

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

841A0582

SENATE BILL NO. 157

Introduced by: Senators Aker, Halverson, Ham, Hutmacher, and Lange and Representatives Jorgensen, Barker, Brown (Richard), Duniphan, and Kredit

1 FOR AN ACT ENTITLED, An Act to revise the security required of an agent selling hunting
2 and fishing licenses and snowmobile permits, to provide for fees and interest to be charged
3 agents, and to limit the liability of county treasurers.

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

5 Section 1. That § 41-6-59 be amended to read as follows:

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

1 who has previously provided either a bond or other security and has licenses and permits of a
2 value greater than twenty thousand dollars but less than fifty thousand dollars issued to them at
3 any one time, shall pay the department an annual fee of fifty dollars. An agent, who has more
4 than fifty thousand dollars of licenses and permits issued at any one time shall be bonded or shall
5 furnish security equal to the total value of the licenses and permits issued to the agent at any one
6 time less fifty thousand dollars. Any agent who has not previously been bonded or provided other
7 security to sell the licenses and permits shall be bonded or shall furnish security equal to the total
8 value of the licenses issued to the agent at any one time. A certificate of deposit, money order,
9 or other negotiable instrument issued by a bank, savings and loan association, or a credit union
10 bearing the agent's social security number or employer identification number payable to the
11 county treasurer is sufficient security. If an agent fails to timely pay the amount owed to the
12 county treasurer, the county treasurer may cash the certificate and satisfy the amount owed to
13 the county treasurer and remit the balance to the agent. If the agent has paid all the fees owed
14 to the county treasurer and requests a return of the certificate of deposit, money order, or other
15 negotiable instrument, the county treasurer shall endorse it payable to the agent and return it to
16 the agent. Any agent who defaults on payment of the amount owed to the county treasurer may
17 not be appointed an agent by the county treasurer until the unpaid amount, plus interest at the
18 Category B rate of interest as defined in SDCL 54-3-16, is paid.

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

20 41-6-66. The licenses provided for in §§ 41-6-11 to 41-6-21, inclusive, in § 41-6-23, in
21 §§ 41-6-35 to 41-6-37, inclusive, and in § 41-17-13, shall be in such form as the Game, Fish, and
22 Parks Commission ~~shall direct~~ directs, and shall be furnished to the various county treasurers
23 without charge, and upon receipt ~~thereof~~ of the licenses, the county treasurer ~~shall become~~ is
24 liable under ~~his~~ the treasurer's official bond for the license blanks ~~so delivered to him~~ and for the
25 proceeds derived from the sale thereof, and ~~shall be~~ is responsible for all license blanks issued

1 by ~~him~~ the treasurer to, and license fees received by, ~~his agents~~ an agent, except that the county
2 treasurer is not liable for any amount an agent fails to pay the county treasurer up to the amount
3 of licenses and permits the agent may obtain pursuant to § 41-6-59 without providing a bond or
4 other security. The Department of Game, Fish, and Parks may collect any amount owed by the
5 agent to the county treasurer for which the county treasurer is not liable.

6 Section 3. The effective date of this Act is January 1, 1998.