

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

400D0312            **HOUSE AGRICULTURE AND NATURAL RESOURCES**  
**COMMITTEE ENGROSSED NO. HB1022 - 1/19/00**

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 and repeal certain hunting, trapping, and fishing  
2        activities, restrictions, and prohibitions, and certain game and fish storage and transportation  
3        requirements, and to provide for a penalty.

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

5        Section 1. That § 41-8-28 be amended to read as follows:

6        41-8-28. Any person who steals, damages or destroys a trap of another employed in the  
7    manner defined in subdivision ~~41-1-1(21)~~ 41-1-1(25), or who steals, damages or destroys  
8    animals, animal carcasses, or the pelts thereof, held fast by such traps, is guilty of a Class 1  
9    misdemeanor. A violation of this section is also subject to § 41-8-29.

10       Section 2. That § 41-14-4 be amended to read as follows:

11       41-14-4. No person may place in or accept into public storage any game bird, game fish, or  
12 game animal may be placed in public storage unless the game bird, game fish, or game animal has  
13 attached to it a tag showing the owner's name and address, the number and kind of bird, fish, or  
14 animal and the date the bird, fish, or animal is placed in storage. For the purposes of this section,  
15 public storage is any business that stores game birds, game fish, or game animals for a fee or a  
16 convenience. A violation of this section is a Class 2 misdemeanor.

1 Section 3. That § 41-14-8 be amended to read as follows:

2 41-14-8. Any person licensed under the provisions of chapter 41-6 may carry ~~with him~~ as  
3 personal baggage any small game or fish lawfully taken or possessed. ~~Shipment by common~~  
4 ~~carrier or transportation by a~~ No person may ship or receive for shipment by common carrier any  
5 small game or fish unless the container containing the small game or fish has affixed to the  
6 outside of the container a clearly visible statement containing the following information:

- 7 (1) The name, address, and license number of the person shipping the small game or fish;  
8 (2) The number and species of all small game and fish in the container;  
9 (3) The date of shipment; and  
10 (4) The name and address of the person to whom the small game or fish has been shipped.

11 A person other than the licensee is permissible may transport small game or fish with a  
12 transportation and shipping permit. A permit may be obtained from a conservation officer shall  
13 issue a transportation and shipping permit or a designee without a charge. A violation of this  
14 section is a Class 2 misdemeanor.

15 Section 4. That § 41-8-33 be repealed.

16 ~~— 41-8-33. No person may set, lay, prepare, or have in possession any trap, snare, artificial~~  
17 ~~light, net, bird line, swivel gun, or set gun, or any contrivance for the purpose of catching, taking,~~  
18 ~~attempting to take, or killing any game animals or birds, except that decoys and stationary blinds~~  
19 ~~may be used in hunting game birds and animals. A violation of this section is a Class 2~~  
20 ~~misdemeanor.~~

21 Section 5. That § 41-14-26 be repealed.

22 ~~— 41-14-26. It is a Class 2 misdemeanor for any express company or other common carrier to~~  
23 ~~receive, ship, or transport any fish taken or killed in any of the waters of this state unless such~~  
24 ~~shipment is accompanied by a permit issued by a state conservation officer.~~

25 Section 6. That § 41-14-27 be repealed.

1 ~~— 41-14-27. Nothing in this chapter shall be construed to prevent the holder of a valid fishing~~  
2 ~~license from personally carrying with him as baggage on any train or other conveyance, fish~~  
3 ~~which may be legally in his possession, and any common carrier shall be permitted to carry such~~  
4 ~~fish as baggage when same are accompanied on the same train or other conveyance by the person~~  
5 ~~who is legally in possession of the same.~~

6 Section 7. That § 41-14-28 be repealed.

7 ~~— 41-14-28. It is a Class 2 misdemeanor for an employee of any common carrier to carry any~~  
8 ~~fish, or any part thereof, with him either as baggage or otherwise, while engaged in the~~  
9 ~~performance of the duties of his employment.~~

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to Agriculture and Natural Resources. H.J. 16

3 1/18/00 Scheduled for Committee hearing on this date.

4 1/18/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 10, NAYS 2.

5 H.J. 126