

AN ACT

ENTITLED, An Act to revise certain provisions pertaining to the definition of residency and the issuance of resident hunting, fishing, and trapping licenses.

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

Section 1. That § 41-1-1 be amended by adding thereto a NEW SUBDIVISION to read as follows:

"Domicile," a person's established, fixed, and permanent home to which the person, whenever absent, has the present intention of returning;

Section 2. That subdivision (22) of § 41-1-1 be amended to read as follows:

(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 foreign country for any purpose, and other than for a person described in section 3 of this Act, claims no resident hunting, fishing, or trapping privileges in any other state or foreign country, and prior to any application for any license, transfers to this state the person's driver's license and motor vehicle registrations;

Section 3. That chapter 41-1 be amended by adding thereto a NEW SECTION to read as follows:

For the purposes of this title, the following are deemed to be residents of this state:

- (1) Any person who previously had a domicile in this state who is absent due to business of the United States or of this state, or is serving in the armed forces of the United States or the spouse of an active duty military person;
- (2) Any person who previously had a domicile in this state who is absent due to the person's regular attendance at a post-high school institution as a full-time student;

- (3) Any person in the active military of the United States or that person's spouse who is continuously stationed in this state;
- (4) Any person who is a patient in any war veterans' hospital within this state;
- (5) Any person who is an employee of the veterans' administration or any veterans' hospital in this state;
- (6) Any person residing on restricted military reservations in this state;
- (7) Any person attending regularly a post-high school institution in this state as a full-time student for thirty days or more immediately preceding the application;
- (8) Any foreign exchange student over sixteen years of age attending a public or private high school who has resided in the state for thirty days or more preceding the application;
- (9) Any foreign exchange student who is between the ages of twelve years and sixteen years who has completed the Department of Game, Fish and Parks' course of instruction in the safe handling of firearms and has been issued a certificate of competency upon completion of instruction and who has resided in the state for thirty days or more preceding application for a license;
- (10) Any person who is a minor dependent of a resident of this state; and
- (11) For the purpose of acquiring resident small game and fishing licenses, any person who does not reside in South Dakota but who is a member of the South Dakota National Guard or of any other unit of a reserve component of the armed forces of the United States that is located in South Dakota.

Section 4. That chapter 41-1 be amended by adding thereto a NEW SECTION to read as follows:

Except for a person who continues to qualify for resident privileges as provided in section 3 of this Act, a person is deemed to have terminated the person's South Dakota resident status if the person applies for, purchases, or accepts a resident hunting, fishing, or trapping license issued by

another state or foreign country; registers to vote in another state or foreign country; accepts a driver's license issued by another state or foreign country; or moves to any other state or foreign country and makes it the person's domicile or makes any claim of residency for any purpose in the other state or foreign country. However, a person who has lawfully acquired a resident hunting, fishing, or trapping license and who leaves the state after acquiring the license to take up residency elsewhere may continue to exercise all the privileges granted by the license until the license expires if the person's respective privileges are not revoked or suspended pursuant to §§ 41-6-75 to 41-6-75.2, inclusive.

Section 5. That § 41-6-52 be amended to read as follows:

41-6-52. No person other than a resident as defined in this title may make application for, purchase, or attempt to purchase a resident license under §§ 41-6-12 to 41-6-45.1, inclusive. A violation of this section is a Class 2 misdemeanor.

Section 6. That § 41-6-16.2 be amended to read as follows:

41-6-16.2. Any resident who is on active duty in the armed forces of the United States and who is stationed at a location outside the state may fish and hunt small game without payment of a fee or the applicable hunting and fishing license authorizing the activity. However, if the resident is hunting migratory birds, the resident shall obtain a migratory bird certification permit and federal migratory bird stamp. While engaged in the permitted activity, the resident shall possess and display appropriate military orders indicating the resident is on active duty stationed outside of South Dakota and a valid military identification card. This section does not apply to any person who is serving on active duty for training as a member of the armed forces reserve or national guard.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1042

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1042
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

=====
STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State