

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

273T0785

HOUSE CONCURRENT RESOLUTION NO. 1012

Introduced by: Representatives Olson (Betty), Brunner, Cronin, Dennert, Fargen, Greenfield, Hansen (Jon), Hubbel, Jensen, Jones, Kirkeby, Kloucek, Kopp, Liss, Miller, Russell, Schaefer, Schrempp, Steele, Stricherz, Van Gerpen, Vanneman, Verchio, and Wink and Senators Maher, Begalka, Bradford, Brown, Frerichs, Juhnke, Rampelberg, Rhoden, and Sutton

1 A CONCURRENT RESOLUTION, Directing the Department of Game, Fish and Parks to
2 return a mountain lion carcass or pelt to a certain Harding County resident and to reconsider
3 its policy with respect to possession of mountain lion carcasses and pelts.

4 WHEREAS, based on state law recognizing wildlife as the property of the public and
5 allowing licensed hunters to possess wildlife animals taken according to the terms of the license,
6 the Department of Game, Fish and Parks will confiscate the carcasses and pelts of mountain
7 lions that are taken outside the terms of a hunting license, regardless of any extenuating
8 circumstances in individual situations; and

9 WHEREAS, SDCL 41-6-29.1 authorizes a person, licensed or unlicensed, to kill a mountain
10 lion if reasonably necessary to protect the life of any person or if the mountain lion poses an
11 imminent threat to the person's livestock or pets; and

12 WHEREAS, on November 19, 2011, a rancher from Harding County who possessed a
13 license to hunt mountain lions was feeding his sheep when his cattle dogs disappeared. After



1 he finished feeding, he searched for the dogs and found them barking at a mountain lion in a
2 tree. He immediately took his .22 magnum rifle, which he keeps with him at all times, and shot
3 the lion. He then called Game, Fish and Parks to report his kill as instructed on the license. The
4 game warden came to the ranch and confiscated the mountain lion, even though the rancher had
5 a valid license to hunt mountain lions. The rancher not only shot the mountain lion with a too
6 small caliber rifle, but he also told the warden about his dogs finding the mountain lion, and
7 state law prohibits the use of dogs in hunting mountain lions. The rancher has purchased a
8 license to hunt mountain lions for several years because he wanted to keep the lion if he ever
9 shot one; and

10 WHEREAS, in this case, the immediate circumstances of the situation made it impossible,
11 or extremely imprudent and potentially threatening to life or property, to follow all of the
12 requirements of the mountain lion hunting license with respect to caliber of the weapon and the
13 presence of dogs. The person in question held a valid mountain lion hunting license, acted in
14 a prudent manner to address what could have been an emergency situation, and reported his
15 actions promptly and honestly to the Department of Game, Fish and Parks; and

16 WHEREAS, the interpretation of state statute resulting in the confiscation of the mountain
17 lion in this instance is unfair and falls outside the spirit of the statute:

18 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
19 seventh Legislature of the State of South Dakota, the Senate concurring therein, that the South
20 Dakota Legislature requests the Department of Game, Fish and Parks, in the case described in
21 this resolution, to return the mountain lion carcass or pelt to the licensed hunter who shot the
22 mountain lion; and

23 BE IT FURTHER RESOLVED, that the Legislature urges the Department of Game, Fish
24 and Parks to reconsider its policies relating to the confiscation of mountain lions taken by

- 1 licensed hunters in situations in which circumstances require immediate action to protect the
- 2 safety of persons and property.