

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

392Y0633

CONFERENCE COMMITTEE

ENGROSSED NO. **SB 176** - 3/10/2017

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: The Committee on State Affairs

1 FOR AN ACT ENTITLED, An Act to preserve the use of public land, to ensure free travel, to  
2 enhance emergency response, and to declare an emergency.

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

4 Section 1. That chapter 5-4 be amended by adding a NEW SECTION to read:

5 Upon the request of the Governor and the sheriff of the county where the public land is  
6 situated, the commissioner of school and public lands may prohibit any group larger than twenty  
7 persons from congregating upon any tract of land under the supervision of the commissioner of  
8 school and public lands, if the prohibition is necessary to preserve the undisturbed use of the  
9 land by the lessee or if the land may be damaged by the activity.

10 Section 2. That chapter 16-18 be amended by adding a NEW SECTION to read:

11 The Chief Justice of the South Dakota Supreme Court may waive any requirement of  
12 § 16-18-2 and admit any attorney licensed in the another jurisdiction within the United States,  
13 for a period not to exceed one year, for the limited purpose of defending any defendant charged  
14 in a county that is experiencing a significant increase in criminal cases such that the resources



1 in that area cannot satisfy the needs of criminal defense if the Chief Justice deems that the  
2 waiver is necessary in the interest of the sound administration of justice.

3 Section 3. That § 32-30-2.4 be amended to read:

4 32-30-2.4. The Department of Transportation with respect to highways under its jurisdiction  
5 may promulgate rules pursuant to chapter 1-26 to prohibit or restrict the stopping, standing, or  
6 parking of vehicles or the presence of any person standing outside of a motor vehicle, on any  
7 highway or highway right-of-way if such stopping, standing, ~~or~~ parking, or presence of any  
8 person standing is dangerous to those using the highway or if the stopping, standing, or parking  
9 of vehicles or the presence of persons outside of a motor vehicle would unduly interfere with  
10 the free movement of traffic ~~thereon~~ on the highway. If such a rule is promulgated, the highway  
11 shall be signed to indicate where such stopping, standing, or parking is prohibited. The secretary  
12 of transportation may establish a temporary no parking zone, not to exceed ninety days, if the  
13 secretary of public safety and the secretary of transportation, after consultation with the director  
14 of the highway patrol, agree that a no parking zone is necessary for the protection of life and  
15 property. ~~Such~~ The signs are official signs and no person may stop, stand, or park any vehicle  
16 or stand outside a motor vehicle in violation of the restrictions stated on ~~such~~ the signs. A  
17 violation of this section is a Class 2 misdemeanor.

18 Section 4. That chapter 22-18 be amended by adding a NEW SECTION to read:

19 Unless otherwise directed by law enforcement or other emergency personnel or to seek  
20 assistance for an emergency or inoperable vehicle, no person may stand upon the paved or  
21 improved or main-traveled portion of any highway with intent to impede or stop the flow of  
22 traffic. A violation of this section is a Class 1 misdemeanor.

23 Section 5. That chapter 22-35 be amended by adding a NEW SECTION to read:

24 If a person defies an order issued pursuant to chapter 34-48A not to enter an area defined

1 in that chapter and a notice not to enter is posted, the person is guilty of criminal trespass. A  
2 violation of this section is a Class 1 misdemeanor.

3 Section 6. Whereas, this Act is necessary for the immediate preservation of the public peace,  
4 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
5 effect from and after its passage and approval.