



2026 South Dakota Legislature

House Bill 1265

Introduced by: **Representative Jordan**

1 **An Act to establish an avian special purpose salvage permit.**

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

3 **Section 1. That § 41-6-10 be AMENDED:**

4 **41-6-10.** Licenses, and permits, ~~and stamps~~ issued under this title are classified
5 as follows:

- 6 (1) Avian special purpose salvage permit;
7 (2) Breeding and raising birds license;
8 ~~(2)~~(3) Disabled hunter permit;
9 ~~(3)~~(4) Export bait dealer license;
10 ~~(4)~~(5) Fur dealer's license;
11 ~~(5)~~(6) Hoop net, trap, or setline license;
12 ~~(6)~~(7) Mentored youth hunting license;
13 ~~(7)~~(8) Nonresident big game license;
14 ~~(8)~~(9) Nonresident fishing license;
15 ~~(9)~~(10) Nonresident and resident migratory bird certification permit;
16 ~~(10)~~(11) Nonresident predator/varmint license;
17 ~~(11)~~(12) Nonresident retail bait dealer license;
18 ~~(12)~~(13) Nonresident shooting preserve license;
19 ~~(13)~~(14) Nonresident small game license;
20 ~~(14)~~(15) Nonresident wholesale bait dealer license;
21 ~~(15)~~(16) Nonresident wild turkey license;
22 ~~(16)~~(17) Nursing facility group fishing license;
23 ~~(17)~~(18) Park user's license;
24 ~~(18)~~(19) Permit for transportation of big game animal;
25 ~~(19)~~(20) Private fish hatchery license;
26 ~~(20)~~(21) Reciprocal nonresident license to take fur-bearing animals;

- 1 ~~(21)~~(22) Resident license to take fur-bearing animals;
 2 ~~(22)~~(23) Resident big game license;
 3 ~~(23)~~(24) Resident elk license;
 4 ~~(24)~~(25) Resident fishing license and resident senior fishing license;
 5 ~~(25)~~(26) Resident retail bait dealer license;
 6 ~~(26)~~(27) Resident small game license and resident youth small game license;
 7 ~~(27)~~(28) Resident predator/varmint license;
 8 ~~(28)~~(29) Resident wholesale bait dealer license;
 9 ~~(29)~~(30) Resident wild turkey license;
 10 ~~(30)~~(31) Scientific collector's license;
 11 ~~(31)~~(32) Special nonresident waterfowl license;
 12 ~~(32)~~(33) Taxidermist's license;
 13 ~~(33)~~(34) Temporary fishing and hunting licenses;
 14 ~~(34)~~(35) Temporary nonresident early fall Canada goose license;
 15 ~~(35)~~(36) Temporary nonresident fall three-day waterfowl license; and
 16 ~~(36)~~(37) Temporary nonresident spring snow goose license.

17 The rights and privileges of ~~such the~~ licensees and permittees are set forth in
 18 §§ 41-6-12 to 41-6-45.1, inclusive, section 3 of this Act, and ~~in~~ § 41-17-13. The Game,
 19 Fish and Parks Commission shall promulgate rules pursuant to chapter 1-26 to set the
 20 fees, eligibility, and duration for ~~such the~~ licenses and permits.

21 **Section 2. That § 41-11-7 be AMENDED:**

22 **41-11-7.** ~~Except as permitted by statute, no~~No person may take or have in
 23 possession or break or destroy any nest or the eggs of the kinds of birds, the taking or
 24 killing of which is at any time or at all times prohibited. A violation of this section is a Class
 25 2 misdemeanor.

26 This section does not apply to:

- 27 (1) Any unintentional destruction during normal agricultural operations or other lawful
 28 activities; or
 29 (2) Actions undertaken by an individual if those actions are permitted under the
 30 individual's:
 31 (a) Avian special purpose salvage permit, issued in accordance with section 3
 32 of this Act; or

1 **(b)** Migratory bird special purpose salvage permit, issued by the United States
2 Fish and Wildlife Service, in accordance with 50 C.F.R § 21.95 (January 1,
3 2026).

4 **Section 3. That a NEW SECTION be added to chapter 41-11:**

5 Before an individual may salvage eggs from non-migratory game bird nests, which
6 have been or may be unintentionally destroyed during normal agricultural operations or
7 other lawful activities, the individual must obtain an avian special purpose salvage permit
8 from the Department of Game, Fish and Parks. The permit authorizes the individual to:
9 (1) Salvage eggs from non-migratory game bird nests;
10 (2) Incubate and hatch eggs from non-migratory game bird nests; and
11 (3) Band and release the birds at a developmental stage appropriate for survival.

12 The department shall develop and post a permit application on its website. A permit
13 under this section is valid until December thirty-first of each year.

14 **Section 4. That a NEW SECTION be added to chapter 41-11:**

15 The Game, Fish and Parks Commission shall, by rules promulgated in accordance
16 with chapter 1-26:

- 17 (1) Establish the criteria for determining the developmental stage at which and manner
18 in which hatched birds are to be released;
19 (2) Establish documentation requirements pertaining to the release of the birds; and
20 (3) Establish an annual fee for the permit, not in excess of ten dollars.

21 The department shall forward any moneys collected under this section to the state
22 treasurer for deposit in the department of game, fish and parks fund.