

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

390D0737

## HOUSE ENGROSSED NO. **HB1260** - 2/10/00

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

Introduced by: Representatives Fryslie, Chicoine, Juhnke, Kazmerzak, Sebert, and Weber and Senators Frederick and Munson (David)

1 FOR AN ACT ENTITLED, An Act to increase the authorized number of nonresident waterfowl  
2 hunting licenses.

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

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

5 41-6-10. Licenses, permits, and stamps issued under this title are classified as follows:

- 6 (1) Disabled hunter permit;
- 7 (2) Export bait dealer license;
- 8 (2A) Fall three-day temporary nonresident waterfowl license;
- 9 (3) Fur dealer's license;
- 10 (4) Hoop net, trap, or setline license;
- 11 (5) License for breeding and domesticating animals and birds;
- 12 (6) License to take fur-bearing animals;
- 13 (7) Nonresident big game license;
- 14 (8) Nonresident fishing license;
- 15 (9) Nonresident predator/varmint license;
- 16 (10) Repealed by SL 1999, ch 213, § 3.

- 1 (11) Nonresident retail bait dealer license;
- 2 (12) Nonresident shooting preserve license;
- 3 (13) Nonresident small game license;
- 4 (14) Nonresident and resident migratory bird certification permit;
- 5 (15) Nonresident wholesale bait dealer license;
- 6 (16) Nonresident wild turkey license;
- 7 (17) Nursing facility group fishing license;
- 8 (18) Park user's license;
- 9 (19) Permit for transportation of big game animal;
- 10 (20) Private fish hatchery license;
- 11 (21) Resident big game license;
- 12 (22) Resident elk license;
- 13 (23) Resident fishing license and resident senior fishing license;
- 14 (24) Repealed by SL 1999, ch 213, § 3.
- 15 (25) Resident retail bait dealer license;
- 16 (26) Resident small game license and resident youth small game license;
- 17 (27) Resident predator/varmint license;
- 18 (28) Resident wholesale bait dealer license;
- 19 (29) Resident wild turkey license;
- 20 (30) Scientific collector's license;
- 21 (31) Special nonresident waterfowl license;
- 22 (32) Repealed by SL 1999, ch 213, § 3.
- 23 (33) Taxidermist's license;
- 24 (33A) Spring ~~five-day~~ snow goose temporary nonresident ~~waterfowl~~ license;
- 25 (33B) Early fall Canada goose temporary nonresident license;

1 (34) Temporary fishing and hunting licenses.

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

5 Section 2. 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 migratory  
7 waterfowl without a special nonresident waterfowl license, a fall three-day temporary  
8 nonresident waterfowl license, early fall Canada goose temporary nonresident license, or a spring  
9 ~~five-day~~ snow goose temporary nonresident ~~waterfowl~~ license, a migratory bird certification  
10 permit, and a federal migratory bird stamp, or in violation of the conditions of the licenses or the  
11 rules of the Game, Fish and Parks Commission.

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

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

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

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

25 41-6-18.4. The Game, Fish and Parks Commission may promulgate rules in accordance with

1 chapter 1-26 to authorize the department to issue up to two thousand fall three-day temporary  
2 nonresident waterfowl licenses, up to two thousand early fall Canada goose temporary  
3 nonresident licenses, and a number of spring ~~five-day~~ snow goose temporary nonresident  
4 ~~waterfowl~~ licenses to be determined by the department, and to establish the fee therefor, validity  
5 of the licenses issued, types of waterfowl to be hunted, and areas in which hunting is permitted.  
6 The fall three-day temporary nonresident waterfowl licenses are valid only on private property,  
7 but are not valid on private property leased by the department for public hunting or on highways  
8 or other public rights-of-way within this state that otherwise meet the requirements of  
9 § 41-9-1.3. Revenue from the sale of fall three-day temporary nonresident waterfowl licenses  
10 shall be deposited in the department's land acquisition and development fund to be used to  
11 acquire, by lease, permit, or otherwise, interests in real property to be used for providing  
12 waterfowl hunting public access in the counties adjacent to the Missouri River. Revenue from  
13 the sale of early fall Canada goose temporary nonresident licenses shall be deposited in the  
14 department's land acquisition and development fund to be used to acquire by lease, permit, or  
15 otherwise, interests in real property to be used for providing waterfowl hunting public access.  
16 Before promulgating rules which permit the issuance of fall three-day temporary nonresident  
17 waterfowl licenses, the commission shall determine that adequate waterfowl hunting public  
18 access has been provided through the department's land acquisition and development fund or  
19 through other means.

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

21 41-6-72. Licenses issued under this title ~~shall expire on~~ at the end of the last day of December  
22 of the calendar year for which they were issued unless specified otherwise in this chapter or as  
23 limited or provided by the applicable license and rules promulgated by the Game, Fish and Parks  
24 Commission in accordance with chapter 1-26. Waterfowl hunting licenses expire at the end of  
25 the last day of the hunting season for which the license was issued.

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

2 ~~—41-6-15. Any hunting or fishing license shall expire on the last day of December in the year~~  
3 ~~in which it was purchased or as limited and provided by the applicable license.~~

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

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 195

3 1/25/00 Referred to Agriculture and Natural Resources.

4 2/3/00 Agriculture and Natural Resources Hog Housed.

5 2/3/00 Scheduled for Committee hearing on this date.

6 2/3/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 11, NAYS 2.

7 H.J. 374

8 2/7/00 House of Representatives Placed on Calendar. H.J. 463

9 2/7/00 Deferred with pending amendment (Rule 5-17). H.J. 467

10 2/9/00 Motion to Amend, Passed. H.J. 537

11 2/9/00 House of Representatives Do Pass Amended, Passed, AYES 62, NAYS 6. H.J. 537