

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

624W0462

SENATE BILL NO. 143

Introduced by: Senators Sutton, Brown, Cammack, Frerichs, Heinert, Hunhoff (Bernie), Jensen (Phil), Lederman, Olson, Parsley, Peterson (Jim), Rampelberg, and Rave and Representatives Bartling, Gibson, Hawley, Otten (Herman), and Qualm

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding group hunting and
2 possession of firearms.

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

4 Section 1. That § 41-2-18 be amended to read as follows:

5 41-2-18. The Game, Fish and Parks Commission may ~~adopt such~~ promulgate rules, pursuant
6 to chapter 1-26, as may be necessary to implement the provisions of chapters 41-1 to 41-15,
7 inclusive. The rules may be adopted to regulate:

- 8 (1) The conservation, protection, importation, and propagation of wild animals and fish
9 except for any nondomestic animal which is regulated pursuant to § 40-3-26;
- 10 (2) The hunting, taking, killing, possession, sale, and transportation of all wild birds,
11 wild animals, and wild fish except for any nondomestic animal which is regulated
12 pursuant to § 40-3-26;
- 13 (3) The management of nongame, endangered, or threatened wildlife to ensure their
14 perpetuation as viable components of the ecosystem;



- 1 (4) The management, control of traffic, improvement and public use of all lands and
2 water owned, leased, or controlled by the state and Department of Game, Fish and
3 Parks designated as public shooting areas, game production areas, wildlife refuges,
4 lake and fishing access use areas and controlled hunting areas;
- 5 (5) The management, use, and improvement of all meandered lakes, sloughs, marshes,
6 and streams extending to and over dry or partially dry meandered lakes, sloughs,
7 marshes, and streams, including all lands to which the state has acquired any right,
8 title or interest for the purpose of water conservation or recreation;
- 9 (6) The creation, modification, or vacation of state game refuges, state waterfowl
10 refuges, and state game bird refuges on all public land and on private land with the
11 written consent of the landowner;
- 12 (7) The management and improvement of all islands or accumulations of land formed
13 in the bed of a navigable stream or meandered lake on the Missouri River below the
14 Fort Randall Power Plant and Lake Francis Case;
- 15 (8) The appointment, management, bonding, and cancellation of licensing agents;
- 16 (9) The gathering, purchasing, distributing, and transferring of all wild animals and fish
17 for population management, stocking purposes, scientific study, and
18 intergovernmental trades;
- 19 (10) The form of and the manner and placement of any tags, coupons, or permits
20 necessary for the transportation of any wild animal or fish;
- 21 (11) The sale, breeding, raising, and transportation of any nondomestic animal which is
22 not regulated pursuant to § 40-3-26;
- 23 (12) The form, procedures for, and content of all license applications authorized under this
24 title;

- 1 (13) The form, procedures for, fee, and manner of validation, replacement, or cancellation
- 2 of all licenses authorized under this title that are not already established by statute;
- 3 (14) The devices, weapons, ammunition, traps, tackle, bait, lures, and equipment which
- 4 may be used to hunt, kill, capture, or locate any wild animal or fish if use of the
- 5 above items would adversely affect the health, safety, or welfare of people or wildlife
- 6 resources;
- 7 (15) The hunting, fishing, and trapping in the boundary waters of this state;
- 8 (16) The release, hunting, and taking of animals and birds on private shooting preserves;
- 9 (17) The establishment of, and the opening, closing, modifying, or curtailing of hunting,
- 10 fishing, and trapping seasons, if the seasons are not established by statute;
- 11 (18) The setting of fees for special licenses not covered by statute to manage specific and
- 12 limited wildlife populations;
- 13 (19) The number of persons possessing a firearm, who may cooperate as a group in the
- 14 pursuit, hunting, taking, or killing of game birds or game animals;
- 15 (20) The acquisition, possession, use, and disposition of raptors;
- 16 (21) The acquisition, possession, transportation, sale, and release of bait fish and frogs;
- 17 (22) The regulation of, and the acquisition, possession, transportation, sale, and release
- 18 of fish, from private fish hatcheries;
- 19 (23) The regulation of fish houses or other sheltering structures maintained upon the ice
- 20 of any public waters;
- 21 (24) The issuance and cancellation of taxidermist licenses and the acquisition, possession,
- 22 and disposition of specimens for taxidermy purposes; and
- 23 (25) The operation of controlled hunting areas.

24 ~~The rules shall be adopted pursuant to chapter 1-26 and shall be in accordance with the~~

1 ~~provisions of this chapter.~~

2 A violation of the substantive provision of any rule authorized by this section is a Class 2
3 misdemeanor. If the same incident is a violation of statute and of the rules authorized by this
4 section only the penalty authorized for the violation of the statute may be imposed.

5 Section 2. That ARSD 41:06:04:02 be amended as follows:

6 No more than 20 persons may ~~cooperate~~ possess a firearm while hunting and cooperating
7 as a group ~~in hunting~~, except when hunting jackrabbits or predators.