

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

714B0649

HOUSE BILL NO. 1264

Introduced by: Representatives Chicoine, Cerny, Davis, Fischer-Clemens, Gleason, Hagen, Haley, Kazmerzak, Koetzle, Lockner, Lucas, Moore, and Waltman and Senators Kloucek and Reedy

1 FOR AN ACT ENTITLED, An Act to make certain large-scale contract livestock feeders liable
2 for environmental damages.

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 liable for any damage or
6 pollution to the environment or the waters of the state resulting from such activity if the livestock
7 owner is not a family farm as defined in § 47-9A-2, a family farm corporation as defined in § 47-
8 9A-14, or an authorized farm corporation as defined in § 47-9A-15 and if the contract specifies
9 design, construction, or operations standards or requirements 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.