

**Department of Game, Fish & Parks**  
**Agency Budget Hearing Follow Up**  
**Game, Fish & Parks Commission – Statutory Authority**

**STATUTORY AUTHORITY FOR CONTINUING APPROPRIATION**

41-2-1.2. Direction and supervision of commission--Independent functions retained. The Game, Fish and Parks Commission is administered under the direction and supervision of the Department of Game, Fish and Parks and the secretary of game, fish and parks. However, the commission retains the quasi-judicial, quasi-legislative, advisory, other nonadministrative and special budgetary functions (as defined in § 1-32-1) otherwise vested in it and shall exercise those functions independently of the secretary of game, fish and parks.

1-32-1. Definition of terms. As used in chapters 1-32 to 1-47, inclusive:

(13) "Special budgetary function" is a category of administrative functions and means any statutory power granted to an agency with respect to the receipt, or the approval of budgets or allocations, or the disbursement and expenditure of special revenue funds, capital projects funds, debt service funds, trust and agency funds, public service enterprise funds, and working capital or internal service funds as defined by § 4-4-4. Special budgetary functions are not to be construed, however, to include any authority to select, appoint, promote, or remove any employee.

41-2-34. Fees and collections paid into departmental fund. All moneys collected under any of the game and fish laws of this state including sums paid for licenses or on account of bonds or contracts entered into with any persons, and money due from other sources connected with the game and fish laws of this state, except fines, shall be paid into the state treasury to be credited to the Department of Game, Fish and Parks fund. Excepting receipts from sales of timber on school lands, all sums received from rentals, contracts, licenses, sales of personal property, or any source, except such sums as are derived from or which have accrued through the operation of the Division of Forestry and Parks and Custer State Park, shall be paid into the state treasury and credited to the Department of Game, Fish and Parks fund.

41-2-35. Annual appropriation of departmental fund. All moneys in the Department of Game, Fish and Parks fund are hereby annually appropriated to be used with any moneys otherwise appropriated to pay the necessary expenses of effectuating the purposes of this title.

41-2-35.1. Informational budget--Review. Notwithstanding any other provisions of law, all funds received by the Department of Game, Fish and Parks shall be set forth in an informational budget as described in § 4-7-7.2 and be annually reviewed by the Legislature. Nothing in this section affects department control over expenditures of any portion of dedicated revenues received by the department.

**ASSENT LEGISLATION – PITMAN ROBERTSON & DINGELL-JOHNSON FUNDS**

41-3-4. Assent to federal wildlife restoration act--Cooperation in projects--Hunting license fees committed. The State of South Dakota hereby assents to the provisions of the act of Congress entitled "An Act to provide that the United States shall aid the states in wildlife-restoration

projects, and for other purposes," approved September 2, 1937, (Public Law 415, 75th Congress, 1st session) and the Department of Game, Fish and Parks is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife-restoration projects, as defined in said act of Congress, in compliance with said act and rules and regulations promulgated by the secretary of the interior thereunder; and no moneys accruing to the State of South Dakota from license fees paid by hunters shall be diverted for any other purpose than the administration of the Department of Game, Fish and Parks.

41-3-11. Assent to federal fish restoration and management act--Cooperative projects--Fishing license fees committed. The State of South Dakota hereby assents to the provisions of the act of Congress entitled, "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," approved August 9, 1950 (Public Law 681, 81st Congress). The Department of Game, Fish and Parks shall perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in the act of Congress, in compliance with the act and rules and regulations promulgated by the secretary of the interior under the act. No funds accruing to the State of South Dakota from license fees paid by fishermen may be diverted for any other purpose than the administration of the Department of Game, Fish and Parks and for the protection, propagation, preservation, and investigation of fish and game.

The "Federal Aid in Wildlife Restoration Act" is commonly referred to as the Pittman-Robertson Act. The act of Congress is cited in SDCL 41-3-4, and is codified as 16 U.S.C. §§ 669-669i, inclusive, as amended. To be eligible for federal funds under Pittman-Robertson, a state must assent to the provisions of the Act and have laws governing the conservation of wildlife. Additionally, a state must have a law prohibiting the diversion of license fees paid by hunters for any purpose other than the administration of the state's fish and game department which, of course, is the purpose of SDCL 41-3-4.

The "Federal Aid in Sport Fish Restoration Act" is commonly referred to as the Dingell-Johnson Act. The act of Congress is cited in SDCL 41-3-11, and is codified as 16 U.S.C. §§ 777-777i, inclusive, as amended. To be eligible for federal funds under Dingell-Johnson, a state must assent to the provisions of the Act and passes laws for the conservation of fish. Additionally, a state must have a law prohibiting the diversion of fishing license fees for any purpose other than the administration of the state's fish and game department, which is the purpose of SDCL 41-3-11.

## SNOWMOBILE TRAILS PROGRAM

32-5-9.2. Disposition of snowmobile fees and initial registration tax. Two dollars of each fee collected under § 32-5-9.1 shall be credited to the motor vehicle fund and the balance of the license fees and the three percent initial registration tax shall be credited to a special revenue fund to be established and known as the snowmobile trails fund.

41-19-1. Snowmobile trails fund appropriated--Accumulation without reversion. The snowmobile trails fund established pursuant to § 32-5-9.2 is hereby appropriated for the administration of § 41-19-2. Money in the fund shall accumulate without reversion at the close of the fiscal year.

41-19-2. Acquisition and improvement of snowmobile trails and areas. The Department of Game, Fish and Parks shall, as rapidly as the accumulation of funds in the snowmobile trails fund permits, establish state snowmobile trails and areas, and the Game, Fish and Parks Commission is hereby authorized to expend such funds for the acquisition or leasing of land or easements or for construction, maintenance, and markings necessary for the establishment of state snowmobile trails and areas.

41-19-3. Disbursements from snowmobile trails fund. Disbursements from the snowmobile trails fund shall be paid on warrants drawn by the state auditor on vouchers approved by the Game, Fish and Parks Commission.