

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

336H0067

HOUSE BILL NO. 1090

Introduced by: Representatives Begalka, Brown (Jarvis), Duenwald, Hanson (Gary), Jensen, Juhnke, Rhoden, and Sigdestad and Senators Dennert and Koskan

1 FOR AN ACT ENTITLED, An Act to restrict hunting from within certain public right-of- way
2 areas that are adjacent to certain shooting preserves.

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

4 Section 1. That chapter 41-9 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No person, except the owner or lessee of a qualifying shooting preserve or any person
7 receiving written permission from the owner or lessee, may use the restricted portions of any
8 highway or public right-of-way that is adjacent to the qualifying shooting preserve for purposes
9 of hunting. For purposes of this section, the restricted portion of the highway or public right-of-
10 way is the area between the center line of the highway or public right-of-way and the boundary
11 of the highway or public right-of way that is adjacent to the qualified shooting preserve. A
12 qualified shooting preserve is one that:

- 13 (1) Holds an operating permit issued pursuant to chapter 41-10;
- 14 (2) Can document that it releases at least six hundred male Chinese ringneck pheasants
15 per season; and



1 (3) Can document that no more than twenty-five percent of the pheasants harvested on
2 the preserve are wild or unmarked birds.

3 A qualified shooting preserve shall mark the affected boundary with signs posted at least
4 every five hundred feet along the boundary. The signs shall be at least twelve inches high and
5 sixteen inches wide with lettering of at least one inch or larger which shall state: "PRESERVE
6 AREA. IT IS UNLAWFUL TO SHOOT FROM ROADWAY WITHOUT PERMISSION." The
7 commission shall promulgate rules pursuant to chapter 1-26 to provide for the documentation
8 or verification that a shooting preserve meets the requirements of this section, to specify signs
9 and marking standards and procedures, and to provide for the administration of the provisions
10 of this section. Hunting in or attempting to take pheasants from properly marked areas that are
11 restricted by the provisions of this section is a Class 2 misdemeanor. Posting or representing an
12 area as a qualified shooting preserve if the area does not meet the requirements of this section
13 is a Class 2 misdemeanor.