



2021 South Dakota Legislature  
**House Bill 1036**  
**ENROLLED**

AN ACT

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

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

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

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

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

A nonresident predator/varmint license allows a nonresident to take or kill species defined as a predator/varmint in § 41-1-1, except by means of aerial hunting or as prohibited by statute or rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
House as Bill No. 1036

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2021 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2021

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2021  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1036  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State