

AN ACT

ENTITLED, An Act to regulate certain conduct involving fires on public land and to establish related penalties.

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

Section 1. Except in the Black Hills Forest Fire Protection District where it is a Class 1 misdemeanor, it is a Class 2 misdemeanor for any person to start or allow to start an open fire on public lands owned, leased, controlled, or managed by the State or any political subdivision of the State unless the fire is set in an established fireplace approved or provided by the respective governmental entity. This section does not apply to persons authorized by the State or any political subdivision of the State to start fires on such lands within the jurisdiction of the respective governmental entity or to fires on shoreline barren of vegetation which do not constitute an apparent risk of fire to surrounding vegetation not located within a state, county, or municipal park, state recreation area, or nature preserve.

Section 2. It is a Class 1 misdemeanor for any person to start or allow to start an open fire and fail to extinguish that fire on public lands owned, leased, controlled, or managed by the State or any political subdivision of the State regardless of whether the fire was started in an approved fireplace.

Section 3. Anyone engaging in any of the activities prohibited by section 1 or 2 of this Act or § 34-35-9 is liable for all damages caused by the fire and all fire suppression and extinguishment costs. Criminal prosecution is not a prerequisite to liability for damages or for fire suppression and extinguishment cost.

Section 4. That § 41-17-25 be repealed.

An Act to regulate certain conduct involving fires on public land and to establish related penalties.

=====

I certify that the attached Act originated in the

SENATE as Bill No. 210

Secretary of the Senate

=====

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 210
File No. _____
Chapter No. _____

=====

Received at this Executive Office this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

=====

The attached Act is hereby approved this _____ day of _____ , A.D., 19__

Governor

=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State