

Senate Daily Reader

Thursday, January 31, 2002

Bills Included				
HB 1037	HB 1038	HB 1076	HB 1125	HB 1163
SB 22	SB 73	SB 94	SB 118	SB 145
SB 146				

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0250

HOUSE ENGROSSED NO. **HB 1037** - 01/22/2002

Introduced by: The Committee on Transportation at the request of the Department of Revenue

1 FOR AN ACT ENTITLED, An Act to authorize the Department of Revenue to deny a motor
2 vehicle registration or title to certain commercial motor carriers and to provide for the
3 suspension or revocation of certain commercial motor carrier registration, license plates, or
4 permits.

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

6 Section 1. That chapter 32-9 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 The department or its agent shall refuse to issue a registration, license plate, permit, or a
9 certificate of title or to transfer any title on a vehicle licensed under chapter 32-9 or 32-10 that
10 has been assigned to a commercial motor carrier who has been prohibited from operating by the
11 Federal Motor Carrier Safety Administration. However, the department or its agent may allow
12 a commercial motor carrier, who has been prohibited from operating by the Federal Motor
13 Carrier Safety Administration, to transfer a title if the commercial motor carrier does not retain
14 an interest, either directly or indirectly, in the vehicle.

15 The department or its agent may suspend, revoke, or remove the registration, plate, or any



1 permit issued to any vehicle assigned to a commercial motor carrier who has been prohibited
2 from operating by the Federal Motor Carrier Safety Administration.

3 If the prohibition by the Federal Motor Carrier Safety Administration is rescinded, the
4 department or its agent may issue a registration, license plate, permit, or a certificate of title to
5 the vehicle provided all other taxes and fees have been paid to the department.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0194

SENATE ENGROSSED NO. **HB 1038** - 01/30/2002

Introduced by: The Committee on Transportation at the request of the Department of
Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to authorize certain law enforcement vehicles to exceed
2 speed limits without the use of an audible siren, air horn, or flashing emergency lights under
3 certain conditions.

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

5 Section 1. That § 32-31-4 be amended to read as follows:

6 32-31-4. The speed limit set out in §§ 32-25-1.1 to 32-25-17, inclusive, does not apply to
7 any authorized emergency vehicle responding to an emergency call if the driver sounds an audible
8 siren or air horn, or both, and displays flashing, oscillating, or rotating beams of red light or
9 combinations of red, blue, or white light visible one hundred eighty degrees to the front of the
10 vehicle. The lights shall be capable of warning the public of the presence of an emergency vehicle
11 under normal atmospheric conditions. The speed limit set out in §§ 32-25-1.1 to 32-25-17,
12 inclusive, does not apply to any authorized emergency ~~vehicles~~ vehicle operated by any law
13 enforcement ~~officers~~ officer who ~~are~~ is measuring the speed of other vehicles by use of the
14 emergency vehicle speedometer, or while any law enforcement officer is in pursuit of an actual
15 or suspected violator of the law. This section applies only to South Dakota certified law



1 enforcement officers. Moreover, the driver of an ambulance who has been certified pursuant to
2 § 34-11-6 may operate the emergency vehicle in excess of the speed limit without audible signals
3 while operating outside the city limits of a municipality.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

381H0139

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1076** - 01/22/2002

Introduced by: Representatives Hansen (Tom), Frost, Hundstad, Jensen, Konold, Madsen,
Sebert, Slaughter, and Teupel and Senators Vitter and Ham

1 FOR AN ACT ENTITLED, An Act to revise certain membership requirements for county and
2 municipal housing and redevelopment commissions.

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

4 Section 1. That § 11-7-11 be amended to read as follows:

5 11-7-11. A commission shall consist of five commissioners, who, unless otherwise provided
6 by ordinance, shall be residents of the area of operation of the commission, appointed after the
7 resolution provided for in § 11-7-7 becomes finally effective. In municipalities of the first class,
8 no public officer or employee of the municipality may serve as a commissioner. However, if the
9 municipality employs a city manager, the governing body may, by resolution, constitute itself as
10 the commission. In municipalities of the second and third class and in counties, the commission
11 may be made up of members of the governing body, but may not include employees of the
12 municipality or county. However, in municipalities of the second and third class and in counties,
13 a majority of the commission may not be comprised of the governing body. A commissioner may
14 be a notary public.



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

732H0274

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1125** - 01/24/2002

Introduced by: Representatives Bartling, Brown (Richard), Duniphan, Flowers, Fryslie, Hennies (Thomas), Konold, Madsen, McCoy, Michels, Nesselhuf, Olson (Mel), Pederson (Gordon), Peterson (Bill), Pummel, and Smidt and Senators Hutmacher, Albers, Diedtrich (Elmer), Everist, McIntyre, Moore, Olson (Ed), Putnam, Reedy, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to adjust the salary schedule for county sheriffs.

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

3 Section 1. That § 7-12-15 be amended to read as follows:

4 7-12-15. The ~~salary payable to a sheriff shall be established by each board of county~~
5 ~~commissioners, by resolution, but may not be less than specified in~~ board of county
6 commissioners shall establish, by resolution, the salary payable to the sheriff. The salary payable
7 may not be less than the following schedule based upon the most recent decennial federal census
8 of population of counties.

9	County Population	Salary Schedule
10	Below 9,999 <u>10,000</u>	\$26,299 <u>28,799</u>
11	10,000-16,999 <u>10,000-14,999</u>	28,917 <u>31,417</u>
12	17,000-29,999 <u>15,000-24,999</u>	30,017 <u>32,517</u>
13	30,000-49,999 <u>25,000-69,999</u>	34,217 <u>36,717</u>



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

337H0097

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB 1163** -
01/23/2002

Introduced by: Representatives Van Etten, Frost, Jensen, Konold, Madsen, McCaulley, and
Pitts and Senators Albers, de Hueck, and Ham

1 FOR AN ACT ENTITLED, An Act to require social workers to include background checks in
2 home study reports and to prohibit adoptions by persons convicted of certain crimes.

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

4 Section 1. That § 23-5-12.1 be amended to read as follows:

5 23-5-12.1. The superintendent of any public school or nonpublic school or the owner or
6 operator of any child welfare agency as defined in § 26-6-1 or a certified social worker eligible
7 to engage in private independent practice as defined in § 36-26-17 may submit the name of any
8 person being considered for employment by the school or agency or as an adoptive or foster
9 parent, either directly or by contract, to the Division of Criminal Investigation for a criminal
10 record check. If the division determines the person has a record of criminal convictions, the
11 division shall notify the superintendent, owner, ~~or operator,~~ or social worker of the criminal
12 offenses.

13 Section 2. That § 25-6-9.1 be amended to read as follows:

14 25-6-9.1. No person may place a child in a home for adoption until a home study has been



1 completed by a licensed child placement agency as defined in § 26-6-14, the Department of
2 Social Services, or certified social worker eligible to engage in private independent practice as
3 defined in § 36-26-17 and the report has been filed with the Department of Social Services. ~~Any~~
4 ~~person who has previously submitted home studies under this section or under § 26-4-15 may~~
5 ~~continue to submit home study reports without meeting the above requirements. A home study~~
6 conducted by a certified social worker in private independent practice shall include a criminal
7 record check completed by the Division of Criminal Investigation and a central registry screening
8 completed by the Department of Social Services. Any person who violates the provisions of this
9 section is guilty of a Class 1 misdemeanor.

10 Section 3. That § 26-4-15 be amended to read as follows:

11 26-4-15. For the purpose of placing identified children from a state other than South Dakota
12 through a licensed child placement agency from another state for adoption with South Dakota
13 families, an adoptive home study report shall be filed before placement with the Department of
14 Social Services. The adoption home study and report may be provided by a licensed child
15 placement agency as defined in § 26-6-14, the Department of Social Services, or a certified social
16 worker eligible to engage in private independent practice as defined in § 36-26-17. ~~Any person~~
17 ~~who has previously submitted home studies under this section or under § 25-6-9.1 may continue~~
18 ~~to submit home study reports without meeting the above requirements. A home study conducted~~
19 by a certified social worker in private independent practice shall include a criminal record check
20 completed by the Division of Criminal Investigation and a central registry screening completed
21 by the Department of Social Services. Any person who violates the provisions of this section is
22 guilty of a Class 1 misdemeanor.

23 Section 4. That § 26-8A-12.1 be amended to read as follows:

24 26-8A-12.1. Upon receipt of a list of names of current or potential employees from a head

1 start program director or the name of any person being considered as an adoptive or foster
2 parent from a certified social worker eligible to engage in private independent practice as defined
3 in § 36-26-17, the secretary of the Department of Social Services shall compare the list to the
4 central registry for abuse and neglect and report any findings to the requesting program director
5 or social worker.

6 Section 5. That chapter 25-10 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 No child may be placed for adoption with an individual who has been convicted of child
9 abuse pursuant to chapter 26-10 or a sex offense pursuant to chapter 22-22.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0245

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 22** - 01/26/2002

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to adopt the Uniform Rendition of Prisoners as Witnesses
2 in Criminal Proceedings Act.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Witness," a person who is confined in a penal institution in any state and whose
6 testimony is desired in another state in any criminal proceeding or investigation by
7 grand jury or in any criminal action before a court;

8 (2) "Penal institution," includes any jail, prison, penitentiary, house of correction, or other
9 place of penal detention;

10 (3) "State," includes any state of the United States, the District of Columbia, the
11 Commonwealth of Puerto Rico, and any territory of the United States.

12 Section 2. Any judge of a state court of record in another state, which by its laws has made
13 provisions for commanding persons confined in penal institutions within that state to attend and
14 testify in this state, may certify:

15 (1) That there is a criminal proceeding or investigation by a grand jury or a criminal



1 action pending in a court;

2 (2) That a person who is confined in a penal institution in this state may be a material
3 witness in the proceeding, investigation, or action; and

4 (3) That the person's presence will be required during a specified time.

5 Upon presentation of the certificate to any judge having jurisdiction over the person confined
6 or to any judge having jurisdiction in the location where the person is confined, and upon notice
7 to the attorney general, the judge in this state shall fix a time and place for a hearing and shall
8 make an order directed to the person having custody of the prisoner requiring that the prisoner
9 be produced before the judge at the hearing.

10 Section 3. If at the hearing the judge determines:

11 (1) That the witness may be material and necessary;

12 (2) That the witness's attending and testifying are not adverse to the interests of this state
13 or to the health or legal rights of the witness;

14 (3) That the laws of the state in which the witness is required to testify will give the
15 witness protection from arrest and the service of civil and criminal process because
16 of any act committed prior to the witness's arrival in the state under the order; and

17 (4) That as a practical matter the possibility is negligible that the witness may be subject
18 to arrest or to the service of civil or criminal process in any state through which the
19 witness may pass;

20 the judge shall issue an order, with a copy of the certificate attached, directing the witness to
21 attend and testify, directing the person having custody of the witness to produce the witness in
22 the court where the criminal action is pending, or where the grand jury investigation is pending,
23 at a time and place specified in the order, and prescribing such conditions as the judge shall
24 determine.

1 Section 4. The order to the witness and to the person having custody of the witness shall
2 provide for the return of the witness at the conclusion of the witness's testimony, proper
3 safeguards on the witness's custody, and proper financial reimbursement or prepayment by the
4 requesting jurisdiction for all expenses incurred in the production and return of the witness, and
5 may prescribe such other conditions as the judge thinks proper or necessary. Mileage and
6 expenses shall be allowed as provided for state employees. The order does not become effective
7 until the judge of the state requesting the witness enters an order directing compliance with the
8 conditions prescribed.

9 Section 5. This Act does not apply to any person in this state confined as mentally ill or under
10 sentence of death.

11 Section 6. If a person confined in a penal institution in any other state may be a material
12 witness in a criminal action pending in a court of record or in a grand jury investigation in this
13 state, a circuit court judge or magistrate may certify:

- 14 (1) That there is a criminal proceeding or investigation by a grand jury or a criminal
15 action pending in this court;
- 16 (2) That a person who is confined in a penal institution in the other state may be a
17 material witness in the proceeding, investigation, or action; and
- 18 (3) That the person's presence will be required during a specified time.

19 The certificate shall be presented to a judge of a court of record in the other state having
20 jurisdiction over the prisoner confined, and a notice shall be given to the attorney general of the
21 state in which the prisoner is confined.

22 Section 7. The court may enter an order directing compliance with the terms and conditions
23 prescribed by the judge of the state in which the witness is confined.

24 Section 8. If a witness from another state comes into or passes through this state under an

1 order directing the witness to attend and testify in this or another state, the witness is not subject,
2 while in this state pursuant to the order, to arrest or the service of process, civil or criminal,
3 because of any act committed prior to this arrival in this state under the order.

4 Section 9. The provisions of this Act shall be so construed as to effectuate their general
5 purpose to make uniform the law of those states which enact them.

6 Section 10. This Act may be cited as the Uniform Rendition of Prisoners as Witnesses in
7 Criminal Proceedings Act.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

970H0510

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

SB 73 - 01/28/2002

Introduced by: Senators Moore, Albers, Brosz, Dennert, Duxbury, Everist, Ham, Hutmacher, Munson, and Sutton (Dan) and Representatives Michels, Burg, Flowers, Gillespie, Hanson (Gary), Hunhoff, Madsen, Napoli, Olson (Mel), Peterson (Bill), and Sigdestad

1 FOR AN ACT ENTITLED, An Act to prohibit the sale of prepaid adult entertainment cards and
2 to provide a penalty therefor.

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

4 Section 1. For the purposes of this Act, a prepaid adult entertainment card is a product,
5 either sold at wholesale, retail, or distributed gratis as a promotion, which permits the cardholder
6 to access one or more erotic or pornographic internet sites by means of a predetermined user
7 identification and password unique to each card. The cardholder enters the user identification and
8 password on any computer and gains entry to a set number of hours of site access. When the set
9 number of hours has been exhausted, the card expires.

10 Section 2. It is a Class 1 misdemeanor to sell, give, or distribute any prepaid adult
11 entertainment card or any prepaid adult entertainment telephone card to any person under
12 eighteen years of age.

13 Section 3. A prepaid adult entertainment telephone card is a product, either sold at



1 wholesale, retail, or distributed gratis as a promotion, which permits the cardholder to access one
2 or more adult entertainment telephone services for a predetermined number of minutes by means
3 of a telephone number and an access code or password unique to each card. The cardholder
4 places the telephone call and gains entry to the service for purposes of engaging in sexually-
5 explicit telephone conversations with one or more adults. When the predetermined number of
6 minutes has been exhausted, the card automatically expires.

7 Section 4. Any person who knowingly participates in any conduct proscribed by this Act is
8 liable for civil damages.

9 Section 5. Any of the following persons may bring an action for damages caused by another
10 person's conduct as proscribed by this Act:

- 11 (1) The victimized minor;
- 12 (2) A parent, legal guardian, or sibling of a victimized minor; or
- 13 (3) Any person injured as a result of the willful, reckless, or negligent actions of a person
14 who knowingly participated in conduct proscribed by this Act.

15 If the parent or guardian is named as a defendant in the action, the court shall appoint a
16 special guardian to bring the action on behalf of the minor.

17 Section 6. Any person entitled to bring an action under section 5 of this Act may seek
18 damages from any person who knowingly participated in the sale or in the chain of distribution
19 of any prepaid adult entertainment card or any prepaid adult entertainment telephone card
20 proscribed by this Act.

21 Section 7. Any person entitled to bring an action under section 5 of this Act may recover all
22 of the following damages:

- 23 (1) Economic damages, including the cost of treatment and rehabilitation, medical
24 expenses, loss of economic or educational potential, loss of productivity, absenteeism,

1 support expenses, accidents or injury, and any other pecuniary loss proximately
2 caused by the proscribed conduct;

3 (2) Noneconomic damages, including physical and emotional pain, suffering, physical
4 impairment, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss
5 of companionship, services, and consortium, and other nonpecuniary losses
6 proximately caused by the proscribed conduct;

7 (3) Exemplary damages;

8 (4) Attorneys' fees; and

9 (5) Disbursements.

10 Section 8. Any action for damages under this Act shall be commenced within six years of the
11 time the plaintiff knew, or had reason to know, of any injury caused by violations of this Act. The
12 knowledge of a parent, guardian, or custodian may not be imputed to the minor.

13 For a plaintiff, the statute of limitations under this section is tolled while any potential
14 plaintiff is incapacitated by minority.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

753H0412

SENATE EDUCATION COMMITTEE ENGROSSED NO.

SB 94 - 01/29/2002

Introduced by: Senators Madden, Albers, Apa, Bogue, Brosz, Brown (Arnold), Cradduck, Duxbury, Everist, Greenfield, Ham, Hutmacher, Koskan, Moore, Olson (Ed), Putnam, Stagers, Sutton (Dan), and Vitter and Representatives Napoli, Adelstein, Bartling, Brown (Richard), Duenwald, Hargens, Hennies (Don), Hennies (Thomas), Lange, McCaulley, Monroe, Olson (Mel), Pederson (Gordon), Peterson (Bill), and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to permit the posting or display of the United States flag
2 and giving the pledge of allegiance.

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

4 Section 1. That chapter 13-24 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The United States flag may be posted or displayed in any public school classroom, public
7 school building, or at any public school event. The pledge of allegiance to the flag of the United
8 States or the national anthem may be given during any school day.



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

643H0531

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 118** - 01/28/2002

Introduced by: Senators McCracken, Diedtrich (Elmer), Ham, and McIntyre and
Representatives Peterson (Bill), Frost, Glenski, and Van Etten

1 FOR AN ACT ENTITLED, An Act to prohibit smoking in public places.

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

3 Section 1. That § 22-36-2 be amended to read as follows:

4 22-36-2. No person may smoke tobacco or carry any lighted tobacco product in the
5 following places:

6 ~~—(1)— Any hospital or medical or dental clinic;~~

7 ~~—(2)— Any nursing facility;~~

8 ~~—(3)— Any public library, museum, indoor theater, or concert hall;~~

9 ~~—(4)— Any elementary or secondary school building;~~

10 ~~—(5)— Any public conveyance;~~

11 ~~—(6)— Any jury room;~~

12 ~~—(7)— Any elevator;~~

13 ~~—(8)— Any registered or unregistered day care program, day care center, day care
14 cooperative, or family day care home governed by chapter 26-6 during the time in~~



1 ~~which children who are not family members of the day care provider are receiving~~
2 ~~care.~~

3 ~~—This section does not prohibit the smoking of tobacco or tobacco products in the places~~
4 ~~named in this section, if the smoking is confined to areas designated as smoking areas any public~~
5 ~~place or place of employment.This section does not apply to any sleeping room in a lodging~~
6 ~~establishment as defined in § 34-18-1, to any on-sale licensee pursuant to chapter 35-4, to any~~
7 ~~video lottery licensed establishment pursuant to chapter 42-7A, to any licensee pursuant to~~
8 ~~chapter 42-7B, or to any tobacco or packaged liquor store if the store is primarily used for the~~
9 ~~sale of tobacco or alcoholic beverages, or both, and the sale of other products is merely~~
10 ~~incidental.~~

11 A violation of this section is a petty offense.

12 Section 2. For the purposes of this Act, a public place is any enclosed indoor area to which
13 the public is invited or to which the public is permitted, including any hospital or medical or
14 dental clinic; any nursing facility; any public library, museum, theater, or concert hall; any
15 elementary or secondary school building; any public conveyance; any jury room; any elevator;
16 any reception area; any restaurant; any retail service establishment; any retail store; and any
17 registered or unregistered day care program, day care center, day care cooperative, or family day
18 care home governed by chapter 26-6 during the time in which children who are not family
19 members of the day care provider are receiving care. A private residence is not a public place
20 unless it is used for day care.

21 Section 3. For the purposes of this Act, a place of employment is any enclosed indoor area
22 under the control of a public or private employer, including work areas, employee lounges and
23 restrooms, conference and class rooms, employee cafeterias, and hallways. A private residence
24 is not a place of employment unless it is used for day care.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

604H0653 **SENATE EDUCATION COMMITTEE ENGROSSED NO.**
SB 145 - 01/29/2002

Introduced by: Senators Diedrich (Larry), McIntyre, and Olson (Ed) and Representatives Begalka, Broderick, Holbeck, and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to revise certain requirements for school district
2 reorganization.

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

4 Section 1. That § 13-15-28 be amended to read as follows:

5 13-15-28. Any school district that enters into contractual agreements pursuant to § 13-15-11
6 and for three consecutive years sends over fifty percent of its resident students enrolled in grades
7 for which it contracts to an adjoining school district or districts located in South Dakota shall
8 reorganize the school district pursuant to chapter 13-6 within two years of the end of the third
9 consecutive school year. For the purposes of this section, the number of students attending
10 adjoining districts shall be based on average daily membership pursuant to subdivision
11 13-13-10.1(1). This section does not apply to a school district located wholly within the
12 boundaries of an Indian reservation.



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

381H0648 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. SB 146 - 01/29/2002

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

Introduced by: Senators Dennert, Greenfield, Koskan, and Symens and Representatives Fryslie, Hanson (Gary), Juhnke, Koistinen, and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to revise the issuance and validity of certain fall three-day
2 temporary nonresident waterfowl licenses.

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

4 Section 1. That section 3 of chapter 205 of the 2000 Session Laws be amended to read as
5 follows:

6 Section 3. That § 41-6-18.4 be amended to read as follows:

7 41-6-18.4. The Game, Fish and Parks Commission may promulgate rules in accordance with
8 chapter 1-26 to authorize the department to issue up to two thousand fall three-day temporary
9 nonresident waterfowl licenses, up to two thousand early fall Canada goose temporary
10 nonresident licenses, and a number of spring snow goose temporary nonresident licenses to be
11 determined by the department, and to establish the fee therefor, validity of the licenses issued,
12 types of waterfowl to be hunted, and areas in which hunting is permitted. ~~The~~ Up to five hundred
13 of the fall three-day temporary nonresident waterfowl licenses shall be made available for use in
14 the counties of Brown, Marshall, Roberts, Day, Grant, Clark, Codington, Deuel, and Hamlin.



1 The commission, in rules promulgated pursuant to chapter 1-26, may establish a process and
2 criteria to allow the issuance of a portion of the five hundred licenses in counties other than those
3 specified if the department determines that such licenses are otherwise likely to remain unsold.
4 Except for the fall three-day temporary nonresident waterfowl licenses issued in Brown,
5 Marshall, Roberts, Day, Grant, Clark, Codington, Deuel, and Hamlin counties, the fall three-day
6 temporary nonresident waterfowl licenses are valid only on private property, but are not valid
7 on private property leased by the department for public hunting or on highways or other public
8 rights-of-way within this state that otherwise meet the requirements of § 41-9-1.3. Revenue from
9 the sale of fall three-day temporary nonresident waterfowl licenses shall be deposited in the
10 department's land acquisition and development fund to be used to acquire, by lease, permit, or
11 otherwise, interests in real property to be used for providing waterfowl hunting public access in
12 the counties adjacent to the Missouri River. Revenue from the sale of early fall Canada goose
13 temporary nonresident licenses shall be deposited in the department's land acquisition and
14 development fund to be used to acquire by lease, permit, or otherwise, interests in real property
15 to be used for providing waterfowl hunting public access. Before promulgating rules which
16 permit the issuance of fall three-day temporary nonresident waterfowl licenses, the commission
17 shall determine that adequate waterfowl hunting public access has been provided through the
18 department's land acquisition and development fund or through other means.

19 Section 2. The amendment under this Act to section 3 of chapter 205 of the 2000 Session
20 Laws is repealed on June 30, 2003.