

AN ACT

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

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

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

41-2-33. The Department of Game, Fish and Parks may appoint license issuing agents to issue on behalf of the department any license, permit, or stamp permitted or provided for by this title and § 32-20A-15.1. No conservation officer may be appointed as a license issuing agent. The licensing issuing agents shall remit all license fees collected at the time and in the manner required by rules adopted pursuant to chapter 1-26.

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 That § 41-6-56 be repealed.

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 That § 41-6-57 be repealed.

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

41-6-59. Any agent, who has been appointed in any previous year and has provided either a bond or other security in any previous year, is not required to furnish a bond or other security if the agent is not issued licenses and permits with a value of more than fifty thousand dollars at any one time. An agent, who has previously provided either a bond or other security and has licenses and permits of a value no greater than twenty thousand dollars issued at any one time, shall pay to the Department of Game, Fish and Parks an annual fee of twenty dollars. An agent, who has previously provided either a bond or other security and has licenses and permits of a value greater than twenty thousand dollars but less than fifty thousand dollars issued to them at any one time, shall pay the department an annual fee of fifty dollars. An agent, who has more than fifty thousand dollars of licenses and permits issued at any one time shall be bonded or shall furnish security equal to the total value of the

licenses and permits issued to the agent at any one time less fifty thousand dollars. Any agent who has not previously been bonded or who has not previously provided other security to sell the licenses and permits shall be bonded or shall furnish security equal to the total value of the licenses issued to the agent at any one time. A certificate of deposit, money order, or other negotiable instrument issued by a bank, savings and loan association, or a credit union bearing the agent's social security number or employer identification number payable to the department is sufficient security. If an agent fails to timely pay the amount owed to the department, the department may cash the certificate and satisfy the amount owed to the department and remit the balance to the agent. If the agent has paid all the fees owed and requests a return of the certificate of deposit, money order, or other negotiable instrument, the department shall endorse it payable to the agent and return it to the agent. No agent who defaults on payment of the amount owed to the department may be appointed an agent until the unpaid amount, plus interest at the Category B rate of interest as defined in § 54-3-16, is paid.

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

41-6-59.1. The Game, Fish and Parks Commission may promulgate rules pursuant to chapter 1-26 for the purpose of regulating the remittance to the department of fees collected by agents appointed by the department for the sale of licenses.

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

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

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

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

41-6-66. Any license permitted or provided for in this title and § 32-20A-15.1 shall be in such form as the Game, Fish, and Parks Commission or department directs.

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

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

41-6-68. Any agent appointed by the department shall promptly transmit such reports as may be required by the Game, Fish and Parks Commission or the department, together with all license fees received during the accounting period designated by the department to be deposited in the game, fish and parks fund.

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

41-6-69. Not later than the last day of January of each year, each agent shall return to the Department of Game, Fish and Parks all unused licenses, together with the stubs or duplicate copies of all licenses issued. Following the expiration date of hunting, fishing, and trapping licenses, stamps and permits issued by the department, the department may destroy the licenses, stamps, and permits together with the stubs or duplicate copies upon completion of an audit thereof by the Department of Legislative Audit and filing of a satisfactory report.

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

32-20A-15.1. A nonresident owner of an unlicensed snowmobile shall purchase a temporary permit to operate the snowmobile in this state. The fee for the permit is ten dollars. The permit is valid for five consecutive days. All fees collected shall be deposited in the snowmobiles trails fund established by § 32-5-9.2.

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

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

40-36-11. Each county shall annually appropriate a sum equal to an assessment on all cattle and sheep based on the most current United States Department of Commerce census of agriculture, and the money shall be remitted to the state treasurer for deposit in the state animal damage control fund. Each county shall be assessed at a rate of twenty-five cents per head for all sheep and six cents per head for all cattle. The Department of Game, Fish and Parks shall certify, to each county auditor, the

amount to be appropriated. The state animal damage control fund shall be matched two dollars for every one dollar of county appropriation by funds of the Department of Game, Fish and Parks to carry out the provisions of this chapter.

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

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

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I certify that the attached Act originated in the

HOUSE as Bill No. 1038

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Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1038  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_ ,

19\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 19\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_ , 19\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State