

AN ACT

ENTITLED, An Act to increase the authorized number of nonresident waterfowl hunting licenses.

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

Section 1. That § 41-6-10 be amended to read as follows:

41-6-10. Licenses, permits, and stamps issued under this title are classified as follows:

- (1) Disabled hunter permit;
- (2) Export bait dealer license;
- (2A) Fall three-day temporary nonresident waterfowl license;
- (3) Fur dealer's license;
- (4) Hoop net, trap, or setline license;
- (5) License for breeding and domesticating animals and birds;
- (6) License to take fur-bearing animals;
- (7) Nonresident big game license;
- (8) Nonresident fishing license;
- (9) Nonresident predator/varmint license;
- (10) Repealed by SL 1999, ch 213, § 3.
- (11) Nonresident retail bait dealer license;
- (12) Nonresident shooting preserve license;
- (13) Nonresident small game license;
- (14) Nonresident and resident migratory bird certification permit;
- (15) Nonresident wholesale bait dealer license;
- (16) Nonresident wild turkey license;
- (17) Nursing facility group fishing license;
- (18) Park user's license;
- (19) Permit for transportation of big game animal;

- (20) Private fish hatchery license;
- (21) Resident big game license;
- (22) Resident elk license;
- (23) Resident fishing license and resident senior fishing license;
- (24) Repealed by SL 1999, ch 213, § 3.
- (25) Resident retail bait dealer license;
- (26) Resident small game license and resident youth small game license;
- (27) Resident predator/varmint license;
- (28) Resident wholesale bait dealer license;
- (29) Resident wild turkey license;
- (30) Scientific collector's license;
- (31) Special nonresident waterfowl license;
- (32) Repealed by SL 1999, ch 213, § 3.
- (33) Taxidermist's license;
- (33A) Spring snow goose temporary nonresident license;
- (33B) Early fall Canada goose temporary nonresident license;
- (34) Temporary fishing and hunting licenses.

The rights and privileges of such licensees are set forth in §§ 41-6-12 to 41-6-45.1, inclusive, and in § 41-17-13. The Game, Fish and Parks Commission shall promulgate rules pursuant to chapter 1-26 to set the fees, eligibility, and duration for such licenses.

Section 2. That § 41-6-18.1 be amended to read as follows:

41-6-18.1. It is a Class 2 misdemeanor for a nonresident to hunt, take, or kill migratory waterfowl without a special nonresident waterfowl license, a fall three-day temporary nonresident waterfowl license, early fall Canada goose temporary nonresident license, or a spring snow goose temporary nonresident license, a migratory bird certification permit, and a federal migratory bird stamp, or in

violation of the conditions of the licenses or the rules of the Game, Fish and Parks Commission.

A special nonresident waterfowl license, except as otherwise provided in this title, entitles the licensee to hunt migratory waterfowl for ten consecutive days. Four dollars received from the sale of each special nonresident waterfowl license shall be placed in the land acquisition and development fund. The moneys from this fund shall be used to acquire by purchase or lease real property to be used primarily for game production. This license shall be in such form as the Game, Fish and Parks Commission shall prescribe.

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

The Game, Fish and Parks Commission may issue no more than four thousand special nonresident waterfowl licenses in a calendar year.

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

41-6-18.4. The Game, Fish and Parks Commission may promulgate rules in accordance with chapter 1-26 to authorize the department to issue up to two thousand fall three-day temporary nonresident waterfowl licenses, up to two thousand early fall Canada goose temporary nonresident licenses, and a number of spring snow goose temporary nonresident licenses to be determined by the department, and to establish the fee therefor, validity of the licenses issued, types of waterfowl to be hunted, and areas in which hunting is permitted. The fall three-day temporary nonresident waterfowl licenses are valid only on private property, but are not valid on private property leased by the department for public hunting or on highways or other public rights-of-way within this state that otherwise meet the requirements of § 41-9-1.3. Revenue from the sale of fall three-day temporary nonresident waterfowl licenses shall be deposited in the department's land acquisition and development fund to be used to acquire, by lease, permit, or otherwise, interests in real property to

be used for providing waterfowl hunting public access in the counties adjacent to the Missouri River. Revenue from the sale of early fall Canada goose temporary nonresident licenses shall be deposited in the department's land acquisition and development fund to be used to acquire by lease, permit, or otherwise, interests in real property to be used for providing waterfowl hunting public access. Before promulgating rules which permit the issuance of fall three-day temporary nonresident waterfowl licenses, the commission shall determine that adequate waterfowl hunting public access has been provided through the department's land acquisition and development fund or through other means.

Section 4. That § 41-6-72 be amended to read as follows:

41-6-72. Licenses issued under this title expire at the end of the last day of December of the calendar year for which they were issued unless specified otherwise in this chapter or as limited or provided by the applicable license and rules promulgated by the Game, Fish and Parks Commission in accordance with chapter 1-26. Waterfowl hunting licenses expire at the end of the last day of the hunting season for which the license was issued.

Section 5. That § 41-6-15 be repealed.

Section 6. The issuance, licensure, and revenue dedication requirements relating to early fall Canada goose temporary nonresident licenses contained in sections 1 to 3, inclusive, of this Act are repealed on June 30, 2003.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1260

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. 1260
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

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

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State