

AN ACT

ENTITLED, An Act to authorize the Department of Agriculture and the Department of Game, Fish and Parks to designate certain species as needing both control and protection.

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

Section 1. Terms used in this chapter mean:

- (1) "Departments," the Department of Game, Fish, and Parks and the Department of Agriculture;
- (2) "Species of management concern," a species designated by the secretary of the Department of Agriculture and the Game, Fish and Parks Commission as a species which shares the dual status of requiring both control and protection.

Section 2. The secretary of the Department of Agriculture and the Game, Fish and Parks Commission shall establish, by rules promulgated pursuant to chapter 1-26, a list of species of management concern. In determining whether a species should be listed, the following factors are to be considered:

- (1) Whether the species or its habitat, or both are of value ecologically and aesthetically and at the same time burdensome for property owners; and
- (2) Whether the species may warrant protection at times and control at others depending on the rate of reproduction, climate, disease, population viability, and other factors.

Section 3. Rules promulgated pursuant to section 2 of this Act shall be conducted jointly by both the Department of Agriculture and the Game, Fish and Parks Commission, including joint notice, publication, hearings, and decision-making.

Section 4. If so requested, the departments may render assistance and advice regarding species of management concern including:

- (1) Providing information to the public and property owners regarding the species of

management concern and its characteristics, ecosystem values, and habitat; and

- (2) Providing assistance in the development of conservation plans or control projects regarding the species of management concern.

Section 5. The following acts or omissions constitute nuisances:

- (1) Engaging in practices which allow or cause a species of management concern to encroach upon the property of another or injure or endanger the property of another; or
- (2) Failure to control the species of management concern thereby causing encroachment on the property of another or causing injury to or endangering the property of another.

Section 6. In addition to any other remedies at law, the remedies set forth in chapter 21-10 apply to the nuisances described in section 5 of this Act. These remedies include civil action, including injunctive relief and recovery of damages, and abatement. Abatement, if ordered by the court, shall include reimbursement for any reasonable and necessary costs incurred in abating the nuisance.

Section 7. Designation as a species of management concern abrogates any previous designation as a weed or pest.

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I certify that the attached Act originated in the

SENATE as Bill No. 64

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 64
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