



2026 South Dakota Legislature
House Bill 1001
ENROLLED

AN ACT

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

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

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

A person that owns land adjacent to state-owned land bordering the Missouri River may burn the state-owned land in conjunction with the person's own land by utilizing prescribed burning, provided the person submits a written request to the department secretary or commissioner in control of the land and receives consent, in writing, stating that the prescribed burn is an appropriate land management technique.

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

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

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

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

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

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

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

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

I certify that the attached Act originated in
the:
House as Bill No. 1001

Received at this Executive Office
this ____ day of _____,
2026 at _____ M.

Chief Clerk of the House

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2026

Attest:

Chief Clerk of the House

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1001
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State