

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

273N0356 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. SB 79 - 02/06/2007

Introduced by: Senators Lintz, McCracken, and McNenny and Representatives Howie and Pederson (Gordon)

1 FOR AN ACT ENTITLED, An Act to revise the boundaries of the Black Hills Forest Fire
2 Protection District, to authorize the continuation of activities by certain business affected
3 by the boundary change, and to prohibit the discharge of fireworks within a zone adjacent
4 to the district.

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

6 Section 1. That § 34-35-15 be amended to read as follows:

7 34-35-15. To protect the timber on areas subject to unusual fire dangers, there is hereby
8 created the Black Hills Forest Fire Protection District, consisting of all that part of the state
9 described by metes and bounds as follows: Commencing at a point on the Wyoming-South
10 Dakota state line at the junction of Interstate Highway 90 at the state line; thence east and
11 southeast along Interstate Highway 90 ~~to Whitewood; thence southeast along the Chicago and~~
12 ~~Northwestern Railroad right-of-way through Sturgis, Tilford, Piedmont, and Black Hawk to~~
13 ~~Rapid City; thence south along the Chicago and Northwestern Railroad right-of-way through~~
14 ~~Hermosa, Fairburn, and Buffalo Gap~~ via Rapid City to the intersection of U.S. Highway 16B;
15 thence south and southwest along U.S. Highway 16B to the intersection of State Highway 79;



1 thence south along State Highway 79 to the intersection of U.S. Highway 18; thence south along
2 U.S. Highway 18 to the Cheyenne River; thence west and northwest along the Cheyenne River
3 to the Wyoming-South Dakota state line; thence north along said state line to the place of
4 beginning; ~~excepting therefrom areas within the limits of third class municipalities.~~ The Black
5 Hills Forest Fire Protection District does not include any area within the limits of any
6 municipality.

7 Section 2. That chapter 34-35 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 Any person or commercial entity that, before July 1, 2007, was legally engaged in the retail
10 sale, wholesale sale, storage, or transport of fireworks or pyrotechnics, or any successor to any
11 such person or commercial entity, may continue to engage in any such sales, storage, or
12 transport activity, notwithstanding any changes made to the boundaries of the Black Hills Forest
13 Fire Protection District that take effect on July 1, 2007.

14 Section 3. That § 34-37-11 be amended to read as follows:

15 34-37-11. No person may sell or cause to be sold, discharge, or cause to be discharged, any
16 pyrotechnics of any description ~~whatever~~ or any consumer fireworks within the exterior
17 boundaries of the Black Hills Forest Fire Protection District, and no person may discharge or
18 cause to be discharged any pyrotechnics or consumer fireworks within a zone that extends three
19 hundred feet beyond the exterior boundaries of the Black Hills Forest Fire Protection District
20 in this state. No person may sell or cause to be sold, discharge, or cause to be discharged, any
21 pyrotechnics of any description or any consumer fireworks within any national forest, national
22 park, state forest, or any land owned or leased by the Department of Game, Fish and Parks.
23 However, the Department of Game, Fish and Parks may, by written authorization, permit the
24 discharge of pyrotechnics or consumer fireworks, pyrotechnic displays, sales, or exhibits on land

1 owned or leased by the department unless otherwise prohibited by statute. Any violation of this
2 section which occurs on any land owned or leased by the Department of Game, Fish and Parks
3 is a Class 2 misdemeanor. Any subsequent violation of this Section is a Class 1 misdemeanor.