



2025 South Dakota Legislature

Senate Bill 153

Introduced by: **Senator Karr**

1 **An Act to require that expenditures from the department of game, fish and parks**
 2 **fund be budgeted through the general appropriation bill.**

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

4 **Section 1. That § 32-5-197 be AMENDED:**

5 **32-5-197.** The Department of Game, Fish and Parks, and its agents, may sell the
 6 habitat conservation emblems and are responsible for the administration of the habitat
 7 conservation emblem. Fees for the habitat conservation emblems must be set by rules
 8 promulgated by the Game, Fish and Parks Commission pursuant to chapter 1-26. Any
 9 revenue collected from the sale of the habitat conservation emblems must be deposited
 10 into the department of game, fish and parks fund. Expenditures from the fund, for the
 11 purposes of habitat development and enhancement on public and private lands, must be
 12 budgeted through the general appropriation bill.

13 **Section 2. That § 40-36-9 be AMENDED:**

14 **40-36-9.** The Department of Game, Fish and Parks may direct or employ personnel
 15 and conduct programs and the Game, Fish and Parks Commission may adopt, pursuant to
 16 chapter 1-26 ~~necessary,~~ rules to control ~~foxes,~~ coyotes, feral dogs, foxes, prairie dogs,
 17 and other wild animals. ~~The expense thereof shall be paid out of the Department of Game,~~
 18 ~~Fish and Parks Sources of moneys for the purposes of this section are the department of~~
 19 game, fish, and parks fund or and the state animal damage control fund. Expenditures
 20 from the department of game, fish and parks fund must be budgeted through the general
 21 appropriation bill.

22 **Section 3. That § 41-2-19 be AMENDED:**

23 **41-2-19.** The Department of Game, Fish and Parks may, on behalf and in the
 24 name of the state, acquire public or private property by gift, grant, devise, purchase,

1 lease, or condemnation proceedings, and may manage, control, and improve the property
2 for the purpose of exercising the powers granted in this title. The source of moneys for
3 the acquisition of property, or its management, control and improvement, in accordance
4 with this section, is the department of game, fish and parks fund. Expenditures from the
5 fund must be budgeted through the general appropriation bill.

6 **Section 4. That § 41-2-21 be AMENDED:**

7 **41-2-21.** The Department of Game, Fish and Parks may acquire, by any means or
8 methods ~~as specified in § 41-2-19,~~ any public or private real property ~~especially~~ desirable
9 for purposes of establishing public shooting areas or for ~~the~~ purposes of water
10 conservation or recreation, and may develop and improve the property ~~for such~~ the stated
11 purposes. The source of moneys for the acquisition of property, or its development and
12 improvement, in accordance with this section, is the department of game, fish and parks
13 fund. Expenditures from the fund must be budgeted through the general appropriation
14 bill.

15 **Section 5. That § 41-2-22 be AMENDED:**

16 **41-2-22.** The Department of Game, Fish and Parks may establish and operate
17 controlled hunting areas whenever, in the opinion of the Game, Fish and Parks
18 Commission, the establishment of such areas is in the best interest of the people of South
19 Dakota. The source of moneys for any establishment and operation under this section is
20 the department of game, fish and parks fund. Expenditures from the fund must be
21 budgeted through the general appropriation bill.

22 **Section 6. That § 41-2-23 be AMENDED:**

23 **41-2-23.** The Department of Game, Fish and Parks shall, if directed by the Game,
24 Fish and Parks Commission, expend funds for the improvement of wildlife habitat, access
25 to hunting, and access to fishing or recreation areas on any land, public or private, within
26 the state, notwithstanding the provisions of § 5-14-10. Any land so improved is open to
27 reasonable use by the public. The source of moneys for any improvement or access under
28 this section is the department of game, fish and parks fund. Expenditures from the fund
29 must be budgeted through the general appropriation bill.

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

1 **41-2-25.** The Department of Game, Fish and Parks may make capital
2 improvements that the Game, Fish and Parks Commission deems necessary or proper for
3 the extension, improvement, or development of state parks and recreation areas on all
4 land leased by the department. The provisions of § 5-14-10 do not apply to this section.
5 The source of moneys for any improvements under this section is the department of game,
6 fish and parks fund. Expenditures from the fund must be budgeted through the general
7 appropriation bill.

8 **Section 8. That § 41-2-29 be AMENDED:**

9 **41-2-29.** The Department of Game, Fish and Parks may authorize sales of any ~~and~~
10 all forest products or of lands owned by the department. Proceeds from ~~such sales shall~~
11 become a part of the funds authorized for use of the Department of Game, Fish and Parks
12 by this chapter the sales must be deposited into the department of game, fish and parks
13 fund. Moneys in the fund must be budgeted through the general appropriation bill.

14 **Section 9. That § 41-2-31 be AMENDED:**

15 **41-2-31.** ~~The Moneys directed to the~~ Department of Game, Fish and Parks ~~may~~
16 ~~accept, use, and expend any funds directed to it and provided~~ by any agency of the United
17 States government or provided by any other private or public sources must be deposited
18 into the department of game, fish and parks fund. Moneys in the fund must be budgeted
19 through the general appropriation bill.

20 **Section 10. That § 41-2-35 be AMENDED:**

21 **41-2-35.** ~~All moneys in the Department of Game, Fish and Parks~~ Moneys in the
22 department of game, fish and parks fund are hereby annually appropriated to ~~must be~~
23 budgeted through the general appropriation bill and may be used with any moneys
24 otherwise appropriated to pay the necessary expenses of effectuating the purposes of this
25 title.

26 **Section 11. That § 41-2-35.1 be REPEALED.**

27 ~~Notwithstanding any other provisions of law, all funds received by the Department~~
28 ~~of Game, Fish and Parks shall be set forth in an informational budget as described in § 4-~~
29 ~~7-7.2 and be annually reviewed by the Legislature. Nothing in this section affects~~

1 ~~department control over expenditures of any portion of dedicated revenues received by~~
2 ~~the department.~~

3 **Section 12. That § 41-4-2 be AMENDED:**

4 **41-4-2.** ~~Payment~~ The source of payment for lands acquired by eminent domain,
5 including the cost and expenses of condemnation proceedings, ~~shall be paid out of the~~
6 ~~Department of Game, Fish and Parks fund, and such part of such fund as may be necessary~~
7 ~~is hereby appropriated for such purposes, and the state auditor shall issue warrants upon~~
8 ~~the state treasurer against such fund upon vouchers duly approved by the Game, Fish and~~
9 ~~Parks Commission~~ is the department of game, fish and parks fund. Expenditures from the
10 fund must be budgeted through the general appropriation bill.

11 **Section 13. That § 41-6-86 be AMENDED:**

12 **41-6-86.** ~~.All revenue collected from the sale of the habitat stamp provided for in~~
13 ~~§ 41-6-85 shall~~ must be deposited in the department of game, fish and parks fund.
14 Expenditures from the fund for the purposes of enhancing terrestrial habitat on public
15 lands, providing additional public access to private lands, and providing aquatic habitat
16 enhancements on public waters must be budgeted through the general appropriation bill.
17 All fees collected from persons who only purchase fishing licenses ~~shall~~ must be used
18 ~~solely~~ for aquatic habitat and access projects in public waters. All fees collected from
19 persons who only purchase hunting or trapping licenses ~~shall~~ must be used ~~solely~~ for
20 terrestrial habitat and public access programs. All fees collected from persons ~~that~~
21 ~~purchase~~ who purchase privileges to fish and hunt, or trap ~~shall~~ must be extended equally
22 for aquatic and terrestrial habitat.

23 Proceeds from the habitat stamp fee collected may not be used to purchase
24 property in fee title.

25 The department shall deliver an annual itemized expenditure report to the
26 Government Operations and Audit Committee.

27 **Section 14. That § 41-13-1 be AMENDED:**

28 **41-13-1.** It is a Class 1 misdemeanor for any person to empty or allow to be
29 emptied, to place or allow to be placed, any sawdust, manure, refuse matter, sedimentary
30 materials, pollutants, or chemicals of any kind in ~~the~~ waters of this state containing fish
31 and wildlife, or to deposit the same within such distance that it may be carried into ~~such~~

1 the waters by natural causes, except as ~~expressly~~ provided in this chapter. Any person
2 who knowingly or willfully empties, places, or discharges pollutants or chemicals into state
3 waters is liable to the Department of Game, Fish and Parks for an amount, to be deposited
4 in the department of game, fish and parks fund, ~~which will~~. Expenditures from the fund
5 must be used to compensate for the restoration of losses and must be budgeted through
6 the general appropriation bill.