

State of South Dakota

NINETY-THIRD SESSION LEGISLATIVE ASSEMBLY, 2018

750Z0051

HOUSE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to provide for public recreational use of certain waters
2 overlying public and private property and to declare an emergency.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 Terms used in this Act mean:

6 (1) "Commission," the Game, Fish and Parks Commission;

7 (2) "Department," the Department of Game, Fish and Parks;

8 (3) "Meandered lake," any natural water body, except a river or stream, for which a
9 meander line survey was included as part of the official survey conducted by the
10 United States surveyor general for the land on which the lake is situated and the
11 meander lines are shown on plats made by the United States General Land Office;

12 (4) "Nonmeandered lake," any natural lake that is not a meandered lake;

13 (5) "Recreational use," use for one or more of the following activities, except as
14 otherwise limited by law: hunting, fishing, swimming, floating, boating, trapping,
15 off-road driving, water sports, or snowmobiling.

16 Section 2. That the code be amended by adding a NEW SECTION to read:



1 No public trust water shall be placed on the real property of any owner of private property,
2 without the consent of the owner.

3 Section 3. That the code be amended by adding a NEW SECTION to read:

4 The owner of private property underlying any nonmeandered lake may, by written notice to
5 the department with a copy to the attorney general, demand that the state remove any public trust
6 waters overlying the owner's private property. Within thirty days after receipt of demand from
7 the owner, the state shall remove all public trust waters from the owner's private property. The
8 failure of the state to remove public trust waters from the owner's private property within thirty
9 days shall transfer ownership of the public trust waters to the record owner of the private
10 property underlying the nonmeandered lake.

11 Section 4. Whereas, this Act is necessary for the immediate preservation of the public peace,
12 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
13 effect from and after its passage and approval.