

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

192B0117

HOUSE BILL NO. 1105

Introduced by: Representatives Weber, Crisp, Kazmerzak, Lee, Moore, and Schrempp and
Senators Kloucek and Hutmacher

1 FOR AN ACT ENTITLED, An Act to assign liability for certain environmental damages
2 associated with large-scale contract livestock feeding operations.

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

4 Section 1. The owner of any livestock animals that are bred, farrowed, fed, or raised on a
5 contractual basis on property not owned by the livestock owner is jointly and severally liable for
6 any damage or pollution to the environment or the waters of the state resulting from such activity
7 if the livestock owner is not a family farm as defined in § 47-9A-2, a family farm corporation as
8 defined in § 47-9A-14, or an authorized farm corporation as defined in § 47-9A-15 and if the
9 contract specifies design, construction, and operations standards that apply to the property or
10 facilities where such activity occurs. This section does not exempt the owner of the property on
11 which any livestock animals are bred, farrowed, fed, or raised from liability for such damage or
12 pollution.