

**CHAPTER 83**

**GAME AND FISH-RESIDENCY REQUIREMENTS**

Original House Bill No. 84

AN ACT relating to game and fish; establishing requirements for residency of applicants for game and fish licenses, permits and tags as specified; providing a definition; granting rulemaking authority; and providing for an effective date.

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

**Section 1.** W.S. 23-1-107 is created to read:

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

(a) To qualify for a resident game and fish license, permit or tag under this act, a person shall be domiciled and shall physically reside in Wyoming for one (1) full year immediately preceding the date the person applies for the license permit or tag.

(b) For purposes of this act:

(i) Each person applying for a license permit or tag under this act shall establish his own residency status independently;

(ii) A dependent shall establish residency in Wyoming by being domiciled in Wyoming and not having claimed residency elsewhere for any purpose;

(iii) A minor dependent is domiciled in the state of the parent who had custody of the minor. If both parents share custody under a court order, the minor dependent is domiciled in the state of the parent with whom the minor lives the majority of the year. A minor dependent shall qualify as a resident under this section if his noncustodial parent qualifies as a resident under this section and the minor is or will be residing with the noncustodial parent during any portion of the year.

(c) A person who spends time or resides in any state, territory or country other than Wyoming on a temporary basis for purposes including, but not limited to, pleasure or retirement, may establish residency in Wyoming under this act if all the following requirements are met:

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

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

(iii) The person is absent from Wyoming for a special or temporary purpose and has the intention of returning to the state; and

(iv) The person makes no claim for residency elsewhere for any purpose during the time the person is absent from Wyoming.

(d) A person who has moved to Wyoming to attend school shall remain a nonresident for purposes of this act until the person establishes residency in Wyoming. The person can gain resident status if the person is domiciled in Wyoming for one (1) full year and the person makes no claim of residency elsewhere for any purpose during that one (1) year period. A person may remain a Wyoming resident while attending school in another state, territory or country if all the following requirements are met:

(i) The person pays nonresident or nondifferential tuition fees;

(ii) The person continues to maintain Wyoming residency for all other purposes and does not claim residency elsewhere for any purpose except as a privilege that might be provided or required by the law of that state, territory or country.

(e) Any person serving in active military duty including his dependents may maintain resident status if all the following requirements are met:

(i) The person was a resident of Wyoming when he entered the military service and Wyoming remains his declared home of record, or the person has established his home of record in Wyoming and has maintained his voter registration in Wyoming;

(ii) The person is on active military duty and is not a civilian employee of the military;

(iii) The person makes no claim of residency elsewhere except as a privilege that might be provided or required by the law of the state, territory or country where the person is serving.

(f) Provided he does not claim residency elsewhere for any purpose, a person shall not gain or lose residency in Wyoming merely by reason of his presence in or absence from the state while:

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

(ii) A student at an institution of learning;

(iii) A patient at a hospital or institution.

(g) A person shall lose his residency in Wyoming if he moves to another state, territory or country with the intent of making it his residence, or makes any claim of residency for any purpose to that state, territory or country.

(h) The place where a person's family resides is presumed to be his place of residence, but a person who establishes or continues his place of abode with the intent of remaining at a place other than where his family resides shall be presumed a resident of the place where he actually resides.

(j) Domicile for the purpose of claiming residency status upon an application for any license, permit or tag under this act shall be established when the person demonstrates that he:

- (i) Physically resides in Wyoming;
- (ii) Intends on making his permanent home in Wyoming;
- (iii) Is not residing in Wyoming for a special or temporary purpose;
- (iv) Has abandoned domicile in all other states, territories or countries; and
- (v) Has physically resided in Wyoming for one (1) year immediately preceding the date of application.

(k) An applicant meeting the requirements of subsection (c) of this section can provide proof of residency when making application for, or attempting to purchase, a resident license, permit or tag under this act. License selling agents and the department shall consider as documentary evidence of residency any of the following:

- (i) A Wyoming driver's license, identification card issued under title 31 of the Wyoming statutes, or a copy thereof;
- (ii) A Wyoming resident hunting, fishing or trapping license issued for the current year or for the immediately preceding year;
- (iii) A copy of the applicant's school or military service records which indicate Wyoming as the applicant's domicile and home of record; or
- (iv) A proof of residency statement on a form provided by the department that has been completed and signed by the applicant. Any active duty member of the armed forces, his spouse or minor child of the active duty member making application for a resident license, permit or tag shall be required to complete and submit the proof of residency statement.

(m) A dependent child may use as proof of residency the documentary evidence of his parent or legal guardian. A dependent child shall be deemed a resident only if the child does not claim residency in another state, territory or country.

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

**Section 2.** W.S. 23-1-102(a) by creating a new paragraph (xv) is amended to read:

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

(a) As used in this act:

(xv) "Domicile" means that place where a person has his true, fixed and permanent home to which whenever the person is absent the person has the intention of returning. A person may have more than one (1) residence, as set forth in W.S. 23-1-107, but only one (1) domicile.

**Section 3.** This act is effective July 1, 1998.

Approved March 19, 1998.