

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

249X0065

HOUSE BILL NO. 1106

Introduced by: Representatives Hunt, Haugaard, and Langer and Senators Haggar (Jenna)
and Monroe

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 and to extend general
3 immunity from certain civil liability for trees located in the township road right-of-way.

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

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

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 the provisions of § 31-31-2 that requires the cutting, removal, or destruction
9 of any established tree that has a trunk diameter of at least six inches. The request shall be made
10 in writing to the board not later than August first and shall include a legal description of the land
11 on which the tree is located and a description or photograph of the tree. If the board grants the
12 request, the tree is exempted from the requirements of § 31-31-2 for the current year and for
13 future years. However, the board may require the owner to trim portions of the tree if necessary
14 to meet the purposes of § 31-31-2.

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



1 31-18-2. ~~Every~~ Each statutory section-line highway shall be sixty-six feet wide and shall be
2 taken equally from each side of the section line, unless changed as provided in this title, ~~but~~
3 ~~nothing herein contained shall prevent.~~ However, nothing in this section prevents the highway
4 authority charged with the construction, reconstruction, or repair of any public highway along
5 a section line from purchasing or condemning right-of-way for widening the highway to more
6 than sixty-six feet or from purchasing or condemning more right-of-way on one side of the
7 section line than on the other, ~~provided they deem~~ if the highway authority deems it necessary
8 ~~so to do in order~~ to provide a better highway, to avoid destruction of trees or valuable buildings,
9 or to avoid unsuitable terrain.

10 The board of supervisors of a township may reduce the width of the right-of-way of a
11 township road to prevent the cutting, removal, or destruction pursuant to § 31-31-2 of
12 established trees having a trunk diameter of at least six inches.

13 Section 3. That chapter 20-9 be amended by adding a NEW SECTION to read:

14 A township and the township supervisors are immune from civil liability for any action
15 brought in any court in this state on the basis that a tree is located in the township road right-of-
16 way.