



## 2020 South Dakota Legislature

# House Bill 1200

Introduced by: **Representative Finck**

1 **An Act to establish dates for the mowing of ditches on the state trunk highway**  
 2 **system.**

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

4 **Section 1.** That § 31-5-21 be AMENDED:

5 **31-5-21. State trunk highway system--Rules--Limitations.**

6 The Transportation Commission ~~may, by~~ shall promulgate rules ~~promulgated,~~  
 7 pursuant to chapter 1-26, ~~authorize regarding~~ the mowing of ditches on the state trunk  
 8 highway system. The rules shall establish ~~when:~~

9 (1) The time and dates within which mowing may be done, by undertaken, subject to  
 10 the following:

11 (a) No person, including a landowner, contractor, permittee, or department  
 12 personnel may mow the right-of-way or the median in the counties of  
 13 Dewey, Gregory, Jones, Lyman, or Stanley, or Tripp, prior to June fifteenth  
 14 of each year; and

15 (b) No person, including a landowner, contractor, permittee, or department  
 16 personnel may mow the right-of-way or the median in any county east of  
 17 the Missouri River, prior to July tenth of each year;

18 (2) By whom mowing may be done, how undertaken, provided that the original owner or  
 19 assignee of land abutting the ditches on the state trunk highway system is given priority  
 20 for mowing; and

21 (3) How and where mowing may be done undertaken, and the time limit for removal  
 22 of hay, if mowing is done undertaken for hay production. However, the rules shall  
 23 provide that the original owner or assigns of land abutting the ditches on the state  
 24 trunk highway system shall be given priority for mowing.

1           Rules promulgated in accordance with this section may not preclude department  
2 personnel from mowing the first eight feet of any ditch abutting the state trunk highway  
3 system.

4           Rules promulgated in accordance with this section may not restrict mowing along  
5 the portion of a state trunk highway system that lies within the boundaries of a  
6 municipality.

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