

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

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0313 **HOUSE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. HB1023 - 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 prohibit the use of certain equipment in hunting activities
2 at night, to provide certain exemptions from such prohibition, and to revise a related penalty.

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

4 Section 1. That § 41-8-17 be amended to read as follows:

5 41-8-17. ~~No~~ During the time from sunset to sunrise, no person may use or possess night-
6 vision equipment or throw or cast the rays of a spotlight, headlight, or other artificial light on any
7 highway, or in any field, pasture, woodland, forest, or prairie, for the purpose of spotting,
8 locating, or taking or attempting to take or hunt any animal while having in possession or control
9 any firearm, bow or other implement whereby any game could be killed. However, ~~outside of the~~
10 ~~Black Hills fire protection district:~~

11 (1) A person may use a hand held light while on foot, to take raccoons ~~after they have~~
12 ~~been treed by dogs;~~

13 (2) A landowner or occupant and one guest accompanied by the landowner or occupant
14 may use an artificial light on ~~his~~ the owner's or occupant's land, with a shotgun using
15 shot shells only or a firearm using a .22 caliber rimfire cartridge, in the taking of
16 ~~rabbits, hares~~ jackrabbits, coyotes, beaver, foxes, raccoons, opossums, badgers,

1 skunks, or rodents; and

2 (3) Any person employed by the Department of Game, Fish and Parks as performing
3 animal damage control ~~officer~~ may use night-vision equipment and artificial lights in
4 the performance of ~~his~~ the person's duty ~~in the taking of nuisance animals on private~~
5 ~~land if the person has obtained written. In the taking of animals causing damage the~~
6 employee shall obtain permission from the owner or lessee of such land.

7 For the purposes of this section, night-vision equipment is an optical device utilizing light
8 amplifying circuits that are electrical or battery powered. The provisions of this section do not
9 apply to a law enforcement officer in the performance of ~~his~~ the officer's duty.

10 A violation of this section is ~~subject to § 41-8-18~~ a Class 2 misdemeanor.

11 Section 2. That § 41-8-18 be amended to read as follows:

12 41-8-18. A violation of § 41-8-2, 41-8-6, or 41-8-15 ~~or 41-8-17~~ is a Class 1 misdemeanor
13 for each prohibited act or each big game animal or any part thereof, taken, caught, killed, sold,
14 offered, or exposed for sale, in possession or in possession with intent to sell, shipped by
15 common carrier, or transported to any point inside or outside the state in violation of law. Upon
16 conviction of any person for hunting or taking big game, except wild turkey, during the
17 nighttime, during a closed season or without a license, the court shall ~~revoke that person's~~
18 ~~hunting privileges for a period of one year, and~~ impose a fine of not less than two hundred fifty
19 dollars for each animal involved and that person shall be required to serve a minimum of three
20 days in the county jail and shall have their hunting privileges revoked pursuant to §§ 41-6-74.1
21 and 41-6-74.2. A second or subsequent conviction of any person for hunting or taking big game,
22 except wild turkey, during the nighttime, during a closed season, or without a license is a Class
23 6 felony. In addition, the court shall revoke that person's hunting privileges for a period of five
24 years.

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 12, NAYS 1.

5 H.J. 127

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0316 **HOUSE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. HB1026 - 1/20/00

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

1 FOR AN ACT ENTITLED, An Act to revise certain bonding procedures and the annual fee of
2 agents who sell hunting and fishing licenses for the Department of Game, Fish and Parks.

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

4 Section 1. That § 41-6-59 be amended to read as follows:

5 41-6-59. Any agent, who has been appointed in any the previous year ~~and has provided either~~
6 ~~a bond or other security in any previous year~~ to sell licenses and permits, is not required to
7 furnish a bond or other security ~~if the agent is not issued licenses and permits with a value of~~
8 ~~more than fifty thousand dollars at any one time. An agent, who has previously provided either~~
9 ~~a bond or other security and has licenses and permits of a value no greater than twenty thousand~~
10 ~~dollars issued at any one time, shall pay to the Department of Game, Fish and Parks an annual~~
11 ~~fee of twenty dollars. An agent, who has previously provided either a bond or other security and~~
12 ~~has licenses and permits of a value greater than twenty thousand dollars but less than fifty~~
13 ~~thousand dollars issued to them at any one time, but shall pay the department an annual fee of~~
14 ~~fifty~~ twenty dollars. An agent, who has more than fifty thousand dollars of licenses and permits
15 ~~issued at any one time shall be bonded or shall furnish security equal to the total value of the~~
16 ~~licenses and permits issued to the agent at any one time less fifty thousand dollars. Any agent,~~

1 who ~~has~~ was not previously been bonded or who has not previously provided other security to
2 appointed in the previous year to sell the licenses and permits, shall be bonded or shall furnish
3 security equal to the total value of the licenses issued to the agent at any one time. A certificate
4 of deposit, money order, or other negotiable instrument issued by a bank, savings and loan
5 association, or a credit union bearing the agent's social security number or employer
6 identification number payable to the department is sufficient security. If an agent fails to timely
7 pay the amount owed to the department, the department may cash the certificate and satisfy the
8 amount owed to the department and remit the balance to the agent. If the agent has paid all the
9 fees owed and requests a return of the certificate of deposit, money order, or other negotiable
10 instrument, the department shall endorse it payable to the agent and return it to the agent. No
11 agent who defaults on payment of the amount owed to the department may be appointed an
12 agent until the unpaid amount, plus interest at the Category B rate of interest as defined in
13 § 54-3-16, is paid.

14 Section 2. This Act is effective on January 1, 2001.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to Agriculture and Natural Resources. H.J. 17

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

4 1/20/00 Scheduled for Committee hearing on this date.

5 1/20/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 13, NAYS 0.

6 H.J. 155

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

267D0022

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1046** - 1/20/00

Introduced by: Representative Munson (Donald) and Senator Paisley

1 FOR AN ACT ENTITLED, An Act to revise the benefit plans that are exempt from execution,
2 attachment, garnishment, seizure, or taking by any legal process.

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

4 Section 1. That § 43-45-17 be amended to read as follows:

5 43-45-17. For the purposes of §§ 43-45-16 to 43-45-18, inclusive, the term, employee
6 benefit plan, means any plan or arrangement that is subject to the provisions of the 29 U.S.C.
7 §§ 1001 through 1461, as amended, and in effect on January 1, ~~1997~~ 2000, or that is described
8 in § ~~401(a)~~ 401, 403(a), 403(b), 408, 408A, or 409 of the Internal Revenue Code, as amended,
9 and in effect as of January 1, ~~1997~~ 2000. The term, employee benefit plan, does not include any
10 employee benefit plan that is excluded from application pursuant to 29 U.S.C. § 1003(b)(1), as
11 amended, and in effect as of January 1, ~~1997~~ 2000.

1 **BILL HISTORY**

2 1/13/00 First read in House and referred to Judiciary. H.J. 38

3 1/19/00 Scheduled for Committee hearing on this date.

4 1/19/00 Judiciary Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 154

5 1/19/00 Judiciary Place on Consent Calendar.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

925D0304

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1068** - 1/20/00

Introduced by: Representatives Hennies, Brooks, Brown (Richard), Duniphan, Fitzgerald, Lintz, McCoy, and McIntyre and Senators Albers, Ham, Lawler, Reedy, Shoener, Stagers, and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the disposition of
2 property seized by law enforcement agencies.

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

4 Section 1. That § 23A-37-10 be amended to read as follows:

5 23A-37-10. ~~Where~~ If there is no claimant or ~~where~~ if the right to possession of seized
6 property cannot be determined after a reasonable period of time, ~~the circuit court judge having~~
7 ~~custody of such property must, after the payment of preservation and delivery expenses by the~~
8 ~~county commissioners, deliver such property to the commissioners who shall transport such~~
9 ~~property to a state where its possession is lawful and shall sell the property. The proceeds, after~~
10 ~~deducting the expenses of the sale, shall be paid into the county treasury pursuant to § 16-2-28~~
11 the law enforcement agency collecting such property, through an order of the court, may:

12 (1) Transfer ownership of the property to any governmental agency having a legitimate
13 need for such property; or

14 (2) Sell the property and deliver the proceeds of the sale to the appropriate finance officer
15 of the city, county, or state employing such law enforcement agency.

1 **BILL HISTORY**

2 1/14/00 First read in House and referred to Judiciary. H.J. 47

3 1/19/00 Scheduled for Committee hearing on this date.

4 1/19/00 Judiciary Do Pass Amended, Passed, AYES 12, NAYS 1. H.J. 154