

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

400S0219

HOUSE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **HB 1005** - 1/27/2011

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 certain provisions pertaining to private shooting  
2 preserves.

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

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

5 41-10-1. Terms used in this chapter mean:

6 (1) "Commission," the Game, Fish and Parks Commission, acting directly or through its  
7 duly authorized officers or agents;

8 (2) "Department," the Department of Game, Fish and Parks, acting directly or through  
9 its duly authorized officers or agents;

10 (3) "Person," includes individuals, ~~copartnerships~~ partnerships, associations, ~~and~~  
11 corporations, and limited liability companies;

12 (4) "Shooting preserve," any acreage either privately owned or leased on which hatchery  
13 raised game is released for the purpose of hunting, for a fee, over an extended season.

14 Section 2. That § 41-10-7 be amended to read as follows:



1 41-10-7. If the department is satisfied that all of the following criteria have been established  
2 by the applicant:

3 (1) The applicant for a shooting preserve operating permit proposes to comply with all  
4 of the provisions of this chapter and the commission rules promulgated pursuant to  
5 this chapter;

6 (2) The applicant is financially able to provide the necessary facilities and services to  
7 operate a shooting preserve;

8 (3) The preserve shall be open to the general public without restrictions as to race, color,  
9 or creed;

10 (4) The operation will not work a fraud upon persons who are permitted to hunt thereon;

11 (5) The operation is not designed to circumvent game laws and regulations;

12 (6) The issuance of the permit will be in the public interest;

13 (7) The applicant is a resident of the state or, if a business entity, is organized or  
14 operating under the laws of the State of South Dakota pursuant to a certificate issued  
15 by the Office of the Secretary of State;

16 (8) The applicant does not operate or own any interest in more than one shooting  
17 preserve comprised of a contiguous tract of land of more than one thousand two  
18 hundred eighty acres nor more than two shooting preserves each of which are  
19 comprised of a contiguous tract of land of one thousand two hundred eighty acres or  
20 less; and

21 (9) The preserve for which an operating permit is requested is at least one mile from any  
22 game production area or other publicly owned shooting area, or if located within one  
23 mile of such areas, the preserve would not take unfair advantage of wildlife habitat  
24 developments or wildlife population existing on those areas, or would not otherwise

1           be detrimental to the public interest;  
2   the department shall approve the application and issue a shooting preserve operating permit for  
3   the operation of a shooting preserve on the property described in the application with the rights  
4   and subject to the limitations prescribed in this chapter and the commission rules promulgated  
5   pursuant to this chapter. However, the provisions of subdivisions (7) and (9) of this section do  
6   not apply to any shooting preserve licensed pursuant to this chapter, prior to July 1, 1986.

7       Section 3. That § 41-10-8 be amended to read as follows:

8       41-10-8. ~~At~~ Each shooting preserve operating ~~permits~~ permit shall be issued upon the  
9   express condition that the permittee agrees that any law enforcement officer or any  
10  representative of the Department of Game, Fish and Parks may enter and ~~search~~ inspect the  
11  premises on which preserve operations are conducted, and any part thereof, during normal hours  
12  of preserve operation without a search warrant to ensure compliance with the laws of this state  
13  and rules and regulations of the commission. Failure to comply with this section is a Class 1  
14  misdemeanor.

15       Section 4. That § 41-10-13 be amended to read as follows:

16       41-10-13. The guest of a shooting preserve ~~operator~~ permittee, after securing any necessary  
17  hunting licenses as required by this chapter, may harvest any game released in the shooting  
18  preserve, and as provided for in § 41-10-16, all of the wild game in the area of the same species  
19  as those released.

20       Section 5. That § 41-10-14 be amended to read as follows:

21       41-10-14. Within the limits set by the commission, in rules promulgated pursuant to chapter  
22  1-26, the shooting preserve ~~operator~~ permittee may establish shooting hours and limitations and  
23  restrictions on the age, sex, number, and type of each game species that may be taken by each  
24  person. The ~~operator~~ permittee may establish the fees to be charged to the ~~operator's~~ permittee's

1 guests.

2 Section 6. That § 41-10-16 be amended to read as follows:

3 41-10-16. Any person licensed to hunt a species as required by this chapter may harvest and  
4 legally possess pen raised or wild game shot on a shooting preserve if the game is tagged as  
5 directed by the commission in rules promulgated pursuant to chapter 1-26. The provisions of  
6 this section relating to issuance of tags and remittance of tag fees, shall be administered by the  
7 department pursuant to commission rules adopted pursuant to § 41-2-18. The cost of each tag  
8 to the shooting preserve ~~operator~~ permittee shall be established by the commission in rules  
9 promulgated pursuant to chapter 1-26.

10 Section 7. That § 41-10-17 be amended to read as follows:

11 41-10-17. Each shooting preserve ~~operator~~ permittee shall maintain a guest register in which  
12 is listed the name, address, and South Dakota general license number or nonresident shooting  
13 preserve license of each shooter, the date on which he hunted, and the amount of game and  
14 species taken. Likewise, a record shall be maintained to show the source of the game released  
15 and of the date and the number of each game species released. These records shall be open to  
16 inspection by the Department of Game, Fish and Parks ~~at any reasonable time~~ during normal  
17 hours of preserve operation. A violation of this section is a Class 1 misdemeanor.

18 Section 8. That § 41-10-19 be amended to read as follows:

19 41-10-19. The Game, Fish and Parks Commission may pursuant to chapter 1-26 revoke or  
20 suspend the permit of a permittee for any violation of this chapter or any of the rules of the  
21 commission committed by the permittee or any person involved in the operation of the  
22 permittee's preserve.