

2025 South Dakota Legislature

Senate Bill 144**AMENDMENT 144B
FOR THE INTRODUCED BILL**

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~~ Notwithstanding any provision of this title to the contrary, the Department of
12 Game, Fish and Parks may not acquire, build, or significantly improve a building, facility,
13 or other physical asset, or build or significantly improve any infrastructure, or enter into
14 a lease or a lease-purchase agreement, if doing so would require a cumulative capital
15 expenditure in excess of ~~one two~~ million ~~five hundred thousand~~ dollars, without first
16 obtaining the express approval of the Legislature.

17 ~~The~~ Notwithstanding any provision of this title to the contrary, the Department of
18 Game, Fish and Parks may not acquire any public or private real property if doing so would
19 require a cumulative capital expenditure in excess of ~~one two~~ million ~~five hundred~~
20 thousand dollars, without first obtaining:

21 (1) The express approval of the Legislature; or

22 (2) The express approval of the special committee created in accordance with § 4-8A-
23 2, if:

24 (a) Time is of the essence; and

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

1 No acquisition, construction, improvement, or contract described in this section
2 may be divided so as to require multiple smaller capital expenditures in order to avoid or
3 otherwise defeat the approval threshold established in this section.

4 Any contract entered into in violation of this section is ~~void and unenforceable~~
5 voidable in a legal action initiated by the attorney general.

6 The applicability of this section includes any action authorized under this title.

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

8 ~~**41-2-21.** The Subject to section 2 of this Act, the Department of Game, Fish and Parks may
9 acquire, by any means or methods as specified in § 41-2-19, any public or private real
10 property especially desirable for purposes of establishing public shooting areas or for the
11 purposes of water conservation or recreation, and may develop and improve the property for
12 such purposes.~~

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

14 ~~**41-2-22.** The Subject to section 2 of this Act, the Department of Game, Fish and Parks may
15 establish and operate controlled hunting areas whenever, in the opinion of the Game, Fish
16 and Parks Commission, the establishment of such the areas is in the best interest of the
17 people of South Dakota this state.~~

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

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

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

25 ~~**41-2-24.** The Subject to section 2 of this Act, the Department of Game, Fish and Parks shall
26 acquire, by gift, purchase, lease, or condemnation, and shall improve and manage land areas
27 suitable for park purposes in various portions of the state, so that a comprehensive state park
28 system may be established. The department may levy and collect service fees for the use of
29 the facilities in the state parks, upon the conditions as provided in this title. The department
30 may issue its negotiable bonds for such purposes, and in such the amounts, forms, and upon~~

1 ~~such the conditions as provided in this title. The department may cooperate with the United~~
2 ~~States, with any agency of the United States, and with any other department or public~~
3 ~~corporation of this state in such park activities.~~

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

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

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

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

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

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

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

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

1 ~~Money in the fund is continuously appropriated for the purposes set forth in this section.~~

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

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

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

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

17 ~~**41-4-1.** The Department of Game, Fish and Parks may acquire or condemn private property,~~
18 ~~if the property is necessary to carry out the purposes and intent of this title. If the Game, Fish~~
19 ~~and Parks Commission deems it necessary to take or condemn any private property for such~~
20 ~~purposes, the commission shall by proper must, by resolution, declare such the necessity,~~
21 ~~stating the purpose and extent of the action. The commission shall communicate the~~
22 ~~resolution to the attorney general, and thereupon the proceedings to take or condemn the~~
23 ~~property shall must be conducted as provided by the laws of this state law, in the name of~~
24 ~~the state as plaintiff. Any acquisition or condemnation under this section is subject to section~~
25 ~~2 of this Act.~~

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

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

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

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

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

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

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

19 (1) ~~To acquire, subject to the section 2 of this Act, by purchase or lease,~~ real property to be
20 used primarily for game production. Such The real property shall must remain open for public
21 hunting;

22 (2) ~~To pay the salary and any necessary expenses of any employee of the Department of~~
23 ~~Game, Fish and Parks engaged in the acquisition of such the real property;~~

24 (3) ~~For improving and maintaining game production areas, subject to the section 2 of this Act;~~
25 and

26 (4) ~~For the payment of taxes on public shooting areas.~~

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

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

2 ~~41-4-10.~~ The Department of Game, Fish and Parks may acquire by gift or lease, from willing
3 landowners, the right to maintain unused, terminated, or abandoned section line rights of
4 way as game production areas. This section does not apply to section lines where roads have
5 never been developed. No such interest acquired by the department may prevent a roadway
6 from being reopened to public travel.

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

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

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

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

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

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

29 ~~41-17-14.1.~~ The Department of Game, Fish and Parks may issue permits for camping in the
30 state park system. The camping permits shall must be issued according to rules adopted

1 pursuant to ~~§ 41-17-1.1~~. Fees collected for camping permits shall must be deposited in the
2 parks and recreation fund established by ~~§ 41-17-21~~. The funds shall must be used, subject
3 to section 2 of this Act, for development, capital improvement, operating, and maintaining
4 the state park system, as defined in ~~§ 41-17-1.1~~. No portion of the moneys raised by these
5 fees may be used to purchase land for park sites.

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

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

13 **Section 21. That ~~§ 41-2-35.1~~ be REPEALED:**

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