

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

400A0722

## HOUSE AGRICULTURE & NATURAL RESOURCES COMMITTEE ENGROSSED NO. **SB210** - 2/26/97

Introduced by: Senators Aker and Hainje and Representative Jorgensen

1 FOR AN ACT ENTITLED, An Act to regulate certain conduct involving fires on public land  
2 and to establish related penalties.

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

4 Section 1. It is a Class 2 misdemeanor for any person to start or allow to start an open fire  
5 on public lands owned, leased, controlled, or managed by the State or any political subdivision  
6 of the State unless the fire is set in an established fireplace approved or provided by the  
7 respective governmental entity. This section does not apply to persons authorized by the State  
8 or any political subdivision of the State to start fires on such lands within the jurisdiction of the  
9 respective governmental entity or to fires on shoreline barren of vegetation which do not  
10 constitute an apparent risk of fire to surrounding vegetation not located within a state, county,  
11 or municipal park, state recreation area, or nature preserve.

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

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

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 That § 41-17-25 be repealed.

6       ~~41-17-25. It is a Class 2 misdemeanor for any person to start, or allow to start, open fires~~  
7 ~~on any public land other than in established fireplaces approved or constructed by public agencies~~  
8 ~~in designated recreation areas.~~

1 **BILL HISTORY**

2 1/29/97 First read in Senate and referred to Agriculture & Natural Resources. S.J. 220

3 2/4/97 Scheduled for Committee hearing on this date.

4 2/6/97 Scheduled for Committee hearing on this date.

5 2/6/97 Agriculture & Natural Resources Do Pass, Passed, AYES 7, NAYS 0. S.J. 340

6 2/6/97 Agriculture & Natural Resources Place on Consent Calendar. S.J. 340

7 2/7/97 Senate Do Pass, Passed, AYES 34, NAYS 0. S.J. 357

8 2/10/97 First read in House and referred to Agriculture & Natural Resources. H.J. 398

9 2/20/97 Scheduled for Committee hearing on this date.

10 2/20/97 Deferred to another day.

11 2/25/97 Agriculture & Natural Resources Do Pass Amended, Passed, AYES 13, NAYS 0.

12 H.J. 676