

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0722

SENATE BILL NO. 210

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 1 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.

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

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

1 fire suppression and extinguishment cost.

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 That § 41-17-25 be repealed.

3 ~~—41-17-25. It is a Class 2 misdemeanor for any person to start, or allow to start, open fires~~
4 ~~on any public land other than in established fireplaces approved or constructed by public agencies~~
5 ~~in designated recreation areas.~~