

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0189

## SENATE BILL NO. 56

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

1 FOR AN ACT ENTITLED, An Act to revise the definitions of big game and small game.

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

3 Section 1. That § 41-1-1 be amended to read as follows:

4 41-1-1. Terms used in this title mean:

5 (1) "Any part thereof" or "the parts thereof," includes the hide, horns, and hoofs of any  
6 animal so referred to, and the plumage and skin and every other part of any bird so  
7 referred to;

8 (2) "Bait," baitfish and other wild animal groups of amphibians (frogs and salamanders),  
9 crustaceans (crayfish and freshwater shrimp), reptiles (snakes and lizards), and  
10 mollusks (clams and snails);

11 (3) "Baitfish," includes fish of the minnow family (cyprinidae) except carp (cyprinus spp.)  
12 and goldfish (carassius spp.), fish of the sucker family (castostomidae) except  
13 buffalofish (ictiobus spp.) and carpsucker (carpiodes spp.), and fish of the stickleback  
14 family (gasterosteidae);

15 (4) "Big game," all cloven-hoofed wild animals and wild turkey. The term includes

1 facsimiles of big game used for law enforcement purposes;

2 (5) "Big game seal," a locking seal which bears the same number as the license with which  
3 it is issued;

4 (6) "Big game tag," a tag which is part of the regular big game license and bears the same  
5 number as the license proper;

6 (7) "Biological specimens," wild nongame animals used for scientific study and collected  
7 for resale to biological supply companies;

8 (8) "Carcass," the dead body of any wild animal to which it refers, including the head,  
9 hair, skin, plumage, skeleton, or any other part thereof;

10 (9) "Domestic animal," any animal that through long association with man, has been bred  
11 to a degree which has resulted in genetic changes affecting the temperament, color,  
12 conformation or other attributes of the species to an extent that makes it unique and  
13 different from wild individuals of its kind;

14 (10) "Fishing," the taking, capturing, killing, or fishing for fish of any variety in any  
15 manner. If the word, fish, is used as a verb, it has the same meaning as the word,  
16 fishing;

17 (11) "Fur-bearing animals," opossum, muskrat, beaver, mink, marten, blackfooted ferret,  
18 skunks (all species), raccoon, badger, red, grey and swift fox, coyote, bobcat, lynx,  
19 weasel, and jackrabbit;

20 (12) "Game," all wild mammals or birds;

21 (13) "Game fish," all species belonging to the paddlefish, sturgeon, salmon (trout), pike,  
22 catfish (including bullheads), sunfish (including black bass and crappies), perch  
23 (including walleye and sauger), and bass families. All species not included in the game  
24 fish families are rough fish;

- 1 (14) "Hunt" or "hunting," shooting, shooting at, pursuing, taking, attempting to take,  
2 catching or killing of any wild animal or animals;
- 3 (15) "Loaded firearm," any firearm or other implement capable of discharging a projectile,  
4 containing cartridges, shells or projectiles in either the chamber, clip, or magazine;
- 5 (16) "Migratory waterfowl," any wild geese, swans, brants, coot, merganser, or wild  
6 ducks;
- 7 (17) "Migratory bird," all migratory waterfowl, sandhill crane, snipe, and dove;
- 8 (18) "Motor vehicle," any self-propelled vehicle and any vehicle propelled or drawn by a  
9 self-propelled vehicle, whether operated upon a highway, railroad track, on the  
10 ground, in the water, or in the air;
- 11 (19) "Nondomestic animal," any animal that is not domestic;
- 12 (20) "Possession," both actual and constructive possession, as well as the control of the  
13 article referred to;
- 14 (21) "Predator/varmint," coyote, gray fox, red fox, skunk, English house sparrow,  
15 European starling, gopher, ground squirrel, chipmunk, jackrabbit, marmot, unbanded  
16 undomesticated pigeon (rock dove), porcupine, crow, and prairie dog;
- 17 (22) "Resident," a person actually living within and intending to make the person's home  
18 in this state. No resident may lose rights under this title by reason of the resident's  
19 absence on business of the United States or of this state, or armed services of the  
20 United States or the spouse of an active duty military person, or any student regularly  
21 attending a school of higher learning as a full-time student;
- 22 (23) "Sell" and "sale," any sale or offer to sell or have in possession with intent to sell, use  
23 or dispose of;
- 24 (24) "Small game," anatidae, commonly known as swans, geese, brants, merganser, and

1 river and sea ducks; the rallidae, commonly known as rails, coots, and gallinue; the  
2 limicolae, referring specifically to shore birds, plover, snipe, and woodcock; the  
3 gruidae, commonly known as sandhill crane; the columbidae, commonly known as the  
4 mourning dove; the gallinae, commonly known as grouse, prairie chickens, pheasants,  
5 partridges, and quail but does not include wild turkeys; cottontail rabbit; and fox, grey  
6 and red squirrel. The term includes facsimiles of small game used for law enforcement  
7 purposes;

8 (25) "Trapping," the taking or the attempting to take of any wild animals by means of  
9 setting or operating of any device, mechanism or contraption that is designed, built  
10 or made to close upon, hold fast, or otherwise capture a wild animal or animals. If the  
11 word, trap, is used as a verb, it has the same meaning as the word, trapping;

12 (26) "Trout streams" or "trout waters," all waters and streams or portions of streams  
13 which contain trout;

14 (27) "Waters of the state," all the boundary waters of the state, and the provisions of this  
15 title are deemed to extend to and be in force and effect over and upon and in all  
16 thereof, unless otherwise expressly provided;

17 (28) "Wild animal," any mammal, bird, fish or other creature of a wild nature endowed  
18 with sensation and the power of voluntary motion.