

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0273

HOUSE BILL NO. 1026

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 provisions regarding the marking of certain
2 shelters and the removal of certain shelters from the ice of public waters.

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

4 Section 1. That § 41-12-3 be amended to read as follows:

5 41-12-3. It is a Class 2 misdemeanor for any person to set, place, erect, or cause to be set,
6 placed or erected, or to use any fishing house, fishing shanty or other structure or shelter at any
7 time upon the ice of any of the public waters of the state unless the name and address of the
8 owner is plainly marked on its exterior in letters at least two inches in height, and the door
9 thereto is constructed to permit entry at all times to the structure, except when unoccupied and
10 locked from the outside; or to permit any such house, shanty, or other structure or shelter to
11 remain on the ice after the fifth day of March of each year. Any portable shelter which is
12 removed from the ice daily is exempt from the marking requirements. A portable shelter may be
13 placed on public waters of the state after March fifth if the shelter is removed daily.

14 Section 2. That § 41-15-16.1 be amended to read as follows:

15 41-15-16.1. Any fish house, enclosure or other sheltering structure ~~maintained~~ left upon the

1 ice of any public waters of this state for ~~one week subsequent to the date established by rule of~~
2 ~~the game, fish and parks commission for departure off the ice~~ any twenty-four hour period of
3 time after March fifth is deemed abandoned property and may be seized, taken or destroyed by
4 the Department of Game, Fish and Parks unless prior approval is received from an authorized
5 representative of the department granting a delay in removal after March fifth. No liability is
6 incurred by any employee of the department ~~of game, fish and parks~~ acting pursuant to this
7 section.