 township road by not more than six feet from the outer boundary of the right-of-way on either  
14 side or both sides of the right-of-way in order to prevent the cutting, removal, or destruction  
15 pursuant to § 31-31-2 of established trees having a trunk diameter of at least six inches.