

State of South Dakota

EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

570V0015

HOUSE BILL NO. 1185

Introduced by: Representatives Werner, Anderson, Bartling, Cammack, Campbell, Conzet, Craig, Cronin, Dryden, Ecklund, Feickert, Greenfield, Haggar (Don), Haggar (Jenna), Hawks, Heinert, Hickey, Hoffman, Hunhoff (Bernie), Johns, Kaiser, Killer, Kopp, Langer, Latterell, Magstadt, May, Nelson, Olson (Betty), Peterson, Qualm, Rasmussen, Ring, Romkema, Rounds, Rozum, Russell, Schaefer, Schoenfish, Schrempp, Sly, Soli, Solum, Stalzer, Steele, Stevens, Tulson, Tyler, Verchio, and Wink and Senators Brown, Begalka, Bradford, Ewing, Frerichs, Jensen, Jones (Chuck), Jones (Tom), Kirkeby, Krebs, Lederman, Lucas, Maher, Monroe, Omdahl, Otten (Ernie), Rampelberg, Rave, Rhoden, Solano, Sutton, Vehle, and Welke

1 FOR AN ACT ENTITLED, An Act to allow certain veterans and family members of residents
2 to obtain nonresident waterfowl hunting privileges, and to establish a penalty.

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

4 Section 1. That chapter 41-6 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 In addition to the special nonresident waterfowl licenses provided for in § 41-6-18.1, the
7 Department of Game, Fish and Parks shall offer for sale special nonresident waterfowl licenses
8 as provided in this section. The additional licenses authorized pursuant to this section may be
9 applied for, issued, and used only as provided in this section and as authorized by the Game,
10 Fish and Parks Commission in rules promulgated pursuant to chapter 1-26. Any such additional
11 license issued pursuant to this section entitles the licensee to hunt migratory waterfowl for two



1 periods of five consecutive days each. Sale of licenses pursuant to this section is not subject to,
2 and does not affect, the license quotas established in §§ 41-6-18.1 and 41-6-18.4, except as
3 provided in § 41-6-18.2. The price of licenses sold under this section is the same as special
4 nonresident waterfowl licenses issued pursuant to § 41-6-18.1, and funds from the sale of
5 licenses under this section shall be disbursed and used in the same manner as specified in
6 § 41-6-18.1. Special nonresident waterfowl licenses issued pursuant to this section may only be
7 issued to nonresident applicants under the following conditions:

8 (1) The nonresident applicant was born in South Dakota and is a veteran as defined in
9 § 33A-2-1. The nonresident applicant shall provide documentation specified by the
10 department verifying eligibility for a special nonresident waterfowl license under this
11 subdivision; or

12 (2) The nonresident applicant is of legal hunting age, meets all age-related hunting
13 requirements specified in this title, and is a family member of a South Dakota
14 resident who sponsors the nonresident's license application. To qualify as a sponsor,
15 a person shall be a South Dakota resident who possesses a current resident hunting
16 license and who is related to the nonresident applicant as a mother, father, brother,
17 sister, son, daughter, spouse, grandparent, grandchild, brother-in-law, sister-in-law,
18 son-in-law, daughter-in-law, father-in-law, mother-in-law, stepfather, stepmother,
19 stepbrother, stepsister, stepson, stepdaughter, step grandparent, or step grandchild.

20 It is a Class 1 misdemeanor for any person to knowingly and falsely make application to
21 sponsor a nonresident hunter or knowingly and falsely make application to obtain a special
22 nonresident waterfowl license under this Act, and that person shall lose all hunting privileges
23 for one year following conviction.

24 Section 2. That § 41-6-18.1 be amended to read as follows:

1 41-6-18.1. It is a Class 2 misdemeanor for a nonresident to hunt, take, or kill migratory
2 waterfowl without a special nonresident waterfowl license, a fall three-day temporary
3 nonresident waterfowl license, early fall Canada goose temporary nonresident license, or a
4 spring snow goose temporary nonresident license, a migratory bird certification permit, and a
5 federal migratory bird stamp, or in violation of the conditions of the licenses or the rules of the
6 Game, Fish and Parks Commission.

7 A special nonresident waterfowl license, except as otherwise provided in this title, entitles
8 the licensee to hunt migratory waterfowl for ten consecutive days. Four dollars received from
9 the sale of each special nonresident waterfowl license shall be placed in the land acquisition and
10 development fund. The moneys from this fund shall be used to acquire by purchase or lease real
11 property to be used primarily for game production. This license shall be in such form as the
12 Game, Fish and Parks Commission shall prescribe.

13 The provision in this section limiting the validity of a special nonresident waterfowl license
14 to ten consecutive days does not apply in Union, Clay, Bon Homme, Yankton, and Charles Mix
15 counties; and in such counties, the special nonresident waterfowl license is valid during the
16 same period as is a resident waterfowl license.

17 ~~The~~ Except as provided in section 1 of this Act, the Game, Fish and Parks Commission may
18 issue no more than four thousand special nonresident waterfowl licenses in a calendar year.