

SENATE FILE NO. SF0027

Hunting and fishing residency requirements.

Sponsored by: Joint Travel, Recreation, Wildlife and
Cultural Resources Interim Committee

A BILL

for

1 AN ACT relating to game and fish; modifying and clarifying
2 residency requirements for purposes of purchasing hunting
3 and fishing licenses, permits and tags; and providing for
4 an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 23-1-107 is repealed and recreated as
9 23-1-107 to read:

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11 **23-1-107. Residency for obtaining game and fish**
12 **licenses.**

13

14 (a) Except as otherwise provided in this section, to
15 qualify for any resident game and fish license, permit or
16 tag issued under this act, a person shall be domiciled in
17 Wyoming for not less than one (1) full year immediately

1 preceding the date the person applies for the license,
2 permit or tag and shall not have claimed residency in any
3 other state, territory or country for any purpose during
4 that one (1) year period.

5

6 (b) Each person applying for a license, permit or tag
7 under this act shall establish his own residency status
8 independently or as provided in this subsection or
9 subsection (g) of this section. A minor dependent shall
10 qualify as a resident if:

11

12 (i) His custodial parent qualifies as a resident
13 under this act; or

14

15 (ii) His noncustodial parent qualifies as a
16 resident under this act and the minor is or will be
17 residing in this state with the noncustodial parent during
18 any portion of the calendar year in which the license,
19 permit or stamp is to be used.

20

21 (c) A person other than a minor dependent qualifying
22 under subsection (b) of this section, shall lose his
23 residency in Wyoming if he moves to another state,
24 territory or country and makes it his domicile, or makes

1 any claim of residency for any purpose to that state,
2 territory or country. Provided he does not claim residency
3 in any other state, territory or country for any purpose, a
4 person shall not gain or lose residency in Wyoming merely
5 by reason of his presence in or absence from the state
6 while:

7

8 (i) Temporarily employed in the service of the
9 United States; or

10

11 (ii) A patient at a hospital or institution.

12

13 (d) A person shall lose his residency in Wyoming if
14 he resides in any other state, territory or country for an
15 aggregate of one hundred eighty (180) days or more in a
16 calendar year, unless he qualifies as a resident under
17 subsection (b), (c), (e) or (f) of this section. A person
18 who resides in any other state, territory or country other
19 than Wyoming, for less than an aggregate of one hundred
20 eighty (180) days in a calendar year, may maintain
21 residency in Wyoming under this act only if he qualifies as
22 a resident under subsection (b), (c), (e) or (f) of this
23 section or if:

24

1 (i) The person had originally established
2 residency by being domiciled for one (1) full year in
3 Wyoming prior to leaving the state for a temporary purpose;

4
5 (ii) The person's domicile or established, fixed
6 and permanent home consists of real property situated in
7 Wyoming. A mailing address is not sufficient evidence of
8 domicile or a permanent home. Mere ownership of real
9 property is not sufficient evidence to establish
10 domiciliary intent;

11
12 (iii) The person is absent from Wyoming on a
13 temporary basis and has the intention of returning to the
14 state; and

15
16 (iv) The person makes no claim for residency in
17 any other state, territory or country for any purpose
18 during the time the person is absent from Wyoming.

19
20 (e) A person may remain a Wyoming resident while
21 attending school in another state, territory or country if:

22
23 (i) The person does not pay resident tuition
24 fees; and

1

2 (ii) The person continues to maintain Wyoming
3 residency for all other purposes and does not claim
4 residency in any other state, territory or country for any
5 purpose.

6

7 (f) Any active duty member of the armed forces of the
8 United States who has been stationed in Wyoming for ninety
9 (90) days shall qualify as a resident under this section so
10 long as the member remains stationed in Wyoming. Any person
11 serving in active military duty in any other state,
12 territory or country, may maintain resident status if the
13 person:

14

15 (i) Is not a civilian employee of the military;

16

17 (ii) Makes no claim of residency in any other
18 state, territory or country for any purpose; and

19

20 (iii) Was a resident of Wyoming when he entered
21 the military service and Wyoming remains his declared home
22 of record or the person:

23

1 (A) Makes no current claim of residency in
2 any other state, territory or country for any purpose;

3

4 (B) Has established his home of record in
5 Wyoming; and

6

7 (C) Has maintained his voter registration
8 in Wyoming.

9

10 (g) The spouse and minor dependents of a person
11 qualifying as a resident under subsection (f) of this
12 section shall qualify as resident for the same periods
13 unless they have made a claim of residency in any other
14 state, territory or country for any purposes during those
15 periods.

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17 (h) An applicant shall provide proof of residency and
18 swear to an oath of residency when making application for,
19 or attempting to purchase, a resident license, permit or
20 tag under this act. License selling agents and the
21 department shall consider as documentary evidence of
22 residency any of the following:

23

1 (i) A Wyoming driver's license, identification
2 card issued under title 31 of the Wyoming statutes, or a
3 copy thereof;

4
5 (ii) A Wyoming resident hunting, fishing or
6 trapping license, excluding a lifetime hunting or fishing
7 license, issued for the current year or for the immediately
8 preceding year;

9
10 (iii) A copy of the applicant's school records
11 or military form DD 214, which indicates Wyoming as the
12 applicant's domicile and home of record;

13
14 (iv) A proof of residency statement on a form
15 provided by the department that has been completed and
16 signed by the applicant. Any active duty member of the
17 armed forces, his spouse or minor dependent of the active
18 duty member making application for or purchasing a resident
19 license, permit or tag shall be required to complete and
20 submit the proof of residency statement; or

21
22 (v) A minor dependent may use as proof of
23 residency the documentary evidence of his parent or legal
24 guardian.

1

2 (j) The commission may promulgate rules and
3 regulations in accordance with the Wyoming Administrative
4 Procedure Act to ensure that only bona fide Wyoming
5 residents as defined in this act are issued resident game
6 and fish licenses, permits and tags.

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8 **Section 2.** W.S. 23-1-102(a)(ix), (xv) and by creating
9 a new paragraph (xvii) is amended to read:

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11 **23-1-102. General definitions.**

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13 (a) As used in this act:

14

15 (ix) "Resident" means a United States citizen or
16 legal alien who ~~has been a resident of Wyoming and~~
17 ~~domiciled in Wyoming for not less than one (1) year and who~~
18 ~~has not claimed residency elsewhere for any purpose during~~
19 ~~that one (1) year period immediately preceding the date of~~
20 ~~application for a license, permit or certificate. Having a~~
21 ~~Wyoming mailing address shall not alone prove Wyoming~~
22 ~~residency. "Resident" also includes any alien who has~~
23 ~~resided continuously in Wyoming for at least one (1) year~~
24 ~~immediately prior to the date of making application for a~~

1 ~~game and fish license. "Resident" also includes any active~~
2 ~~duty member, the spouse or minor child of any active duty~~
3 ~~member of the armed forces of the United States who has~~
4 ~~been stationed in Wyoming for ninety (90) days so long as~~
5 ~~the member remains stationed in Wyoming~~ meets the
6 requirements specified in W.S. 23-1-107 and rules of the
7 commission;

8
9 (xv) "Domicile" means that place where a person
10 has his true, fixed and permanent home to which whenever
11 the person is temporarily absent the person has the
12 intention of returning. ~~A person may have more than one~~
13 ~~(1) residence, as set forth in W.S. 23-1-107, but only one~~
14 ~~(1) domicile;~~ To prove domicile in Wyoming under this act a
15 person shall be able to establish that he:

16
17 (A) Physically resides in Wyoming;

18
19 (B) Has made his permanent home in Wyoming;

20
21 (C) Is not residing in Wyoming for a
22 special or temporary purpose; and

23

1 (D) Has abandoned his domicile in all other
2 states, territories or countries.

3

4 (xvii) "Home of record" means the place
5 recorded, on military form DD 214, as the home of the
6 individual at the time he enlisted, was commissioned or
7 initially ordered to active duty in the military. The home
8 of record may be changed only if there has been a break in
9 service of one (1) full day.

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11 **Section 3.** W.S. 23-2-301(b) is repealed.

12

13 **Section 4.** This act is effective January 1, 2005.

14

15

(END)