



2025 South Dakota Legislature

Senate Bill 144

Introduced by: **Senator Karr**

1 **An Act to require legislative approval for significant capital expenditures by the**
 2 **Department of Game, Fish and Parks.**

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

4 **Section 1. That § 41-2-19 be AMENDED:**

5 **41-2-19.** ~~The~~ Subject to section 2 of this Act, the Department of Game, Fish and
 6 Parks may, on behalf and in the name of the state, acquire public or private property by
 7 gift, grant, devise, purchase, lease, or condemnation proceedings, and may manage,
 8 control, and improve the property for the purpose of exercising the powers granted in this
 9 title.

10 **Section 2. That a NEW SECTION be added to chapter 41-2:**

11 The Department of Game, Fish and Parks may not acquire, build, or significantly
 12 improve a building, facility, or other physical asset, or build or significantly improve any
 13 infrastructure, or enter into a lease or a lease-purchase agreement, if doing so would
 14 require a cumulative capital expenditure in excess of one million dollars, without first
 15 obtaining the express approval of the Legislature.

16 The Department of Game, Fish and Parks may not acquire any public or private
 17 real property if doing so would require a cumulative capital expenditure in excess of one
 18 million dollars, without first obtaining:

19 (1) The express approval of the Legislature; or
 20 (2) The express approval of the special committee created in accordance with § 4-8A-
 21 2, if:

22 (a) Time is of the essence; and

23 (b) The Legislature is in a recess or between sessions.

24 No acquisition, construction, improvement, or contract described in this section
 25 may be divided so as to require multiple smaller capital expenditures in order to avoid or

1 otherwise defeat the approval threshold established in this section. Any contract entered
2 into in violation of this section is void and unenforceable.

3 **Section 3. That § 41-2-21 be AMENDED:**

4 **41-2-21.** ~~The~~Subject to section 2 of this Act, the Department of Game, Fish and
5 Parks may acquire_z by any means or methods~~as specified in § 41-2-19_z~~ any public or
6 private real property~~especially~~ desirable for purposes of establishing public shooting areas
7 or for~~the~~ purposes of water conservation or recreation_z and may develop and improve the
8 property for such purposes.

9 **Section 4. That § 41-2-22 be AMENDED:**

10 **41-2-22.** ~~The~~Subject to section 2 of this Act, the Department of Game, Fish and
11 Parks may establish and operate controlled hunting areas whenever_z in the opinion of the
12 Game, Fish and Parks Commission_z the establishment of ~~such~~the areas is in the best
13 interest of the people of ~~South Dakota~~this state.

14 **Section 5. That § 41-2-23 be AMENDED:**

15 **41-2-23.** ~~The~~Subject to section 2 of this Act, the Department of Game, Fish and
16 Parks shall, if directed by the Game, Fish and Parks Commission, expend funds for the
17 improvement of wildlife habitat, access to hunting, and access to fishing or recreation
18 areas on any land, public or private, within the state, notwithstanding the provisions of
19 § 5-14-10. Any land so improved is open to reasonable use by the public.

20 **Section 6. That § 41-2-24 be AMENDED:**

21 **41-2-24.** ~~The~~Subject to section 2 of this Act, the Department of Game, Fish and
22 Parks shall acquire_z by gift, purchase, lease, or condemnation_z and shall improve and
23 manage land areas suitable for park purposes in various portions of the state_z so that a
24 comprehensive state park system may be established. The department may levy and
25 collect service fees for the use of the facilities in the state parks, upon the conditions~~as~~
26 provided in this title. The department may issue its negotiable bonds for such purposes,
27 and in~~such~~the amounts, forms_z and upon~~such~~the conditions~~as~~ provided in this title.
28 The department may cooperate with the United States, with any agency of the United
29 States, and with any other department or public corporation of this state in~~such~~ park
30 activities.

1 **Section 7. That § 41-2-25 be AMENDED:**

2 **41-2-25.** ~~The Subject to section 2 of this Act, the~~ Department of Game, Fish and
3 Parks may make capital improvements that the Game, Fish and Parks Commission deems
4 necessary or proper for the extension, improvement, or development of state parks and
5 recreation areas, on all land leased by the department. The provisions of § 5-14-10 do
6 not apply to this section.

7 **Section 8. That § 41-2-31 be AMENDED:**

8 **41-2-31.** ~~The Subject to section 2 of this Act, the~~ Department of Game, Fish and
9 Parks may accept, use, and expend any funds directed to it and provided by any agency
10 of the United States government or provided by any other private or public sources.

11 **Section 9. That § 41-2-34.1 be AMENDED:**

12 **41-2-34.1.** An amount equal to thirty-five percent of the resident small game
13 license revenue ~~shall~~ must be used for the purpose of restoring the state pheasant and
14 wildlife population. Any land purchased with ~~such funds shall~~ the moneys must be
15 identified as game production areas. ~~Any such~~ A purchase shall must be from a willing
16 seller and ~~shall must~~ be approved by the Governor. A purchase is subject to section 2 of
17 this Act. No acquisition of land made pursuant to this section may be accomplished
18 through the state's power of eminent domain.

19 **Section 10. That § 41-2-34.2 be AMENDED:**

20 **41-2-34.2.** The Game, Fish and Parks Commission shall impose a surcharge in the
21 amount of six dollars on each classification of hunting licenses issued by the Department
22 of Game, Fish and Parks, with the exception of licenses to take fur-bearing animals, one-
23 day small game licenses, predator/varmint licenses, migratory bird certification permits,
24 youth deer licenses, youth small game licenses, and mentored youth big game licenses
25 authorized by § 41-6-81. Of the revenue from the surcharge ~~for each such license, one~~
26 dollar ~~shall~~ must be deposited in the animal damage control fund established pursuant to
27 § 40-36-10~~7~~ and five dollars ~~shall~~ must be deposited in a special fund known as the South
28 Dakota sportsmen's access and landowner depredation fund, which is hereby established.

29 Money in the fund is continuously appropriated for the purposes set forth in this
30 section.

1 Fifty percent of the money in the South Dakota sportsmen's access and landowner
 2 deprecation fund ~~shall~~ must be available to landowners, pursuant to procedures and
 3 amounts to be established in rules promulgated by the commission, pursuant to chapter
 4 1-26, for purposes of providing hunting access on the landowners' land and for wildlife
 5 deprecation and damage management programs. Fifty percent of the money in the South
 6 Dakota sportsmen's access and landowner deprecation fund ~~shall~~ must be available for
 7 purposes of acquiring free public hunting access by lease agreement. Expenditures under
 8 this section are subject to section 2 of this Act.

9 **Section 11. That § 41-2-35 be AMENDED:**

10 **41-2-35.** ~~All moneys in the Department of Game, Fish and Parks~~ Moneys in the
 11 game, fish and parks fund are hereby annually appropriated to must be budgeted through
 12 the general appropriation bill and may be used, together with any moneys otherwise
 13 appropriated, to pay the necessary expenses of effectuating the purposes of this title. The
 14 use of moneys referenced in this section is subject to section 2 of this Act.

15 **Section 12. That § 41-4-1 be AMENDED:**

16 **41-4-1.** The Department of Game, Fish and Parks may acquire or condemn private
 17 property, if the property is necessary to carry out the purposes and intent of this title. If
 18 the Game, Fish and Parks Commission deems it necessary to take or condemn any private
 19 property for such purposes, the commission ~~shall by proper~~ must, by resolution, declare
 20 ~~such~~ the necessity, stating the purpose and extent of the action. The commission shall
 21 communicate the resolution to the attorney general, and thereupon the proceedings to
 22 take or condemn the property ~~shall~~ must be conducted as provided by ~~the laws of this~~
 23 state law, in the name of the state as plaintiff. Any acquisition or condemnation under this
 24 section is subject to section 2 of this Act.

25 **Section 13. That § 41-4-1.1 be AMENDED:**

26 **41-4-1.1.** Before the Department of Game, Fish and Parks purchases any land
 27 pursuant to § 41-2-19, 41-2-21, 41-2-24, 41-4-1, or 41-4-3, the department shall notify
 28 the owners of any land, ~~which is~~ located adjacent to the land sought to be purchased by
 29 the department, that the department is seeking to purchase such land. ~~The notification~~
 30 ~~shall be by publishing~~ department shall publish notice of the ~~same~~ intended purchase once
 31 in each legal newspaper of the county in which the property ~~to be purchased~~ is located.

1 ~~The notification shall be made~~ notice must be published at least thirty days prior to the
 2 date of action by the Game, Fish and Parks Commission authorizing the intended purchase.
 3 ~~The notice shall~~ must include the time and location of the meeting at which the
 4 commission's action is expected and instructions for presenting oral and written comments
 5 to the commission. Any purchase under this section is subject to section 2 of this Act.

6 **Section 14. That § 41-4-2 be AMENDED:**

7 **41-4-2.** Payment for lands acquired by eminent domain, including the cost and
 8 expenses of condemnation proceedings, ~~shall~~ must be paid out of the ~~Department of~~
 9 ~~Game, Fish and Parks~~ department of game, fish and parks fund, and ~~such~~ any part of
 10 ~~such~~ the fund as may be necessary is hereby appropriated for ~~such~~ the stated purposes,
 11 ~~and the.~~ The state auditor shall issue warrants upon the state treasurer against ~~such~~ the
 12 fund, upon vouchers duly approved by the Game, Fish and Parks Commission. Any
 13 payment under this section is subject to section 2 of this Act.

14 **Section 15. That § 41-4-3 be AMENDED:**

15 **41-4-3.** Three dollars received from the sale of each nonresident small game
 16 license ~~shall~~ must be placed in a fund to be known as the land acquisition and development
 17 fund. The moneys from this fund ~~shall~~ must be used for the following purposes:

- 18 (1) To acquire, subject to the section 2 of this Act, by purchase or lease, real property
 19 to be used primarily for game production. ~~Such~~ The real property ~~shall~~ must remain
 20 open for public hunting;
 21 (2) To pay the salary and any necessary expenses of any employee of the Department
 22 of Game, Fish and Parks engaged in the acquisition of ~~such~~ the real property;
 23 (3) For improving and maintaining game production areas, subject to the section 2 of
 24 this Act; and
 25 (4) For the payment of taxes on public shooting areas.

26 Not more than twenty-five percent of the land acquisition and development fund,
 27 after the payment of taxes, may be used for the administration of the fund or for improving
 28 and maintaining game production areas.

29 **Section 16. That § 41-4-10 be AMENDED:**

30 **41-4-10.** The Department of Game, Fish and Parks may acquire by gift or lease,
 31 from willing landowners, the right to maintain unused, terminated, or abandoned section-

1 line rights-of-way as game production areas. This section does not apply to section lines
2 where roads have never been developed. No ~~such~~ interest acquired by the department
3 may prevent a roadway from being reopened to public travel.

4 Every political subdivision of the state east of the Missouri River, having highways
5 or roadways under its jurisdiction, may notify the Department of Game, Fish and Parks of
6 any ~~of its~~ developed rights-of-way that are not being maintained as public highways or
7 roads, and shall cooperate with the department in acquiring and maintaining ~~such~~ the
8 rights-of-way for use as game production areas. Any acquisition under this section is
9 subject to section 2 of this Act.

10 **Section 17. That § 41-17-4 be AMENDED:**

11 **41-17-4.** The Department of Game, Fish and Parks may, with the approval of the
12 Governor and commissioner of human resources and administration, purchase, construct,
13 or otherwise acquire, or contract for the feasibility survey, construction, completion,
14 equipping, or furnishing, of any recreational or parks facility within any state park or state
15 recreation area, if the Game, Fish and Parks Commission deems the facility to be
16 necessary and feasible. Any purchase, construction, acquisition, or contract under this
17 section is subject to section 2 of this Act.

18 **Section 18. That § 41-17-14 be AMENDED:**

19 **41-17-14.** The total net receipts from license fees under § 41-17-13 ~~shall~~ must
20 be deposited in the parks and recreation fund established by § 41-17-21 and ~~be~~ used by
21 the Game, Fish and Parks Commission, subject to section 2 of this Act, for operating and
22 maintaining the existing state park system as defined in § 41-17-1.1, in ~~such~~ a manner
23 ~~as to advance and promote~~ that advances and promotes the tourist industry in ~~South~~
24 ~~Dakota~~ this state. No portion of the moneys raised by these fees may be used to purchase
25 land for park sites.

26 **Section 19. That § 41-17-14.1 be AMENDED:**

27 **41-17-14.1.** The Department of Game, Fish and Parks may issue permits for
28 camping in the state park system. The camping permits ~~shall~~ must be issued according to
29 rules adopted pursuant to § 41-17-1.1. Fees collected for camping permits ~~shall~~ must
30 be deposited in the parks and recreation fund established by § 41-17-21. The funds ~~shall~~
31 must be used, subject to section 2 of this Act, for development, capital improvement,

1 operating, and maintaining the state park system, as defined in § 41-17-1.1. No portion
2 of the moneys raised by these fees may be used to purchase land for park sites.

3 **Section 20. That § 41-17-15 be AMENDED:**

4 **41-17-15.** All income realized from the collection of park service fees established
5 by rules adopted pursuant to § 41-17-1.1 ~~shall~~ must be deposited in the parks and
6 recreation fund established by § 41-17-21. The income ~~shall~~ may, subject to section 2 of
7 this Act, be expended by the Department of Game, Fish and Parks only for the
8 improvement and development of the state parks, or in payment of any revenue bond
9 issued under the provisions of this chapter.

10 **Section 21. That § 41-2-35.1 be REPEALED.**

11 ~~Notwithstanding any other provisions of law, all funds received by the Department~~
12 ~~of Game, Fish and Parks shall be set forth in an informational budget as described in § 4-~~
13 ~~7-7.2 and be annually reviewed by the Legislature. Nothing in this section affects~~
14 ~~department control over expenditures of any portion of dedicated revenues received by~~
15 ~~the department.~~