

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

273E0425

SENATE BILL NO. 191

Introduced by: Senators Hutmacher, McIntyre, Moore, and Reedy and Representatives Brown (Jarvis), Bartling, Fryslie, Juhnke, Lintz, Nachtigal, and Rhoden

1 FOR AN ACT ENTITLED, An Act to revise the number and duration of certain nonresident
2 waterfowl hunting licenses.

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

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

5 41-6-18.1. It is a Class 2 misdemeanor for a nonresident to hunt, take, or kill migratory
6 waterfowl without a special nonresident waterfowl license, a fall three-day temporary
7 nonresident waterfowl license, early fall Canada goose temporary nonresident license, or a spring
8 snow goose temporary nonresident license, a migratory bird certification permit, and a federal
9 migratory bird stamp, or in violation of the conditions of the licenses or the rules of the Game,
10 Fish and Parks Commission.

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

1 Game, Fish and Parks Commission shall prescribe.

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

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

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

9 41-6-18.1. It is a Class 2 misdemeanor for a nonresident to hunt, take, or kill migratory
10 waterfowl without a special nonresident waterfowl license, a fall three-day temporary
11 nonresident waterfowl license, or a spring snow goose temporary nonresident license, a
12 migratory bird certification permit, and a federal migratory bird stamp, or in violation of the
13 conditions of the licenses or the rules of the Game, Fish and Parks Commission.

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

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

24 The Game, Fish and Parks Commission may issue no more than ~~four~~ two thousand special

1 nonresident waterfowl licenses in a calendar year.

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

3 41-6-18.4. The Game, Fish and Parks Commission ~~may~~ shall promulgate rules in accordance
4 with chapter 1-26 to authorize the department to issue up to ~~two~~ six thousand fall three-day
5 temporary nonresident waterfowl licenses as provided in this section, up to two thousand early
6 fall Canada goose temporary nonresident licenses, and a number of spring snow goose temporary
7 nonresident licenses to be determined by the department, and to establish the fee therefor,
8 validity of the licenses issued, types of waterfowl to be hunted, and areas in which hunting is
9 permitted as provided in this section. The rules shall direct the department to make available for
10 issuance six thousand fall three-day temporary nonresident waterfowl licenses, of which two
11 thousand shall be designated for hunting in Hughes, Potter, Sully, Stanley, Lyman, and Brule
12 counties. The other four thousand fall three-day temporary nonresident waterfowl licenses shall
13 be available for hunting in any area of the state, including Hughes, Potter, Sully, Stanley, Lyman,
14 and Brule counties if the two thousand licenses designated for those counties have been issued.
15 The fall three-day temporary nonresident waterfowl licenses are valid only on private property,
16 but are not valid on private property leased by the department for public hunting or on highways
17 or other public rights-of-way within this state that otherwise meet the requirements of
18 § 41-9-1.3. Revenue from the sale of fall three-day temporary nonresident waterfowl licenses
19 shall be deposited in the department's land acquisition and development fund to be used to
20 acquire, by lease, permit, or otherwise, interests in real property to be used for providing
21 waterfowl hunting public access ~~in the counties adjacent to the Missouri River~~. Revenue from
22 the sale of early fall Canada goose temporary nonresident licenses shall be deposited in the
23 department's land acquisition and development fund to be used to acquire by lease, permit, or
24 otherwise, interests in real property to be used for providing waterfowl hunting public access.

1 ~~Before promulgating rules which permit the issuance of fall three-day temporary nonresident~~
2 ~~waterfowl licenses, the commission shall determine that adequate waterfowl hunting public~~
3 ~~access has been provided through the department's land acquisition and development fund or~~
4 ~~through other means.~~

5 Section 4. That § 41-6-18.4 be amended to read as follows:

6 41-6-18.4. The Game, Fish and Parks Commission ~~may~~ shall promulgate rules in accordance
7 with chapter 1-26 to authorize the department to issue up to ~~two~~ six thousand fall three-day
8 temporary nonresident waterfowl licenses as provided in this section and a number of spring
9 snow goose temporary nonresident licenses to be determined by the department, and to establish
10 the fee therefor, validity of the licenses issued, types of waterfowl to be hunted, and areas in
11 which hunting is permitted as provided in this section. The rules shall direct the department to
12 make available for issuance six thousand fall three-day temporary nonresident waterfowl licenses,
13 of which two thousand shall be designated for hunting in Hughes, Potter, Sully, Stanley, Lyman,
14 and Brule counties. The other four thousand fall three-day temporary nonresident waterfowl
15 licenses shall be available for hunting in any area of the state, including Hughes, Potter, Sully,
16 Stanley, Lyman, and Brule counties if the two thousand licenses designated for those counties
17 have been issued. The fall three-day temporary nonresident waterfowl licenses are valid only on
18 private property, but are not valid on private property leased by the department for public
19 hunting or on highways or other public rights-of-way within this state that otherwise meet the
20 requirements of § 41-9-1.3. Revenue from the sale of fall three-day temporary nonresident
21 waterfowl licenses shall be deposited in the department's land acquisition and development fund
22 to be used to acquire, by lease, permit, or otherwise, interests in real property to be used for
23 providing waterfowl hunting public access ~~in the counties adjacent to the Missouri River. Before~~
24 ~~promulgating rules which permit the issuance of fall three-day temporary nonresident waterfowl~~

1 licenses, the commission shall determine that adequate waterfowl hunting public access has been
2 provided through the department's land acquisition and development fund or through other
3 means.

4 Section 5. Sections 1 and 3 of this Act are repealed on June 30, 2003.

5 Section 6. Sections 2 and 4 of this Act are effective June 30, 2003.