



## 2026 South Dakota Legislature

# House Bill 1001

HOUSE AGRICULTURE AND NATURAL RESOURCES ENGROSSED

*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, provided the person submits a written request to the department  
 8 secretary or commissioner in control of the land and receives consent, in writing, stating  
 9 that the prescribed burn is an appropriate land management technique.

10 The written request for consent to utilize prescribed burning of the land must:

- 11 (1) Indicate that the purpose for the prescribed burning is to control or eradicate  
 12 woody species and provide grassland management;  
 13 (2) Include a description of the person's land and the state-owned land to be burned;  
 14 and  
 15 (3) Provide the timeframe within which the prescribed burn is to occur.

16 Written consent provided by the department secretary or a commissioner serves  
 17 as an authorization by the state, for purposes of § 5-4-15.

18 A person who receives written consent from the department secretary or a  
 19 commissioner to burn state-owned land in conjunction with the person's own land shall  
 20 ensure the availability of reasonable forces and equipment necessary to provide for fire  
 21 suppression and is responsible for complying with §§ 34-35-9 and 34-35-10, and with all  
 22 other applicable laws during the prescribed burn.

23 A person who receives written consent from the department secretary or a  
 24 commissioner to burn state-owned land in conjunction with the person's own land assumes  
 25 all liability for the burn. The state is immune from liability, and no cause of action for

1 damages may arise against the state as a result of a prescribed burn conducted by a  
2 person pursuant to this section.

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