

2023 South Dakota Legislature

House Bill 1134**AMENDMENT 1134A
FOR THE INTRODUCED BILL**

1 **An Act to require property owner consent before construction resulting in lake water**
2 **level alteration.**

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

4 **Section 1. That chapter 46-1 be amended with a NEW SECTION:**

5 Before any state agency or political subdivision may issue a permit authorizing the
6 construction of a channel, canal, ~~ditch, outlet,~~ or any other shoreline ~~alteration, which the~~
7 ~~issuing entity determines is likely to raise or lower the water level of a public lake,~~
8 ~~modification that would artificially expand the water surface area of an artificial body of~~
9 ~~water by more than four thousand square feet,~~ the person or business seeking the permit
10 shall submit ~~to the issuing entity~~ written evidence of consent to the construction or
11 alteration, provided by a majority of all ~~the lakefront~~ property owners ~~adjoining the~~
12 ~~artificial body of water,~~ excluding the permit seeker.

13 For purposes of this section, an artificial body of water is defined as any body of
14 water whose existence would not be continuously possible without an ongoing man-made
15 effort and investment to maintain the body of water at a level sufficient to support
16 recreational activities such as boating, fishing, or swimming.

17 If multiple persons share an ownership interest in any parcel of affected lakefront
18 property, those persons are considered to be a single property owner for purposes of
19 determining majority consent under this section.