



## 2026 South Dakota Legislature

# House Bill 1001

*Introduced by: The Chair of the Committee on Agriculture and Natural Resources at the request of the Department of Public Safety*

1 **An Act to provide for prescribed burning of state-owned land by a person owning**  
 2 **adjoining land and to declare an emergency.**

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

4 **Section 1. That a NEW SECTION be added to chapter 34-35:**

5 A person that owns land adjacent to state-owned land bordering the Missouri River  
 6 may burn the state-owned land in conjunction with the person's own land by utilizing  
 7 prescribed burning, if:

8 (1) The person submits a written request providing the location of the person's own  
 9 land and the state-owned land, and the timeframe during which the burn will occur,  
 10 to the associated department secretary or commissioner in control of the state-  
 11 owned land;

12 (2) The person has reasonable forces and equipment available to suppress the spread  
 13 of the fire;

14 (3) The prescribed burn is for the purposes of controlling or eradicating invasive woody  
 15 species and grassland management;

16 (4) The associated department secretary or commissioner in control of the state-  
 17 owned land consents in writing to the burn as an appropriate land management  
 18 technique for the state-owned land; and

19 (5) The person does not violate § 34-35-9 or 34-35-10 during the course of the  
 20 prescribed burn.

21 The person conducting a prescribed burn pursuant to this statute assumes all  
 22 liability for the burn. The state is immune from liability, and no cause of action for damages  
 23 may arise against the state as a result of a prescribed burn conducted by a person  
 24 pursuant to this section.

- 1 **Section 2.** Whereas, this Act is necessary for the support of the state government and its
- 2 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
- 3 full force and effect from and after its passage and approval.