



## 2024 South Dakota Legislature

# Senate Bill 54

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

1 **An Act to update hunting and fishing residency requirements.**

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

3 **Section 1. That § 41-1-1 be AMENDED:**

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  
7 so referred to;
- 8 (2) "Bait," baitfish, frogs, toads, salamanders, crayfish, freshwater shrimp, clams,  
9 snails and leeches;
- 10 (3) "Baitfish," includes fish of the minnow family (cyprinidae) except carp (cyprinus  
11 spp.) and goldfish (carassius spp.), fish of the sucker family (castostomidae)  
12 except buffalofish (ictiobus spp.) and carpsucker (carpiodes spp.), and fish of the  
13 stickleback family (gasterosteidae);
- 14 (4) "Big game," all cloven-hoofed wild animals, wild mountain lion, wild black bear, and  
15 wild turkey. The term includes facsimiles of big game used for law enforcement  
16 purposes, but does not include any captive nondomestic animal of the mammalia  
17 class and the products thereof regulated by the Animal Industry Board under Title  
18 40;
- 19 (5) "Big game seal," a locking seal which bears the same number as the license with  
20 which it is issued;
- 21 (6) "Big game tag," a tag which is part of the regular big game license and bears the  
22 same number as the license proper;
- 23 (7) "Biological specimens," wild nongame animals used for scientific study and collected  
24 for resale to biological supply companies;
- 25 (8) "Carcass," the dead body of any wild animal to which it refers, including the head,  
26 hair, skin, plumage, skeleton, or any other part thereof;

- (9) "Domestic animal," any animal that through long association with man, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind;
- (10) "Domicile," a person's established, fixed, and permanent home ~~to~~, in which the person physically lives, and, whenever absent, has the present intention of returning;
- (11) "Fishing," the taking, capturing, killing, or fishing for fish of any variety in any manner. If the word, fish, is used as a verb, it has the same meaning as the word, fishing;
- (12) "Fur-bearing animals," opossum, muskrat, beaver, mink, marten, river otter, fisher, blackfooted ferret, skunks (all species), raccoon, badger, red, grey and swift fox, coyote, bobcat, lynx, weasel, and jackrabbit;
- (13) "Game," all wild mammals or birds;
- (14) "Game fish," all species belonging to the paddlefish, sturgeon, salmon (trout), pike, catfish (including bullheads), sunfish (including black bass and crappies), perch (including walleye and sauger), and bass families. All species not included in the game fish families are rough fish;
- (15) "Hunt" or "hunting," shooting, shooting at, pursuing, taking, attempting to take, catching, or killing of any wild animal or animals;
- (16) "Migratory waterfowl," any wild geese, swans, brants, coot, merganser, or wild ducks;
- (17) "Migratory bird," all migratory waterfowl, sandhill crane, snipe, and dove;
- (18) "Motor vehicle," any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle, whether operated upon a highway, railroad track, on the ground, in the water, or in the air;
- (19) "Nondomestic animal," any animal that is not domestic;
- (20) "Possession," both actual and constructive possession, as well as the control of the article referred to;
- (21) "Predator/varmint," coyote, wolf, gray fox, red fox, skunk, gopher, ground squirrel, chipmunk, jackrabbit, marmot, opossum, porcupine, crow, and prairie dog;
- (22) "Resident," a person having a domicile within this state for at least ninety consecutive days immediately preceding the date of application for, purchasing, or attempting to purchase any license required under the provisions of this title or rules of the commission, who makes no claim of residency in any other state or

1 foreign country for any purpose, and other than for a person described in § 41-1-  
2 1.1, claims no resident hunting, fishing, or trapping privileges in any other state or  
3 foreign country, and prior to any application for any license, transfers to this state  
4 the person's driver's license and motor vehicle registrations. Documentation  
5 showing a mailing address, ownership of a property or a business, or employment  
6 in the state is not sufficient by itself to prove that a person has a domicile in or is  
7 a resident of this state;

8 (23) "Sell" and "sale," any sale or offer to sell or have in possession with intent to sell,  
9 use, or dispose of;

10 (24) "Small game," anatidae, commonly known as swans, geese, brants, merganser,  
11 and river and sea ducks; the rallidae, commonly known as rails, coots, and  
12 gallinule; the limicolae, referring specifically to shore birds, plover, snipe, and  
13 woodcock; the gruidae, commonly known as sandhill crane; the columbidae,  
14 commonly known as the mourning dove; the gallinae, commonly known as grouse,  
15 prairie chickens, pheasants, partridges, and quail but does not include wild turkeys;  
16 cottontail rabbit; and fox, grey and red squirrel. The term includes facsimiles of  
17 small game used for law enforcement purposes;

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

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

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

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

30 **Section 2. That § 41-1-1.2 be AMENDED:**

31 **41-1-1.2.** Except for a person who continues to qualify for resident privileges as  
32 provided in § 41-1-1.1, a person is deemed to have terminated the person's South Dakota  
33 resident status if the person applies for, purchases, or accepts a resident hunting, fishing,  
34 or trapping license issued by another state or foreign country; registers to vote in another

1 state or foreign country; accepts a driver's license issued by another state or foreign  
2 country;~~or~~ moves to any other state or foreign country and makes it the person's domicile  
3 or makes any claim of residency for any purpose in the other state or foreign country;or  
4 when a person resides in any other state, territory, or country for an aggregate of one  
5 hundred eighty or more days in a calendar year. However, a person who has lawfully  
6 acquired a resident hunting, fishing, or trapping license and who leaves the state after  
7 acquiring the license to take up residency elsewhere may continue to exercise all the  
8 privileges granted by the license until the license expires if the person's respective  
9 privileges are not revoked or suspended pursuant to §§ 41-6-75 to 41-6-75.2, inclusive.