



2025 South Dakota Legislature
Senate Bill 34
ENROLLED

AN ACT

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

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

Section 1. That § 1-41-4 be AMENDED:

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

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

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

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

34-35-18. The secretary of public safety or the secretary's designee may set fires in woods or prairie for the purposes of forest and range management, provided that reasonable forces and equipment are available to suppress the spread of the fire.

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

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 34

2025 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2025

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2025
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 34
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State