



## 2024 South Dakota Legislature

# Senate Bill 140

Introduced by: **Senator Bordeaux**

1 **An Act to prohibit the imposition of fishing and hunting license fees on members of**  
 2 **an Indian Tribe.**

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

4 **Section 1. That § 41-6-10 be AMENDED:**

5 **41-6-10.** Licenses, permits, and stamps issued under this title are classified as  
 6 follows:

- 7 (1) Disabled hunter permit;
- 8 (2) Export bait dealer license;
- 9 ~~(2A)~~(3) Fall three-day temporary nonresident waterfowl license;
- 10 ~~(3)~~(4) Fur dealer's license;
- 11 ~~(4)~~(5) Hoop net, trap, or setline license;
- 12 ~~(5)~~(6) License for breeding and domesticating animals and birds;
- 13 ~~(6)~~(7) Resident license to take fur-bearing animals;
- 14 ~~(6A)~~(8) Reciprocal nonresident license to take fur-bearing animals;
- 15 ~~(7)~~(9) Nonresident big game license;
- 16 ~~(8)~~(10) Nonresident fishing license;
- 17 ~~(9)~~(11) Nonresident predator/varmint license;
- 18 ~~(10)~~ Repealed by SL 1999, ch 213, § 3.
- 19 ~~(11)~~(12) Nonresident retail bait dealer license;
- 20 ~~(12)~~(13) Nonresident shooting preserve license;
- 21 ~~(13)~~(14) Nonresident small game license;
- 22 ~~(14)~~(15) Nonresident and resident migratory bird certification permit;
- 23 ~~(15)~~(16) Nonresident wholesale bait dealer license;
- 24 ~~(16)~~(17) Nonresident wild turkey license;
- 25 ~~(17)~~(18) Nursing facility group fishing license;
- 26 ~~(18)~~(19) Park user's license;

- 1     ~~(19)~~(20) Permit for transportation of big game animal;  
 2     ~~(20)~~(21) Private fish hatchery license;  
 3     ~~(21)~~(22) Resident big game license;  
 4     ~~(22)~~(23) Resident elk license;  
 5     ~~(23)~~(24) Resident fishing license and resident senior fishing license;  
 6     ~~(24)~~—Repealed by SL 1999, ch 213, § 3.  
 7     (25) Resident retail bait dealer license;  
 8     (26) Resident small game license and resident youth small game license;  
 9     (27) Resident predator/varmint license;  
 10    (28) Resident wholesale bait dealer license;  
 11    (29) Resident wild turkey license;  
 12    (30) Scientific collector's license;  
 13    (31) Special nonresident waterfowl license;  
 14    ~~(32)~~—Repealed by SL 1999, ch 213, § 3.  
 15    ~~(33)~~(32) Taxidermist's license;  
 16    ~~(33A)~~(33) Spring snow goose temporary nonresident license;  
 17    ~~(33B)~~(34) Early fall Canada goose temporary nonresident license;  
 18    ~~(34)~~(35) Temporary fishing and hunting licenses.

19           The rights and privileges of ~~such~~ licensees are set forth in §§ 41-6-12 to 41-6-  
 20    45.1, inclusive, and in § 41-17-13. The Game, Fish and Parks Commission shall  
 21    promulgate rules pursuant to chapter 1-26 to set the fees, eligibility, and duration for ~~such~~  
 22    licenses. The commission may not impose a fee, for a license to hunt or fish, on an  
 23    individual who is a member of an Indian tribe, as defined in § 2-14-2.

24    **Section 2. That § 41-6-19 be AMENDED:**

25           **41-6-19.** It is a Class 1 misdemeanor for a resident to hunt, take, or kill big game  
 26    animals, except wild turkey, without a resident big game license, or to be in violation of  
 27    the conditions of the license or the rules of the Game, Fish and Parks Commission.

28           A resident big game license ~~shall permit~~ enables the licensee to hunt game animals  
 29    in the manner and to the extent provided in §§ 41-8-6 to 41-8-17, inclusive. The license  
 30    fees for mountain goats and bighorn sheep in Custer State Park ~~shall~~ must be established  
 31    pursuant to § 41-17-1.1. The commission may not impose a fee, for a license to hunt, on  
 32    an individual who is a member of an Indian tribe, as defined in § 2-14-2.

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

1           **41-6-19.3.** If a resident owns or leases, for agricultural purposes, the minimum  
2 acreage necessary to qualify for landowner preference, in accordance with rules  
3 promulgated by the Game, Fish and Parks Commission and if the resident has not,  
4 pursuant to § 41-6-19, received a big game license that permits the harvest of a buck  
5 during the west river deer season, east river deer season, Black Hills deer season, or  
6 firearm antelope season set by the commission in accordance with § 41-2-18, the resident  
7 may obtain a landowner-on-own-land license. The commission shall promulgate rules, in  
8 accordance with chapter 1-26, to establish the types of big game animals that are eligible  
9 to harvest with a landowner-on-own-land license. The license entitles the resident to hunt  
10 on land owned or leased by the resident within any unit, for the specified hunting season.

11           If a member of the resident's immediate family is qualified to obtain a license under  
12 this section and if the member has not, pursuant to § 41-6-19, received a big game license  
13 that permits the harvest of a buck during the west river deer season, east river deer  
14 season, Black Hills deer season, or firearm antelope season set by the commission in  
15 accordance with § 41-2-18, the member may obtain a landowner-on-own-land license.  
16 The license entitles the member to hunt on land owned or leased by the resident within  
17 any unit, for the specified hunting season.

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

22           The commission shall promulgate rules, in accordance with chapter 1-26, to  
23 establish fees for licenses issued under this section. The commission may not impose a  
24 fee, for a license to hunt, on an individual who is a member of an Indian tribe, as defined  
25 in § 2-14-2.

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

28 **Section 4. That § 41-6-19.6 be AMENDED:**

29           **41-6-19.6.** The Game, Fish and Parks Commission may establish a nonrefundable  
30 application fee, not to exceed ten dollars, for any resident making application for a bighorn  
31 sheep, mountain goat, or elk license. Successful applicants shall be selected by drawing.  
32 Proceeds from the application fees collected shall be used for big game research and  
33 management. The commission may promulgate rules, pursuant to chapter 1-26, for the  
34 purpose of establishing a season and guidelines therefor and to establish the fee

1        provisions. The commission may not impose a fee, for a license to hunt, on an individual  
2        who is a member of an Indian tribe, as defined in § 2-14-2.

3        **Section 5. That § 41-6-66.1 be AMENDED:**

4                **41-6-66.1.** No more than four dollars, to be paid for by the licensee, may be  
5        charged for the issuing of any one game, fish, or trapping license by the various license  
6        agents. However, the maximum amount to be charged for issuing any nonresident small  
7        game or nonresident big game license may not exceed eight dollars. No more than two  
8        dollars, to be paid for by the licensee, may be charged for issuing any one park entrance  
9        or snowmobile permit. A violation of this section is a Class 2 misdemeanor.

10                Of the fees collected by the Department of Game, Fish and Parks pursuant to this  
11        section, one dollar for each resident game, fish, and trapping license and two dollars for  
12        each nonresident hunting license shall be deposited in the sportsmen's access and  
13        landowner depredation fund established pursuant to § 41-2-34.2 and shall be used for  
14        wildlife depredation and damage management programs and one dollar for each resident  
15        game, fish, and trapping license and two dollars for each nonresident hunting license shall  
16        be deposited in the animal damage control fund established pursuant to § 40-36-10. The  
17        department shall provide a report to the Legislature each year concerning the use of the  
18        money deposited in the funds pursuant to this section.

19                The charges authorized by this section, for the issuance of a fishing or hunting  
20        license, may not be imposed upon an individual who is member of an Indian tribe, as  
21        defined in § 2-14-2.

22        **Section 6. That § 41-10-16 be AMENDED:**

23                **41-10-16.** Any person licensed to hunt a species as required by this chapter may  
24        harvest and legally possess pen-raised or wild game shot on a shooting preserve, if the  
25        game is tagged as directed by the commission in rules promulgated pursuant to chapter  
26        1-26. The provisions of this section relating to issuance of tags and remittance of tag fees,  
27        ~~shall~~ must be administered by the department pursuant to commission rules adopted  
28        pursuant to § 41-2-18. The cost of each tag to the shooting preserve permittee shall be  
29        established by the commission in rules promulgated pursuant to chapter 1-26. The  
30        charges authorized by this section may not be imposed upon an individual who is a  
31        member of an Indian tribe, as defined in § 2-14-2.