

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

570V0015

SENATE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **HB 1185** - 02/25/2014

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

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 revise certain provisions relating to nonresident
2 waterfowl licenses.

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

4 Section 1. That § 41-6-18.1 be amended to read as follows:

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



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

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

11 ~~The~~ If the Game, Fish and Parks Commission ~~may issue no~~ allocates more than four
12 thousand ~~special~~ nonresident waterfowl licenses in a calendar year, any increase in the number
13 of licenses allocated may not exceed five percent of the number of licenses allocated in the
14 previous calendar year.

15 Section 2. That § 41-6-18.4 be amended to read as follows:

16 41-6-18.4. The Game, Fish and Parks Commission may promulgate rules in accordance with
17 chapter 1-26 to authorize the department to issue ~~up to two thousand fall three-day temporary~~
18 ~~nonresident waterfowl licenses, up to two thousand early fall Canada goose temporary~~
19 ~~nonresident waterfowl licenses, and a number of spring snow goose temporary nonresident~~
20 ~~licenses to be determined by the department, and to establish the fee therefor, validity of the~~
21 ~~licenses issued, types of waterfowl to be hunted, and areas in which hunting is permitted. Up~~
22 ~~to five hundred of the fall three-day temporary nonresident waterfowl licenses shall be made~~
23 ~~available for use in the counties of Brown, Marshall, Roberts, Day, Grant, Clark, Codington,~~
24 ~~Deuel, and Hamlin. The commission, in rules promulgated pursuant to chapter 1-26, may~~

1 ~~establish a process and criteria to allow the issuance of a portion of the five hundred licenses~~
2 ~~in counties other than those specified if the department determines that such licenses are~~
3 ~~otherwise likely to remain unsold. Except for the fall three-day temporary nonresident waterfowl~~
4 ~~licenses issued in Brown, Marshall, Roberts, Day, Grant, Clark, Codington, Deuel, and Hamlin~~
5 ~~counties, the fall three-day temporary nonresident waterfowl licenses are valid only on private~~
6 ~~property, but are not valid on private property leased by the department for public hunting or on~~
7 ~~highways or other public rights-of-way within this state that otherwise meet the requirements~~
8 ~~of § 41-9-1.3. Any increase in the number of temporary nonresident waterfowl licenses allocated~~
9 ~~by the commission in a year may not exceed five percent of the number of licenses allocated for~~
10 ~~the same license type in the previous year.~~

11 Revenue from the sale of ~~fall three-day~~ temporary nonresident waterfowl licenses shall be
12 deposited in the department's land acquisition and development fund to be used to acquire, by
13 lease, permit, or otherwise, interests in real property to be used for providing waterfowl hunting
14 public access ~~in the counties adjacent to the Missouri River. Revenue from the sale of early fall~~
15 ~~Canada goose temporary nonresident licenses shall be deposited in the department's land~~
16 ~~acquisition and development fund to be used to acquire by lease, permit, or otherwise, interests~~
17 ~~in real property to be used for providing waterfowl hunting public access. Before promulgating~~
18 rules which permit the issuance of ~~fall three-day~~ temporary nonresident waterfowl licenses, the
19 commission shall determine that adequate waterfowl hunting public access has been provided
20 through the department's land acquisition and development fund or through other means.