

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

390A0065

SENATE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1057** - 3/3/97

Introduced by: Representatives Belatti, Diedrich, Johnson (Doug), Peterson (Bill), Pummel, and Van Gerpen and Senators Drake, Aker, Johnson (William), and Munson (David)

1 FOR AN ACT ENTITLED, An Act to provide for additional public waterfowl hunting access
2 through the sale of additional nonresident waterfowl hunting licenses, to regulate certain
3 commercial hunting activities, and to declare an emergency.

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

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

6 41-6-18.1. It is a Class 2 misdemeanor for a nonresident to hunt, take or kill waterfowl
7 without a special nonresident waterfowl license and a federal migratory bird stamp or in violation
8 of the conditions of the licenses or the rules of the Game, Fish and Parks Commission.

9 A special nonresident waterfowl license, except as otherwise provided in this title, entitles
10 the licensee to hunt waterfowl for ten consecutive days. ~~Four dollars~~ Revenue received from the
11 sale of each nonresident waterfowl license ~~shall be placed in the~~ in excess of four thousand
12 annually shall be placed in the Department of Game, Fish and Parks' land acquisition and
13 development fund. The moneys from this fund shall be used to acquire by purchase or lease ~~real~~
14 property to be used primarily for game production or to otherwise acquire real property to be

1 used for providing waterfowl hunting public access primarily in counties adjacent to the Missouri
2 River. For each of the first four thousand nonresident waterfowl ~~license~~ licenses sold, an amount
3 equal to the cost of a habitat stamp shall be placed into the game, fish and parks fund and shall
4 be used for the purpose of restoring the state pheasant and wildlife populations as provided in
5 § 41-2-34.1. For each of the first four thousand nonresident waterfowl ~~license~~ licenses sold, an
6 amount equal to the cost of the waterfowl restoration stamp shall be included with the moneys
7 collected from the sale of resident waterfowl restoration stamps. This license shall be in such
8 form as the Game, Fish and Parks Commission shall prescribe.

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

13 The Game, Fish and Parks Commission ~~may issue no more than four thousand~~ may, by rules
14 promulgated pursuant to chapter 1-26, make available for issuance five thousand nonresident
15 waterfowl licenses in a calendar year 1997 and each year after. Any nonresident licenses in
16 excess of the first four thousand nonresident licenses in any year may only be used from
17 November first through the end of the hunting season. However, the number of licenses to be
18 issued in excess of four thousand annually shall be limited by the amount of money expended
19 annually from the land acquisition and development fund dedicated for acquiring waterfowl
20 hunting public access. Pursuant to the criteria and procedures contained in rules to be
21 promulgated by the Game, Fish and Parks Commission pursuant to chapter 1-26, the number of
22 nonresident waterfowl licenses to be issued annually in excess of four thousand shall be in a
23 direct ratio of one license for each nonresident license fee amount that is expended during that
24 calendar year by the department from the land acquisition and development fund to provide
25 waterfowl hunting public access during that calendar year. The Game, Fish and Parks

1 Commission shall promulgate rules pursuant to chapter 1-26 to implement the provisions of this
2 section.

3 Section 2. That chapter 41-6 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 No person may organize or participate in a guided commercial hunting activity, as defined
6 by rules promulgated by the Game, Fish and Parks Commission pursuant to chapter 1-26, on
7 lands owned, leased, controlled, managed, or otherwise acquired by the state for wildlife
8 management, public hunting, or recreation purposes. A violation of this section is a Class 2
9 misdemeanor. The Game, Fish and Parks Commission shall promulgate rules pursuant to chapter
10 1-26 to implement the provisions of this section.

11 Section 3. Whereas, this Act is necessary for the support of the state government and its
12 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
13 force and effect from and after its passage and approval.

1 **BILL HISTORY**

2 1/21/97 First read in House and referred to State Affairs. H.J. 70

3 1/24/97 Scheduled for Committee hearing on this date.

4 1/27/97 Scheduled for Committee hearing on this date.

5 1/29/97 Scheduled for Committee hearing on this date.

6 1/29/97 State Affairs Do Pass Amended, Failed, AYES 6, NAYS 7. H.J. 192

7 1/29/97 State Affairs Deferred to 41st legislative day, AYES 7, NAYS 6. H.J. 192

8 1/31/97 State Affairs Reconsidered, AYES 9, NAYS 4.

9 1/31/97 State Affairs Do Pass Amended, Passed. H.J. 234

10 2/4/97 House of Representatives Do Pass Amended, Passed, AYES 47, NAYS 21. H.J. 300

11 2/5/97 First read in Senate and referred to State Affairs. S.J. 333

12 2/19/97 Scheduled for Committee hearing on this date.

13 2/19/97 State Affairs Deferred to another day. S.J. 512

14 2/21/97 Scheduled for Committee hearing on this date.

15 2/21/97 State Affairs Deferred to another day. S.J. 576

16 2/24/97 Scheduled for Committee hearing on this date.

17 3/3/97 Scheduled for Committee hearing on this date.

18 3/3/97 State Affairs Do Pass Amended, Passed, AYES 5, NAYS 4.