

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0212

## HOUSE ENGROSSED NO. **HB1038** - 2/22/99

Introduced by: The Committee on State Affairs at the request of the Department of Game,  
Fish, and Parks

1 FOR AN ACT ENTITLED, An Act to revise the system of issuing and selling certain licenses,  
2 permits, and stamps by agents of the Department of Game, Fish and Parks, to repeal the  
3 reimbursement to counties for services rendered in such sales, and to provide additional  
4 funds to the state animal damage control fund.

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

6 Section 1. That § 41-2-33 be amended to read as follows:

7 41-2-33. The Department of Game, Fish and Parks may appoint license issuing agents to  
8 issue on behalf of the department any license, permit, or stamp permitted or provided for by this  
9 title and § 32-20A-15.1. ~~The agents shall be bonded in such amounts and conditions as the~~  
10 ~~department may deem proper.~~ No conservation officer may be appointed as a license issuing  
11 agent. The licensing issuing agents, ~~however, shall receive no compensation from the state for~~  
12 ~~any services or expenses in connection with the issuance of such licenses, and shall remit all~~  
13 license fees collected at the time and in the manner required by rules adopted pursuant to  
14 ~~§ 41-2-18~~ chapter 1-26.

15 Section 2. That § 41-6-56 be repealed.

16 ~~—41-6-56. Licenses issued under §§ 41-6-11 to 41-6-48, inclusive, may be issued only as~~

1 provided by §§ 41-6-57 to 41-6-61, inclusive.

2 Section 3. That § 41-6-57 be repealed.

3 ~~41-6-57. Licenses under §§ 41-6-11 to 41-6-21, inclusive, under § 41-6-23, under~~  
4 ~~§§ 41-6-35 to 41-6-37, inclusive, under § 41-17-13, and the permit provided by § 32-20A-15.1~~  
5 ~~may be issued by the county treasurer of any county in this state or his duly authorized agents~~  
6 ~~who, for such purpose, shall be deemed acting for the game, fish and parks commission as~~  
7 ~~hereinafter provided.~~

8 Section 4. That § 41-6-59 be amended to read as follows:

9 41-6-59. ~~The county treasurer may appoint agents within the treasurer's county to sell the~~  
10 ~~licenses and the permits provided for in § 41-6-57. No conservation officer may be appointed~~  
11 ~~as an agent of the county treasurer. Any agent, who has been appointed by the county treasurer~~  
12 ~~in any previous year and has provided either a bond or other security to the county treasurer in~~  
13 ~~any previous year, is not required to furnish a bond or other security if the agent is not issued~~  
14 ~~licenses and permits with a value of more than fifty thousand dollars at any one time. An agent,~~  
15 ~~who has previously provided either a bond or other security and has licenses and permits of a~~  
16 ~~value no greater than twenty thousand dollars issued at any one time, shall pay to the Department~~  
17 ~~of Game, Fish and Parks an annual fee of twenty dollars. An agent, who has previously provided~~  
18 ~~either a bond or other security and has licenses and permits of a value greater than twenty~~  
19 ~~thousand dollars but less than fifty thousand dollars issued to them at any one time, shall pay the~~  
20 ~~department an annual fee of fifty dollars. An agent, who has more than fifty thousand dollars of~~  
21 ~~licenses and permits issued at any one time shall be bonded or shall furnish security equal to the~~  
22 ~~total value of the licenses and permits issued to the agent at any one time less fifty thousand~~  
23 ~~dollars. Any agent who has not previously been bonded or who has not previously provided~~  
24 ~~other security to sell the licenses and permits shall be bonded or shall furnish security equal to~~  
25 ~~the total value of the licenses issued to the agent at any one time. A certificate of deposit, money~~

1 order, or other negotiable instrument issued by a bank, savings and loan association, or a credit  
2 union bearing the agent's social security number or employer identification number payable to  
3 the ~~county treasurer~~ department is sufficient security. If an agent fails to timely pay the amount  
4 owed to the ~~county treasurer~~ department, the ~~county treasurer~~ department may cash the  
5 certificate and satisfy the amount owed to the ~~county treasurer~~ department and remit the balance  
6 to the agent. If the agent has paid all the fees owed to the ~~county treasurer~~ and requests a return  
7 of the certificate of deposit, money order, or other negotiable instrument, the ~~county treasurer~~  
8 department shall endorse it payable to the agent and return it to the agent. ~~Any~~ No agent who  
9 defaults on payment of the amount owed to the ~~county treasurer~~ department may ~~not~~ be  
10 appointed an agent by the ~~county treasurer~~ until the unpaid amount, plus interest at the Category  
11 B rate of interest as defined in § 54-3-16, is paid.

12 Section 5. That § 41-6-59.1 be amended to read as follows:

13 41-6-59.1. The Game, Fish and Parks Commission may promulgate rules ~~and regulations~~  
14 pursuant to chapter 1-26 for the purpose of regulating the remittance to ~~county treasurers~~ the  
15 department of fees collected by agents appointed by the ~~county treasurer~~ department for the sale  
16 of licenses ~~as provided in § 41-6-67.~~

17 Section 6. That § 41-6-62 be amended to read as follows:

18 41-6-62. ~~Applications for licenses~~ Any application for any license under this ~~chapter~~ title shall  
19 show that the applicant is legally eligible for the license for which ~~he~~ the applicant applies. Any  
20 person authorized under §§ ~~41-6-56 to 41-2-33 and 41-6-61, inclusive,~~ to issue a license may  
21 take the oath of the applicant thereto with the same force and effect as if the oath had been taken  
22 by any other officer of this state authorized by law to administer an oath.

23 Section 7. That § 41-6-65 be repealed.

24 ~~41-6-65. The secretary of game, fish and parks shall each year furnish to the treasurer of each~~  
25 ~~county a supply of hunting, fishing, and trapping licenses, for which the treasurer shall give his~~

1 receipt, to be filed in the department of game, fish and parks:

2 Section 8. That § 41-6-66 be amended to read as follows:

3 41-6-66. ~~The licenses~~ Any license permitted or provided for in §§ ~~41-6-11 to 41-6-21,~~  
4 ~~inclusive, in § 41-6-23, in §§ 41-6-35 to 41-6-37, inclusive, and in § 41-17-13, this title and~~  
5 § 32-20A-15.1 shall be in such form as the Game, Fish, and Parks Commission or department  
6 ~~directs, and shall be furnished to the various county treasurers without charge, and upon receipt~~  
7 ~~of the licenses, the county treasurer is liable under the treasurer's official bond for the license~~  
8 ~~blanks delivered and for the proceeds derived from the sale thereof, and is responsible for all~~  
9 ~~license blanks issued by the treasurer to, and license fees received by, an agent, except that the~~  
10 ~~county treasurer is not liable for any amount an agent fails to pay the county treasurer up to the~~  
11 ~~amount of licenses and permits the agent may obtain pursuant to § 41-6-59 without providing~~  
12 ~~a bond or other security. The Department of Game, Fish, and Parks may collect any amount~~  
13 ~~owed by the agent to the county treasurer for which the county treasurer is not liable.~~

14 Section 9. That § 41-6-67 be repealed.

15 ~~41-6-67. The treasurer of each county shall, on or before the fifteenth day of each month,~~  
16 ~~submit to the department of game, fish and parks a report of all licenses issued by the treasurer~~  
17 ~~and agents appointed by the treasurer under § 41-6-59 during the accounting period prescribed~~  
18 ~~by the game, fish and parks commission pursuant to § 41-6-59.1 on forms prescribed and~~  
19 ~~furnished by the department. The treasurer shall remit all money collected from the sale of these~~  
20 ~~licenses as required by § 4-3-12.1 to be credited to a game, fish and parks fund.~~

21 Section 10. That § 41-6-68 be amended to read as follows:

22 41-6-68. ~~The county treasurer~~ Any agent appointed by the department shall promptly  
23 transmit such reports as may be required by the Game, Fish and Parks Commission or the  
24 department, together with ~~his county warrant for all license fees received by him and his agents~~  
25 during the accounting period designated by the department to be deposited in the game, fish and

1 parks fund.

2 Section 11. That § 41-6-69 be amended to read as follows:

3 41-6-69. Not later than the last day of January of each year, ~~the treasurer of each county~~ each  
4 agent shall return to the Department of Game, Fish and Parks all unused licenses, together with  
5 the stubs or duplicate copies of all licenses issued. ~~Any county not remitting licenses and fees to~~  
6 ~~the department of game, fish and parks by the last day of January each year shall be penalized~~  
7 ~~one and one-half percent for each month or fraction thereof for the late return of fees and~~  
8 ~~licenses. The penalty may not exceed ten percent of the total reimbursement a county receives~~  
9 ~~from the department.~~ Following the expiration date of hunting, fishing, and trapping licenses,  
10 stamps and permits issued by the department, the department may destroy the licenses, stamps,  
11 and permits together with the stubs or duplicate copies upon completion of an audit thereof by  
12 the Department of Legislative Audit and filing of a satisfactory report.

13 Section 12. That § 32-20A-15.1 be amended to read as follows:

14 32-20A-15.1. A nonresident owner of an unlicensed snowmobile shall purchase a temporary  
15 permit to operate the snowmobile in this state. The fee for the permit is ten dollars. The permit  
16 is valid for five consecutive days. All fees collected shall be deposited in the snowmobiles trails  
17 fund established by § 32-5-9.2. ~~The Department of Game, Fish and Parks shall supply the county~~  
18 ~~treasurers with the necessary permits to implement this section.~~

19 Section 13. That § 41-6-70 be repealed.

20 ~~41-6-70. The game, fish and parks commission shall, at the close of each license year,~~  
21 ~~reimburse the various counties for services rendered in connection with the sale of licenses under~~  
22 ~~this chapter in the amount of ten percent of all license fees for licenses sold by the county~~  
23 ~~treasurer or his agents during such license year, and, in addition, the county treasurers shall also~~  
24 ~~be reimbursed ten percent of the fees for the east river and west river prairie firearm deer licenses~~  
25 ~~and the east river and west river firearm antelope licenses sold by the department of game, fish~~

1 ~~and parks for the respective counties. No reimbursement may be made for the sale of habitat~~  
2 ~~stamps or waterfowl restoration stamps. All money received as such reimbursement shall be~~  
3 ~~placed in the special highway fund of the county and shall be apportioned and used as provided~~  
4 ~~in §§ 32-11-5 to 32-11-7, inclusive.~~

5 Section 14. That § 40-36-11 be amended to read as follows:

6 40-36-11. Each county shall annually appropriate a sum equal to an assessment on all cattle  
7 and sheep based on the most current United States Department of Commerce census of  
8 agriculture, and the money shall be remitted to the state treasurer for deposit in the state animal  
9 damage control fund. Each county shall be assessed at a rate of twenty-five cents per head for  
10 all sheep and six cents per head for all cattle. The Department of Game, Fish and Parks shall  
11 certify, to each county auditor, the amount to be appropriated. The state animal damage control  
12 fund shall be matched ~~dollar for dollar~~ two dollars for every one dollar of county appropriation  
13 by funds of the Department of Game, Fish and Parks to carry out the provisions of this chapter.  
14 ~~—The provisions of § 10-12B-16 do not apply to this section.~~

15 Section 15. A portion of the license fees collected by the Department of Game, Fish and  
16 Parks that would previously have been paid to counties pursuant to § 41-6-70, in an amount  
17 equal to one million thirty-three thousand two hundred sixty-nine dollars and ten cents per year,  
18 shall be used only for the following purposes: administration of licensing services provided by  
19 the department; increased contribution to the animal damage control fund as provided in section  
20 14 of this Act; development of public access, other than fee-title purchase of land, for hunting  
21 and fishing; wildlife habitat improvements; management of wildlife damage; or to be credited  
22 toward a reduction of resident license fees. The Game, Fish and Parks Commission shall approve  
23 amounts allocated to the specific purposes identified in this section.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to State Affairs. H.J. 39

3 1/15/99 Scheduled for Committee hearing on this date.

4 1/29/99 Scheduled for Committee hearing on this date.

5 2/1/99 Scheduled for Committee hearing on this date.

6 2/3/99 Scheduled for Committee hearing on this date.

7 2/5/99 Scheduled for Committee hearing on this date.

8 2/8/99 Scheduled for Committee hearing on this date.

9 2/10/99 Scheduled for Committee hearing on this date.

10 2/17/99 Scheduled for Committee hearing on this date.

11 2/17/99 State Affairs Do Pass Amended, Failed, AYES 6, NAYS 6.

12 2/17/99 State Affairs Report Without Recommendation, AYES 8, NAYS 4.

13 2/18/99 House of Representatives Placed on Calendar, AYES 56, NAYS 14. H.J. 611