

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

336T0517

HOUSE BILL NO. 1168

Introduced by: Representatives Russell, Hubbel, Kopp, Olson (Betty), and Verchio and
Senators Rampelberg and Maher

1 FOR AN ACT ENTITLED, An Act to provide for the waiver of the state's sovereign immunity
2 in certain instances relating to the control of species of management concern.

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

4 Section 1. That § 34A-8A-6 be amended to read as follows:

5 34A-8A-6. In addition to any other remedies at law, the remedies set forth in chapter 21-10
6 apply to the nuisances described in § 34A-8A-5. These remedies include civil action, including
7 injunctive relief and recovery of damages, and abatement. Abatement, if ordered by the court,
8 shall include reimbursement for any reasonable and necessary costs incurred in abating the
9 nuisance. With respect to damages resulting from the failure by the state to control any species
10 of management concern, including prairie dogs, as required or authorized by law, the state
11 hereby waives the common law doctrine of sovereign immunity and consents to be sued in a
12 civil action, including injunctive relief and recovery of damages, and reimbursement for all
13 reasonable and necessary costs and attorney fees incurred by the landowner.

