

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0304

HOUSE BILL NO. 1096

Introduced by: Representatives Verchio, Conzet, Jensen, Kopp, Olson (Betty), Romkema, Street, Turbiville, and Van Gerpen and Senators Rhoden, Brown, Nelson, and Tieszen

1 FOR AN ACT ENTITLED, An Act to revise the penalty for an open burning violation in the
2 Black Hills Forest Fire Protection District.

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

4 Section 1. That § 34-35-16 be amended to read as follows:

5 34-35-16. The starting of an open fire within the Black Hills forest fire protection district
6 by a person or a group of persons is prohibited unless a permit to do so is first obtained from the
7 ~~secretary of agriculture or his designee~~ Department of Agriculture or from the United States
8 ~~forest service supervisor~~ Forest Service. An open fire as used in this section and § 34-35-17 is
9 any fire to burn slash, brush, grass, stubble, debris, rubbish, or other inflammable material not
10 enclosed in a stove, sparkproof incinerator, or an established fireplace approved or constructed
11 by public agencies in designated recreation areas. A violation of this section is a ~~Class 1~~ Class
12 2 misdemeanor. Any person who violates this section is liable for civil damages for all injuries
13 caused by the fire.

