

State of South Dakota

EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

570V0015

HOUSE ENGROSSED NO. **HB 1185** - 02/06/2014

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 family members of residents to obtain
2 nonresident waterfowl hunting privileges, to provide preference for certain nonresident
3 veterans, and to establish a penalty.

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

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

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



1 license issued pursuant to this section entitles the licensee to hunt migratory waterfowl for two
2 periods of five consecutive days each. No person may be issued more than one license pursuant
3 to this section for the same waterfowl season. Sale of licenses pursuant to this section is not
4 subject to, and does not affect, the license quotas established in §§ 41-6-18.1 and 41-6-18.4,
5 except as provided in § 41-6-18.2. The price of licenses sold under this section is the same as
6 special nonresident waterfowl licenses issued pursuant to § 41-6-18.1, and funds from the sale
7 of licenses under this section shall be disbursed and used in the same manner as specified in
8 § 41-6-18.1.

9 A special nonresident waterfowl license issued pursuant to this section may only be issued
10 to a nonresident applicant who is at least eighteen years old and is a family member of a South
11 Dakota resident who sponsors the nonresident's license application. To qualify as a nonresident
12 applicant, the applicant shall either provide proof of being born in South Dakota or have
13 possessed a resident South Dakota hunting license during the applicant's lifetime. A nonresident
14 family member who receives a license pursuant to this section shall be accompanied in the field
15 by the designated family member sponsor. To qualify as a sponsor, a person shall be a South
16 Dakota resident who is at least eighteen years old; who possesses a current resident hunting
17 license, migratory bird certification permit, and a federal migratory bird stamp; and who is
18 related to the nonresident applicant as a mother, father, brother, sister, son, daughter,
19 grandparent, grandchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law,
20 father-in-law, or mother-in-law.

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

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

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

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

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

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

If a person is issued a special nonresident waterfowl license pursuant to section 1 of this Act, the person may not be issued a license pursuant to this section for the same waterfowl season.

Any nonresident applying for a nonresident license specified in this section who was born in South Dakota and who is a veteran as defined in § 33A-2-1 shall receive one preference point for each such license for which the person applies.