



2023 South Dakota Legislature
Senate Bill 150
ENROLLED

AN ACT

ENTITLED An Act to add provisions regarding construction and maintenance of livestock pipelines on highways.

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

Section 1. That § 31-26-25 be AMENDED:

31-26-25. Any person desiring to construct or lay a water pipeline over, across, or under public highways, except state trunk system highways, for the purpose of providing rural water service, or providing water to livestock on property that is taxed as agricultural land, must make application to the board of county commissioners as provided in this chapter. Upon application, the board of county commissioners may grant countywide authorization for the construction of rural water service lines or lines that water livestock, subject to the provisions of this chapter. The board of county commissioners may enact ordinances governing pipelines and grant authorization to the highway superintendent to approve rural water service lines without application to the board. County approval of a pipeline authorized under this section creates no ownership interest and is a temporary grant to utilize the highway.

Section 2. That § 31-26-26 be AMENDED:

31-26-26. When any highway along or under which a pipeline approved pursuant to § 31-26-25 has been constructed is changed, removal or relocation of the pipeline is not necessary if the owner or beneficiary of the pipeline and the board of county commissioners agree in writing that removal or relocation is not necessary. However, removal or relocation of a livestock pipeline is required if the board determines it is necessary to improve the highway or otherwise remove the pipeline for any county purpose.

Section 3. That chapter 31-26 be amended with a NEW SECTION:

An owner or operator of a livestock pipeline approved pursuant to § 31-26-25 may, at any time, submit a request for the relocation, removal, or change of a livestock pipeline to the highway superintendent. Upon approval of the highway superintendent, the owner or operator may, at their own cost and in accordance with any conditions set by the highway superintendent, relocate, remove, or change the livestock pipeline.

Section 4. That chapter 31-26 be amended with a NEW SECTION:

Nothing contained in § 31-26-25 or 31-26-26 may be construed to exempt from liability a person who owns, operates, or benefits from a livestock pipeline, for any damage or injury sustained by reason of the faulty or negligent construction or maintenance of a livestock pipeline. A county is entitled to recover, from any owner, operator, or beneficiary of a livestock pipeline, the amount necessary to spend in the removal or repair of the portion of highway or right of way impacted by the faulty or negligent construction or maintenance, including a reasonable amount for attorney's fees. The action may be commenced in any court in the county having jurisdiction.

An Act to add provisions regarding construction and maintenance of livestock pipelines on highways.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 150

2023 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2023

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2023
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 150
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State