

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

546U0420

## SENATE BILL NO. 128

Introduced by: Senators Kirkeby, Ewing, Frerichs, Krebs, Rampelberg, and Tieszen and  
Representatives Erickson, Conzet, Cronin, Duvall, Feickert, Hajek, Hickey,  
Hoffman, Mickelson, Solum, Tulson, and Tyler

1 FOR AN ACT ENTITLED, An Act to provide authority to counties to prohibit and restrict the  
2 use of fireworks and to declare an emergency.

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

4 Section 1. That § 7-8-20 be amended by adding thereto a NEW SUBDIVISION to read as  
5 follows:

6 To prohibit or restrict the use of fireworks outside the boundaries of any municipality, after  
7 consultation with local fire officials and law enforcement officials, in order to protect the public  
8 health and safety.

9 Section 2. That § 34-37-19 be repealed.

10 ~~— 34-37-19. Any county may, by resolution, regulate or prohibit the use of fireworks outside~~  
11 ~~the boundaries of any municipality in those areas where the fire danger, as determined by use~~  
12 ~~of the South Dakota grassland fire danger index published by the National Weather Service, has~~  
13 ~~reached the extreme category in that county during the period from June twentieth to July~~  
14 ~~second, inclusive, and during the period from December twenty-eighth to January first,~~



1 ~~inclusive. During any such period, the county's action is suspended if the grassland fire danger~~  
2 ~~index falls below the very high category and again becomes effective if the grassland fire danger~~  
3 ~~index reaches the extreme category.~~

4 Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace,  
5 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
6 effect from and after its passage and approval.