



## 2025 South Dakota Legislature

# Senate Bill 34

*Introduced by: The Chair of the Committee on Agriculture and Natural Resources at the request of the Department of Agriculture and Natural Resources*

1 **An Act to update the roles of the Department of Agriculture and Natural Resources**  
 2 **and the Department of Public Safety regarding burning and burn permit**  
 3 **issuing authority.**

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

5 **Section 1. That § 1-41-4 be AMENDED:**

6 **1-41-4.** The Department of Agriculture and Natural Resources shall, under the  
 7 direction and control of the secretary of agriculture and natural resources, perform all the  
 8 functions of the Department of Agriculture created by chapters 38-1, ~~34-35~~, 39-1, 40-37,  
 9 41-20, 54-13, and ~~at~~ the functions of the former Department of Environment and Natural  
 10 Resources created by ~~Title~~ titles 34, 34A, 45, 46, and 46A, except the inspection functions  
 11 vested in the Department of Public Safety by §§ 34-39-3.1 and 39-1-1.1 and South Dakota  
 12 Wildland Fire functions vested in the Department of Public Safety by Executive  
 13 Reorganization Order 2021-03.

14 **Section 2. That § 34-35-17 be AMENDED:**

15 **34-35-17.** Any United States forest service supervisor or the secretary of  
 16 ~~agriculture and natural resources~~ public safety may ~~issue a permit~~, upon an application,  
 17 issue a permit to ~~any~~ a person to start an open fire within the Black Hills Forest Fire  
 18 Protection District, if the fire is not expected to endanger the life or property of another.  
 19 The permit may be denied if the climatic conditions or location of the material to be burned  
 20 is such that the burning would endanger the life or property of others. A permit may be  
 21 issued subject to conditions and restrictions, ~~as determined~~ necessary to prevent the  
 22 spread of the ~~fire permitted~~. A permit permitted fire, and may be revoked ~~upon the change~~  
 23 of climatic or other if changing conditions ~~which is determined to~~ make the burning unsafe.

24 **Section 3. That § 34-35-18 be AMENDED:**

1                   **34-35-18.** The secretary of ~~agriculture and natural resources~~ public safety or ~~his~~  
2                   the secretary's designee may set fires in woods or prairie for the purposes of forest and  
3                   range management, provided that ~~he has~~ reasonable forces and equipment are available  
4                   to suppress the spread of the fire.