



2021 South Dakota Legislature

House Bill 1047

HOUSE AGRICULTURE AND NATURAL RESOURCES ENGROSSED

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

1 **An Act to provide limited deer and antelope licenses to landowners.**

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

3 **Section 1.** That § 41-6-19.3 be AMENDED.

4 **41-6-19.3. Resident landowner--Limited deer or antelope license--**
 5 **Promulgation of rules.**

6 If a resident owns or leases, for agricultural purposes, the minimum acreage
 7 necessary to qualify for landowner preference, in accordance with rules promulgated by
 8 the Game, Fish and Parks Commission, ~~if the resident actually resides on the land or is an~~
 9 ~~owner operator of the land,~~ and if the resident has not, pursuant to § 41-6-19, received
 10 a big game license that permits the harvest of a buck during the west river-prairie deer
 11 season, east river deer season, Black Hills deer season, or firearm antelope season set by
 12 the commission in accordance with § 41-2-18, the resident may obtain ~~one any deer~~
 13 ~~license, one any antelope license, one license that has one any deer tag and one any~~
 14 ~~antlerless deer tag, or one any antelope and one doe/kid antelope tag~~ a landowner-on-
 15 own-land license. The commission shall promulgate rules, in accordance with chapter 1-
 16 26, to establish the types of big game animals that are eligible to harvest with a
 17 landowner-on-own-land license. The license entitles the resident to hunt on land owned
 18 or leased by the resident within any unit, for the specified hunting season.

19 If a member of the resident's immediate family is qualified to obtain a license under
 20 this section and if the member has not, pursuant to § 41-6-19, received a big game license
 21 that permits the harvest of a buck during the west river-prairie deer season, east river
 22 deer season, Black Hills deer season, or firearm antelope season set by the commission
 23 in accordance with § 41-2-18, the member may obtain ~~one any deer license, one any~~
 24 ~~antelope license, one license that has one any deer tag and one any antlerless deer tag,~~
 25 ~~or one any antelope and one doe/kid antelope tag~~ a landowner-on-own-land license. The

1 license entitles the member to hunt on land owned or leased by the resident within any
2 unit, for the specified hunting season.

3 Upon receipt of the application prescribed by the Department of Game, Fish and Parks,
4 and payment of the applicable fee, the department shall issue a ~~limited license-landowner-~~
5 on-own-land license that restricts the holder to the taking of the big game animals, as
6 designated on the license, from land owned or leased by the resident.

7 The commission shall promulgate rules, in accordance with chapter 1-26, to establish
8 fees for licenses issued under this section.

9 For purposes of this section, an immediate family member means the resident's spouse
10 or a child who resides with the resident.

11 **Section 2.** That § 41-6-19.4 be AMENDED.

12 **41-6-19.4. Nonresident landowner--Limited deer or antelope license.**

13 If a nonresident owns, for agricultural purposes, at least six hundred forty
14 contiguous acres west of the Missouri River, if the nonresident is an owner-operator of the
15 land, and if the nonresident has not, pursuant to ~~§ 41-6-19~~ § 41-6-20, received a big
16 game license that permits the harvest of a buck during the west river ~~prairie~~ deer season
17 or firearm antelope season set by the commission in accordance with § 41-2-18, the
18 nonresident may obtain ~~one any deer license, one any antelope license, one license that~~
19 ~~has one any deer tag and one any antlerless deer tag, or one any antelope and one~~
20 ~~doe/kid antelope tag~~ a landowner-on-own-land license. The commission shall promulgate
21 rules, in accordance with chapter 1-26, to establish the types of big game animals that
22 are eligible to harvest with a landowner-on-own-land license. The license entitles the
23 nonresident to hunt on land owned by the nonresident within any unit, for the specified
24 hunting season.

25 If a nonresident owns, for agricultural purposes, at least one hundred sixty
26 contiguous acres east of the Missouri River, is an owner-operator of the land, and has not,
27 pursuant to § 41-6-20, received a big game license that permits the harvest of a buck
28 during the east river deer season or firearm antelope season set by the commission in
29 accordance with § 41-2-18, the nonresident may obtain a landowner-on-own-land license.
30 The license entitles the nonresident to hunt on land owned by the nonresident, within any
31 unit, for the specified hunting season.

32 If a member of the nonresident's immediate family is qualified to obtain a license
33 under this section and if the member has not, pursuant to ~~§ 41-6-19~~ § 41-6-20, received
34 a big game license that permits the harvest of a buck during the west river ~~prairie~~ deer

1 season, east river deer season, or firearm antelope season set by the commission in
2 accordance with § 41-2-18, the member may obtain ~~one any deer license, one any~~
3 ~~antelope license, one license that has one any deer tag and one any antlerless deer tag,~~
4 ~~or one any antelope and one doe/kid antelope tag~~ a landowner-on-own-land license. The
5 license entitles the member to hunt on land owned by the nonresident within any unit, as
6 described in §§ 41-6-19.3 and 41-6-19.8, and this section, for the specified hunting
7 season.

8 Upon receipt of the application prescribed by the Department of Game, Fish and
9 Parks, and payment of the applicable fee, the department shall issue a ~~limited license~~
10 landowner-on-own-land license that restricts the holder to the taking of the big game
11 animals, as designated on the license, from land owned by the nonresident.

12 The nonresident landowner-on-own-land licenses for east river deer season may
13 not exceed two hundred and fifty licenses annually and shall be allocated by lottery.

14 The commission shall promulgate rules, in accordance with chapter 1-26, to
15 establish fees for licenses issued under this section.

16 For purposes of this section, an immediate family member means the nonresident's
17 spouse or a child who resides with the nonresident.

18 **Section 3.** That § 41-6-19.8 be AMENDED.

19 **41-6-19.8. Antlerless deer licenses--Restrictions--Residents and**
20 **nonresidents.**

21 In addition to any deer license authorized in accordance with § 41-6-19.3 or any
22 other law, in areas designated by the commission, a resident who owns and operates or
23 leases and operates, for agricultural purposes, at least one hundred sixty acres of land
24 may apply for and receive two antlerless deer licenses, free of charge, for use as provided
25 in this section, during the west river ~~prairie~~ deer season, the east river deer season, or
26 any other deer season set by the commission pursuant to § 41-2-18.

27 In addition to any deer license authorized in accordance with ~~§ 41-6-19.3~~ § 41-6-
28 19.4 or any other law, in areas designated by the commission, a nonresident who owns
29 and operates, for agricultural purposes, at least six hundred forty contiguous acres of land
30 west of the Missouri River or one hundred sixty contiguous acres east of the Missouri River,
31 may apply for and receive two antlerless deer licenses, free of charge, for use as provided
32 in this section, during the west river ~~prairie~~ deer season, the east river deer season, or
33 any other deer season set by the commission pursuant to § 41-2-18.

1 The ~~five-dollar~~ six-dollar surcharge established pursuant to § 41-2-34.2 does not
2 apply to the licenses provided for in this section.

3 The licenses may only be used in areas designated by the department on lands
4 owned by the nonresident, within any unit, for the specified hunting season.

5 No more than two such licenses may be issued for use on any single farm or ranch.

6 Upon receipt of an application that is prescribed by the department and that meets
7 the requirements of this section, the department shall issue two antlerless deer licenses
8 that restrict the holder to the taking of the big game animals, as designated on the license.

9 Resident license holders may take big game only from land owned or leased by the
10 holder.

11 Nonresident license holders may take big game only from land owned by the
12 holder.