



## 2021 South Dakota Legislature

# House Bill 1036

*Introduced by: The Committee on Agriculture and Natural Resources at the request of the Department of Game, Fish and Parks*

1 **An Act to correct technical errors in certain code cross-references regarding the**  
 2 **Department of Game, Fish and Parks.**

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

4 **Section 1.** That § 41-6-30 be AMENDED.

5 **41-6-30. Nonresident predator/varmint license--Privileges--When license**  
 6 **not required--Violation as misdemeanor.**

7 Except as provided in this section, it is a Class 2 misdemeanor for a nonresident to  
 8 hunt, take, or kill species defined as a predator/varmint in § 41-1-1 without a nonresident  
 9 predator/varmint license or in violation of the conditions of the license or the rules of the  
 10 Game, Fish and Parks Commission.

11 A nonresident predator/varmint license, ~~notwithstanding the provisions of § 41-6-24,~~  
 12 allows a nonresident to take or kill species defined as a predator/varmint in § 41-1-1,  
 13 except by means of aerial hunting or as prohibited by statute or rule.

14 However, if a nonresident possesses a nonresident small game license, a nonresident  
 15 waterfowl license, a nonresident big game license, a nonresident shooting preserve license  
 16 while on a licensed shooting preserve, or a nonresident turkey license as provided in § 41-  
 17 6-17, 41-6-18.1, 41-6-20, or 41-6-28, the nonresident need not acquire the nonresident  
 18 predator/varmint license as provided in this section to hunt the species enumerated by  
 19 this section in the manner and places permitted. A nonresident small game license, a  
 20 nonresident waterfowl license, a nonresident big game license, or a nonresident turkey  
 21 license is valid for hunting those animals permitted by the nonresident predator/varmint  
 22 license from date of purchase until the end of the license year as provided by rules  
 23 promulgated by the Game, Fish and Parks Commission pursuant to chapter 1-26.  
 24 However, a nonresident shooting preserve license is valid for hunting species defined as  
 25 a predator/varmint in § 41-1-1 on a licensed shooting preserve during the shooting  
 26 preserve season.

1 **Section 2.** That § 41-6-61 be AMENDED.

2 **41-6-61. Licenses to be issued by secretary--Discretionary licenses.**

3 Licenses under §§ 41-6-25 to 41-6-28, inclusive, under §§ 41-6-31 to 41-6-33,  
4 inclusive, and under §§ 41-6-38 to 41-6-43, inclusive, ~~and under § 41-6-46,~~ may be  
5 issued by the secretary of game, fish and parks. The granting of licenses provided under  
6 §§ 41-6-32 to 41-6-33, inclusive, and under §§ 41-6-39 to 41-6-43, inclusive, shall be in  
7 the discretion of the secretary.

8 **Section 3.** That § 41-6-70.1 be AMENDED.

9 **41-6-70.1. License fees--Portion for designated purposes.**

10 A portion of the license fees collected by the Department of Game, Fish and Parks  
11 ~~that would previously have been paid to counties pursuant to § 41-6-70,~~ in an amount  
12 equal to one million thirty-three thousand two hundred sixty-nine dollars and ten cents  
13 per year, shall be used only for the following purposes: administration of licensing services  
14 provided by the department; increased contribution to the animal damage control fund as  
15 provided in § 40-36-11; development of public access, other than fee-title purchase of  
16 land, for hunting and fishing; wildlife habitat improvements; management of wildlife  
17 damage; or to be credited toward a reduction of resident license fees. The Game, Fish and  
18 Parks Commission shall approve amounts allocated to the specific purposes identified in  
19 this section.

20 **Section 4.** That § 41-13A-2 be AMENDED.

21 **41-13A-2. Aquatic invasive species--Prohibitions--Violation as**  
22 **misdemeanor.**

23 No person may possess, import, ship, or transport within this state any aquatic  
24 invasive species unless authorized by the commission in rules promulgated under ~~§ 41-~~  
25 ~~13A-8~~ § 41-2-18.

26 A violation of this section is a Class 2 misdemeanor. A second or subsequent violation  
27 of this section within one year is a Class 1 misdemeanor.

28 **Section 5.** That § 41-13A-3 be AMENDED.

1           **41-13A-3. Conveyance placement--Requirements--Violation as**  
2           **misdemeanor.**

3           No person may place a conveyance, or cause a conveyance to be placed, into waters  
4           within this state without first meeting the requirements in § 41-13A-4 unless authorized  
5           by the commission in rules promulgated under ~~§ 41-13A-8~~ § 41-2-18.

6           A violation of this section is a Class 2 misdemeanor. A second or subsequent violation  
7           of this section within one year is a Class 1 misdemeanor.

8           **Section 6.** That § 41-13A-4 be AMENDED.

9           **41-13A-4. Conveyance removal--Requirements--Violation as misdemeanor.**

10          Any person removing a conveyance from waters shall, to the extent possible, do the  
11          following:

- 12          (1)     Clean the conveyance by removing all visible organic material, including plants,  
13                  animals, and mud;
- 14          (2)     Drain the conveyance by removing any plug or other barrier that prevents water  
15                  drainage and running any pumps on board to expunge water; and
- 16          (3)     Comply with any other requirements and protocols for the cleaning, draining, and  
17                  drying of a conveyance established by the commission in rules promulgated under  
18                  ~~§ 41-13A-8~~ § 41-2-18.

19          Failure to comply with the provisions of this section is a Class 2 misdemeanor. A second  
20          or subsequent violation of this section within one year is a Class 1 misdemeanor.

21          **Section 7.** That § 42-8-41 be AMENDED.

22          **42-8-41. Boats--Required equipment--Penalty.**

23          No person may operate or give permission for the operation of a boat which is not  
24          equipped as required by rules adopted pursuant to ~~§ 42-8-1.1~~ § 32-3A-1. Neither the  
25          owner of a boat, nor the owner's agent or employee, may permit any motorboat or any  
26          boat to depart from the owner's premises unless it is provided, either by owner or renter,  
27          with the equipment required pursuant to such rules. A violation of this section is a Class  
28          2 misdemeanor.

29          **Section 8.** That § 42-8-42 be AMENDED.

1           **42-8-42. Muffler required--Use of cutouts prohibited--Racing boats**  
2           **excepted.**

3           The exhaust of every internal combustion engine used on any motorboat shall be  
4           effectively muffled by equipment so constructed and used as to muffle the noise of the  
5           exhaust in a reasonable manner. The use of cutouts is prohibited, except for racing boats  
6           competing in a regatta or boat race approved as provided by rules adopted pursuant to ~~§~~  
7           ~~42-8-1.1~~ § 32-3A-1, and for such racing boats while on trial runs, during a period not to  
8           exceed forty-eight hours immediately preceding a regatta or race and for motorboats while  
9           competing in official trials for speed records during a period not to exceed forty-eight  
10          hours immediately following a regatta or race. A violation of this section is a Class 2  
11          misdemeanor.