

2024 South Dakota Legislature

Senate Bill 135**AMENDMENT 135A
FOR THE INTRODUCED BILL**

1 **An Act to ~~authorize the payment of administrative expenses from~~ revise provisions**
 2 **related to habitat stamp sales.**

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

4 **Section 1. That § 41-6-85 be AMENDED:**

5 **41-6-85.** Except as otherwise provided in ~~§ 41-6-10.2~~ this section, a person
 6 eighteen years of age or older shall purchase a habitat stamp when applying for or
 7 purchasing a fishing license, a hunting license, or fishing ~~furbearer a~~ license to take fur-
 8 bearing animals.

9 The ~~fee for the cost of a~~ habitat stamp shall be ~~is~~ ten dollars for residents ~~a resident~~
 10 and ~~twenty-five dollars~~ for nonresidents ~~a nonresident~~ purchasing a one-day fishing
 11 license. The cost of a habitat stamp for a nonresident, in all other cases, is twenty-five
 12 dollars. A person is not required to purchase more than one habitat stamp within a license
 13 period, as provided by the applicable license, and rules promulgated by the commission
 14 under chapter 1-26.

15 Any person required to possess a fishing license, a hunting license, or fishing a
 16 license to take fur-bearing animals may not fish ~~and~~ hunt, or trap without a habitat stamp
 17 validation.

18 A purchase of the habitat stamp is not required for the ~~one-day hunting or fishing~~
 19 ~~license, youth hunting license, private shooting preserve license, hunt for habitat~~
 20 ~~application fee, or landowner hunting license.~~

21 A violation of

22 The requirement to purchase a habitat stamp, as set forth in this section, does not
 23 apply to:

24 (1) A resident who meets the criteria set forth in 41-6-10.2;

25 (2) A resident applying for or purchasing:

26 (a) A one-day fishing license;

- 1 (b) A one-day hunting license;
 2 (c) A youth hunting license;
 3 (d) A hunt for habitat raffle ticket; or
 4 (e) A landowner hunting license;
 5 (3) A resident applying for or purchasing a private shooting preserve license before
 6 July 1, 2025;
 7 (4) A nonresident applying for or purchasing:
 8 (a) A youth hunting license; or
 9 (b) A hunt for habitat raffle ticket; or
 10 (5) A nonresident applying for or purchasing a private shooting preserve license before
 11 July 1, 2025.
 12 A person who violates this section is guilty of a Class 2 misdemeanor.

13 **Section 2. That § 41-6-86 be AMENDED:**

14 **41-6-86.** ~~All revenue~~ The department shall deposit money collected from the sale
 15 of the a habitat stamp, as provided for in § 41-6-85 shall be deposited in, into the game,
 16 fish and parks fund for the purposes of enhancing. ~~The department shall use the money~~
 17 ~~to:~~

18 ~~(1) Enhance terrestrial habitat on public lands, providing;~~

19 ~~(2) Provide additional public access to private lands; and~~

20 ~~(3) Provide aquatic habitat enhancements on public waters. All fees collected from~~
 21 ~~persons who only purchase~~

22 ~~The department may set aside an amount sufficient to pay any administrative~~
 23 ~~expenses incurred in carrying out the requirements of this section. The amount set aside~~
 24 ~~may not exceed one percent of the amount collected under § 41-6-85.~~

25 The department shall use any remaining money generated from the sale of a
 26 habitat stamp, in connection with a fishing licenses shall be used solely license, for aquatic
 27 habitat and access projects in enhancements on public waters. All fees collected from
 28 persons who only purchase

29 The department shall use any remaining money generated from the sale of a
 30 habitat stamp, in connection with a hunting license or trapping licenses shall be used
 31 solely furbearer a license to take fur-bearing animals, for terrestrial habitat and programs
 32 that provide additional public access programs. All fees collected from persons that
 33 purchase privileges to fish and hunt, or trap shall be extended equally for aquatic and to
 34 private land.

1 The department shall use ~~any remaining~~ money generated from the sale of a
2 habitat stamp, in connection with a combination hunting and fishing license, in equal parts,
3 to enhance terrestrial habitat. ~~Proceeds from the habitat stamp fee collected may not be~~
4 ~~used on public lands and to provide aquatic habitat enhancements on public waters.~~

5 The department may not use money generated under § 41-6-85 to purchase
6 property in fee title.

7 ~~The~~ On or before October first of each year, the department shall deliver an annual
8 provide an itemized expenditure report to the Government Operations and Audit
9 Committee.