

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

553H0674

HOUSE BILL NO. 1264

Introduced by: Representatives Klaudt, Burg, Jensen, Lintz, McCaulley, Pummel, and Rhoden
and Senators Bogue, Drake, Greenfield, Koskan, and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding aerial hunting.

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

3 Section 1. That § 41-8-39 be amended to read as follows:

4 41-8-39. No person may intentionally kill or attempt to kill any ~~wild bird or animal~~ wildlife
5 from any aircraft while in flight within this state, nor may any person use any aircraft for the
6 purpose of hunting, taking, concentrating, driving, rallying, stirring up, locating, or spotting for
7 any persons. Any person who, while in flight in an aircraft of any type, kills or attempts to kill
8 any game bird or game animal or uses such aircraft for the purpose of hunting, taking,
9 concentrating, driving, rallying, stirring up, spotting, or locating game birds or game animals for
10 any persons, is guilty of a Class 1 misdemeanor. The prohibitions of this section do not apply to
11 any person who is acting within the scope of that person's official duties as an employee or
12 authorized agent of the state or the United States to administer or protect or aid in the
13 administration or protection of land, water, wildlife, livestock, domesticated animals, human life,
14 or crops; or to any person acting within the limitations of a permit pursuant to § 41-8-39.1.

15 Section 2. That § 41-8-39.1 be amended to read as follows:



1 41-8-39.1. Notwithstanding the provisions of § 41-8-39, any person resident of this state
2 occupying land as an owner or lessee may make application to the Department of Game, Fish
3 and Parks to obtain a permit to kill or attempt to kill coyotes or foxes from an aircraft to protect
4 or aid in the protection of ~~the owner's or lessee's~~ land, water, wildlife, livestock, domesticated
5 animals, human life, or crops, ~~water, wildlife, or human life~~ as permitted under PL 92-159, as
6 amended to January 1, ~~1989~~ 2002, or § 40-36-9. A permit may not be issued for the purpose of
7 sport hunting. ~~The permit authorizes the owner or lessee or a person under contract with the~~
8 ~~owner or lessee to kill or attempt to kill coyotes or foxes from the aircraft on the occupied land~~
9 ~~and up to two miles onto the land of the immediate adjoining neighbor if the owner or lessee has~~
10 ~~first obtained the written consent of the owner or lessee of the adjoining land. The Game, Fish~~
11 ~~and Parks Commission shall promulgate rules pursuant to chapter 1-26 to establish the criteria~~
12 ~~and eligibility of the permittee and conditions under which the permit is granted, number and~~
13 ~~species of animals to be hunted and killed, location where permitted, reports required of the~~
14 ~~permittee, and other rules to implement the provisions of this section. Upon submission of a~~
15 ~~completed application to the department stating the resident's name, address, telephone number,~~
16 ~~resident hunting license number, county or counties where aerial hunting will occur, pilot~~
17 ~~certification data, and medical certificate data, the department shall issue the applicant a permit.~~
18 Any person occupying land as an owner or lessee requiring protection of land, water, wildlife,
19 livestock, domesticated animals, human life, or crops, may contact a pilot permitted for aerial
20 hunting in that county. Upon receipt of the owner's or lessee's written authorization, the
21 permitted pilot may aerial hunt over the owner's or lessee's property for fox and coyotes. An
22 owner's or lessee's written authorization to any permitted pilot is effective for a period not to
23 exceed one year. The permitted pilot shall keep daily records indicating the times, dates, and
24 locations hunted and animals taken and shall file a report with the department within fifteen days

1 after each calendar quarter.

2 Section 3. That chapter 41-8 be amended by adding thereto a NEW SECTION to read as

3 follows:

4 All rules promulgated by the Game, Fish and Parks Commission pursuant to authority

5 granted pursuant to § 41-8-39.1 are hereby repealed.