



2023 South Dakota Legislature

Senate Bill 150

Introduced by: **Senator Duhamel**

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

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

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

5 **31-26-25.** Any person desiring to construct or lay a water pipeline over, across,
 6 or under public highways, except state trunk system highways, for the purpose of
 7 providing rural water service, or providing water to livestock on property that is taxed as
 8 agricultural land in the State of South Dakota shall, must make application to the board
 9 of county commissioners as is provided in this chapter. ~~However, the application need not~~
 10 ~~indicate the point or points to which the water pipeline is to be constructed nor the route~~
 11 ~~thereof.~~ Upon application, the board of county commissioners may grant countywide
 12 authorization for the construction of rural water service lines or lines that water livestock,
 13 subject to the provisions of this chapter. The board of county commissioners may enact
 14 ordinances governing pipelines and grant authorization to the highway superintendent to
 15 approve rural water service lines without application to the board. County approval of a
 16 pipeline authorized under this section creates no ownership interest and is a temporary
 17 grant to utilize the highway.

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

19 **31-26-26.** When any highway along or under which ~~a rural water pipeline~~ a
 20 pipeline approved pursuant to § 31-26-25 has been constructed ~~shall be~~ is changed,
 21 removal, or relocation of ~~such~~ the pipeline ~~shall~~ is not be necessary if the owner or
 22 beneficiary of ~~such~~ the pipeline and the board of county commissioners ~~shall~~ agree in
 23 writing that ~~such~~ removal or relocation is not necessary. However, removal or relocation
 24 of a livestock pipeline is required if the board determines it is necessary to improve the
 25 highway or otherwise remove the pipeline for any county purpose.

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

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

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

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