

Committee: Senate Agriculture and Natural Resources      Tuesday, February 01, 2022 10:00 AM

Roll Call

Present:            Sen. Cammack, Sen. Duvall, Sen. Frye-Mueller, Sen. Heinert, Sen. Klumb, Sen. Herman Otten, and Sen. V. J. Smith

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Senator Klumb**

**MOTION:      TO APPROVE THE MINUTES OF THURSDAY, JANUARY 27<sup>TH</sup>**

Moved by:        Duvall  
Second by:        Heinert  
Action:            Prevailed by voice vote

**HB 1035 :      to allow the Department of Agriculture and Natural Resources to collect receipts from timber sales on federal lands and disburse those receipts according to federal law.**

Presented by: Greg Josten, Department of Agriculture and Natural Resources  
Proponents:    Angela Ehlers, SD Association of Conservation Districts, Pierre  
                     Ben Wudtke, Black Hills Forest Resource Association, Rapid City

**MOTION:      DO PASS HB 1035**

Moved by:        Cammack  
Second by:        Duvall  
Action:            Prevailed by Majority Members Elect (6-1-0-0)

Voting Yes:       Cammack, Duvall, Frye-Mueller, Klumb, Herman Otten, and V. J. Smith

Voting No:        Heinert

**SB 73 :           provide for the use of artificial light and night-vision equipment while hunting coyotes and other predators.**

Presented by: Senator Michael Rohl, District 1 (Handout(s) 1, 2)  
Proponents:    Nephi J Cole, National Shooting Sports Foundation, Newtown, CT  
Opponents:     Noel Chicoine, Self, Pierre  
                     Nancy D Hilding, Prairie Hills Audubon Society of Western SD, Black Hawk

**MOTION:      AMEND SB 73**

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On the Introduced bill, delete everything after the enacting clause and insert:  
"

**Section 1. That § 41-8-17 be AMENDED:**

**41-8-17.** Between sunset and sunrise, no person may use or possess night-vision equipment or throw or cast the rays of a spotlight, motor vehicle headlight, or

other artificial light onto a highway, or into any field, pasture, woodland, forest, or prairie, for the purpose of spotting, locating, taking, attempting to take, or hunting any animal, if the person is in possession or control of a firearm, bow, or other implement by which an animal could be killed. The prohibitions set forth in this section do not apply to a law enforcement officer in the performance of the officer's duties.

Notwithstanding the prohibitions set forth in this section:

- (1) A person may use a handheld light, while the person is on foot, to ~~take~~:
  - (a) ~~Take raccoons after the raccoons have been treed by dogs, or to engage; or~~
  - (b) ~~Engage~~ in trapping activity and ~~to take~~ trapped fur-bearing animals;
- (2) ~~A person who owns or occupies land and up to two guests accompanying the person may use an artificial light and~~ From January first to August thirty-first, inclusive, a person may use night vision equipment ~~on the person's land, but not artificial light,~~ to take jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, and rodents, provided ~~they use~~ the person is on public land and uses:
  - (a) A shotgun and shotshells; or
  - (b) A firearm and a cartridge having a bullet diameter of less than .225 inches;
- (3) ~~If a person who is at least eighteen years of age owns or occupies land, that person may grant permission for up to two guests to hunt unaccompanied on that person's land for~~ From January first to August thirty-first, a person may use night vision equipment, but not artificial light, to take jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, and rodents, and such guests may use night vision equipment, provided ~~they use~~ the person is on private land that is under lease to the Department of Game, Fish and Parks for the purpose of providing public access, has the permission of the landowner, and uses:
  - (a) A shotgun and shot shells; or
  - (b) A firearm and a cartridge having a bullet diameter of less than .225 inches;
- (4) ~~A person may use night vision equipment and artificial light to take jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, and rodents, provided the person is on private land, and uses:~~
  - (a) A shotgun and shot shells; or
  - (b) A firearm and a cartridge having a bullet diameter of less than .225 inches;

and

- ~~(4)~~(5) An employee of the Department of Game, Fish and Parks may, while performing animal damage control, use night-vision equipment and artificial lights, provided the employee obtains permission from the person owning or occupying the land prior to taking an animal that is causing damage.

For purposes of this section, "artificial light" means a man-made light or lighting device that projects lumination for an unaided eye.

For purposes of this section, "night-vision equipment" means an electronic or battery-powered device that enhances a person's ability to see in the dark.

A violation of this section is a Class 2 misdemeanor."

Moved by: Duvall

Second by: Herman Otten

Action: Prevailed by voice vote

### **MOTION: DO PASS SB 73 AS AMENDED**

Moved by: Herman Otten

Second by: Frye-Mueller

Action: Prevailed by Majority Members Elect (5-1-1-0)

Voting Yes: Cammack, Duvall, Frye-Mueller, Klumb, and Herman Otten

Voting No: V. J. Smith

Excused: Heinert

**MOTION: ADJOURN**

Moved by: V. J. Smith

Second by: Duvall

Action: Prevailed by voice vote

Amber Hodgins, Committee Secretary

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/s/ JOSHUA KLUMB  
Joshua Klumb, Chair