

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

376E0045

SENATE BILL NO. 11

Introduced by: Senators Symens, Diedtrich (Elmer), and Vitter and Representatives
Hanson (Gary), Fryslie, and Lintz at the request of the Interim Agriculture
and Natural Resources Committee

1 FOR AN ACT ENTITLED, An Act to permit the fencing of certain lakes, ponds, and sloughs
2 for the containment of livestock.

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

4 Section 1. That chapter 43-17 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any landowner or lessee, who confines or pastures livestock, annually or seasonally, may
7 construct and maintain a fence appropriate to the containment of such livestock across or
8 through any lake, pond, slough, or similar natural body of water if the landowner owns, or the
9 lessee leases, the inundated land in which the fence is set or over which the fence floats or is
10 suspended.

11 Section 2. That chapter 43-17 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 No landowner or lessee is liable for any damages sustained by a trespasser who is injured as
14 the direct or proximate cause of the construction and maintenance of any fence provided for and

1 constructed and maintained pursuant to section 1 of this Act.