

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0271

HOUSE AGRICULTURE & NATURAL RESOURCES COMMITTEE ENGROSSED NO.

HB1025 - 1/29/97

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Game, Fish, and Parks

1 FOR AN ACT ENTITLED, An Act to revise the requirements to obtain a shooting preserve
2 operating permit, to revise the license requirements to hunt on a shooting preserve, and to
3 provide for additional violations which are cause to revoke or suspend a shooting preserve
4 operating permit.

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

6 Section 1. That § 41-10-7 be amended to read as follows:

7 41-10-7. If the Game, Fish and Parks Commission finds that:

- 8 (1) The applicant for a shooting preserve operating permit proposes to comply with all
9 of the provisions of this chapter;
- 10 (2) The applicant is financially able to provide the necessary facilities and services to
11 operate a shooting preserve;
- 12 (3) The preserve shall be open to the general public without restrictions as to race, color,
13 or creed;
- 14 (4) The operation will not work a fraud upon persons who are permitted to hunt thereon;

- 1 (5) The operation is not designed to circumvent game laws and regulations;
- 2 (6) The issuance of the permit will be in the public interest;
- 3 (7) The applicant is a resident of the state;
- 4 (8) The applicant does not operate or own any interest in more than two shooting
- 5 preserves; ~~and~~
- 6 (9) The preserve for which an operating permit is requested is at least one mile from any
- 7 game production area or other publicly owned shooting area, or if located within one
- 8 mile of such areas, the preserve would not take unfair advantage of wildlife habitat
- 9 developments or wildlife population existing on those areas, or would not otherwise
- 10 be detrimental to the public interest; and
- 11 (10) The preserve applicant has not been convicted of any violation of this chapter or of
- 12 any rules promulgated pursuant to this chapter or of any violation that carries a
- 13 mandatory revocation of hunting, trapping, or fishing privileges as provided in § 41-6-
- 14 74 or of any violation in another state similar to the violations listed in § 41-6-74,
- 15 whether or not the violation carries a mandatory revocation in the other state;

16 the commission shall approve the application and issue a shooting preserve operating permit for
 17 the operation of a shooting preserve on the property described in the application with the rights
 18 and subject to the limitations prescribed in this chapter and the commission rules promulgated
 19 thereunder. ~~However, the~~ The provisions of subdivisions (7) and (9) of this section do not apply
 20 to any shooting preserve licensed pursuant to this chapter, prior to July 1, 1986.

21 Section 2. That § 41-10-12 be amended to read as follows:

22 41-10-12. ~~A South Dakota resident basic game and fish license and a resident shooting~~
 23 ~~preserve license are required of each resident hunting on a shooting preserve. Any nonresident~~
 24 ~~hunting small game on a shooting preserve shall obtain the nonresident shooting preserve license.~~

25 Any license issuing agent ~~who may issue a resident or nonresident small game license and a~~

1 ~~habitat stamp~~ appointed by the county treasurer may issue a ~~resident or nonresident shooting~~
2 preserve license.

3 Any person who has obtained ~~all the required state licenses and stamps~~ license to hunt small
4 game in South Dakota outside of private shooting preserves ~~is exempt from the licensing~~
5 ~~provisions of this section~~ may hunt small game on private shooting preserves.

6 A violation of this section is a Class 1 misdemeanor.

7 Section 3. That § 41-6-10 be amended to read as follows:

8 41-6-10. Licenses and stamps issued under this title are classified as follows:

- 9 (1) Disabled hunter permit.
- 10 (2) Export bait dealer license.
- 11 (3) Fur dealer's license.
- 12 (4) Habitat stamp.
- 13 (5) Hoop net, trap or setline license.
- 14 (6) License for breeding and domesticating animals and birds.
- 15 (7) License to take fur-bearing animals.
- 16 (8) Nonresident big game license.
- 17 (9) Nonresident fishing license.
- 18 (10) Nonresident predator license.
- 19 (11) Nonresident professional dog training license.
- 20 (12) Nonresident retail bait dealer license.
- 21 (13) Nonresident shooting preserve license.
- 22 (14) Nonresident small game license.
- 23 (15) Nonresident wholesale bait dealer license.
- 24 (16) Nonresident wild turkey license.
- 25 (17) Nursing home group fishing license.

- 1 (18) Park user's license.
- 2 (19) Permit for transportation of big game animal.
- 3 (20) Private fish hatchery license.
- 4 (21) Resident basic game and fish license.
- 5 (22) Resident big game license.
- 6 (23) Resident elk license.
- 7 (24) Resident fishing license.
- 8 (25) Resident professional dog training license.
- 9 (26) Resident retail bait dealer license.
- 10 ~~(27) Resident shooting preserve license.~~
- 11 ~~—(28) Resident small game license.~~
- 12 ~~(29)~~(28) Resident wholesale bait dealer license.
- 13 ~~(30)~~(29) Resident wild turkey license.
- 14 ~~(31)~~(30) Scientific collector's license.
- 15 ~~(32)~~(31) Special nonresident waterfowl license.
- 16 ~~(33)~~(32) Special Pine Ridge Indian reservation resident and nonresident big game
- 17 license.
- 18 ~~(34)~~(33) Taxidermist's license.
- 19 ~~(35)~~(34) Temporary fishing license.
- 20 ~~(36)~~(35) Waterfowl restoration stamp.

21 The rights and privileges of such licensees are set forth in §§ 41-6-11 to 41-6-45.1, inclusive,
22 and in § 41-17-13. The Game, Fish and Parks Commission shall promulgate rules pursuant to
23 chapter 1-26 to set the fees for such licenses. No fee for a professional dog training license may
24 exceed one hundred dollars.

25 Section 4. That § 41-10-19 be amended to read as follows:

1 41-10-19. The Game, Fish and Parks Commission may, pursuant to chapter 1-26, revoke or
2 suspend the permit of a permittee for any violation of this chapter or any ~~of the rules of the~~
3 ~~commission~~ rules promulgated pursuant to this chapter or of any violation that carries a
4 mandatory revocation of hunting, trapping, or fishing privileges as provided in § 41-6-74 or of
5 any violation in another state similar to the violations listed in § 41-6-74, whether or not the
6 violation carries a mandatory revocation in the other state.

1 **BILL HISTORY**

2 January 14 - First read in House and referred to Agriculture & Natural Resources. H.J. 27

3 January 21 - Deferred to another day.

4 January 23 - Scheduled for hearing.

5 January 28 - Scheduled for hearing.

6 January 28 - Passed as amended, AYES 9, NAYS 4. H.J. 164