

CS FOR HOUSE BILL NO. 25(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 2/12/97

Referred: Finance

Sponsor(s): REPRESENTATIVES OGAN, Dyson, Mulder

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the issuance of hunting, trapping, and noncommercial fishing
2 licenses, tags, and permits and to residency for fish and game purposes; and
3 providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 16.05.340 is amended by adding a new subsection to read:

6 (g) A hunting, trapping, or fishing license, tag, or permit for which a fee is
7 authorized under this section or for which the fee is waived or modified under
8 AS 16.05.330 - 16.05.430 may be issued only to a natural person.

9 * **Sec. 2.** AS 16.05 is amended by adding a new section to read:

10 **Sec. 16.05.415. Determination of residency.** (a) In AS 16.05.330 -
11 16.05.430, a person, except as provided in (c) - (f) of this section, is a resident if the
12 person

13 (1) is physically present in the state with the intent to remain in the
14 state indefinitely and to make a home in the state;

1 (2) has maintained the person's domicile in the state for the 12
2 consecutive months immediately preceding the application for a license;

3 (3) is not claiming residency in another state, territory, or country; and

4 (4) is not obtaining benefits under a claim of residency in another state,
5 territory, or country.

6 (b) A person who establishes residency in the state under (a) of this section
7 remains a resident during an absence from the state unless during the absence the
8 person

9 (1) establishes or claims residency in another state, territory, or country;
10 or

11 (2) performs an act, or is absent under circumstances, that are
12 inconsistent with the intent required under (a) of this section.

13 (c) A person who is a member of the military service or the United States
14 Coast Guard is a resident for the purposes of AS 16.05.330 - 16.05.430 if the person
15 has been stationed in the state for the 12 consecutive months immediately preceding
16 the application for a license. This subsection does not apply to a person who
17 establishes and maintains residency in the state under (a) and (b) of this section.

18 (d) A person who is the dependent of a resident member of the military service
19 or the United States Coast Guard under (a) or (c) of this section is a resident for the
20 purposes of AS 16.05.330 - 16.05.430 if the person has lived in the state for the 12
21 consecutive months immediately preceding the application for a license. This
22 subsection does not apply to a person who establishes and maintains residency in the
23 state under (a) and (b) of this section.

24 (e) A person who is an alien is a resident for the purposes of AS 16.05.330 -
25 16.05.430 if the person

26 (1) is physically present in the state with the intent to remain in the
27 state indefinitely and to make a home in the state;

28 (2) has maintained the person's domicile in the state for the 12
29 consecutive months immediately preceding the application for a license;

30 (3) is not claiming residency in another state, territory, or country; and

31 (4) is not obtaining benefits under a claim of residency in another state,

1 territory, or country.

2 (f) In AS 16.05.330 - 16.05.430, a person that is not a natural person, other
3 than a sole proprietorship, establishes residency by maintaining its main office or
4 headquarters in the state and providing proof, satisfactory to the commissioner, of that
5 fact to the department or an agent of the department upon demand. A sole
6 proprietorship has the same residency as the person, whether natural or otherwise, who
7 is the proprietor of the entity. The commissioner may adopt regulations as necessary
8 to implement this subsection.

9 (g) A natural person who does not qualify as a resident under (a) - (e) of this
10 section does not qualify as a resident by virtue of an interest in a resident business
11 entity under (f) of this section.

12 (h) In AS 16.05.330 - 16.05.430, a nonresident

13 (1) person is a person who does not qualify as a resident under (a) -
14 (f) of this section; and

15 (2) alien is an alien person who does not qualify as a resident under (e)
16 of this section.

17 (i) In this section, "license" means a license, tag, permit, stamp, identification
18 card, or other indicia of permission to engage in an activity subject to AS 16.05.330 -
19 16.05.430.

20 * **Sec. 3.** AS 16.05.940(26) is amended to read:

21 (26) "resident" means

22 (A) a person who for the [PRECEDING] 12 consecutive months
23 **immediately preceding the time when the assertion of residence is made**
24 has maintained **the person's domicile** [A PERMANENT PLACE OF ABODE]
25 in the state and who **is neither claiming residency in another state, territory,**
26 **or country nor obtaining benefits under a claim of residency in another**
27 **state, territory, or country;**

28 (B) [HAS CONTINUALLY MAINTAINED A VOTING
29 RESIDENCE IN THE STATE; AND IN THE CASE OF] a partnership,
30 association, joint stock company, trust, or corporation [, "RESIDENT" MEANS
31 ONE] that has its main office or headquarters in the state; **a natural person**

1 **who does not otherwise qualify as a resident under this paragraph may not**
 2 **qualify as a resident by virtue of an interest in a partnership, association,**
 3 **joint stock company, trust, or corporation;**

4 (C) [HOWEVER,] a member of the military service, **or United**
 5 **States Coast Guard,** who has been stationed in the state for the
 6 [PRECEDING] 12 consecutive months **immediately preceding the time when**
 7 **the assertion of residence is made;**

8 (D) **a person who** is [A RESIDENT FOR THE PURPOSES OF
 9 THIS PARAGRAPH, AND] the dependent of a resident member of the military
 10 service, **or the United States Coast Guard, and** who has **lived** [BEEN
 11 LIVING] in the state for the **12 consecutive months immediately preceding**
 12 **the time when the assertion of residence is made; or**

13 (E) [PRECEDING YEAR IS A RESIDENT FOR THE
 14 PURPOSES OF THIS PARAGRAPH; AND A PERSON WHO IS] an alien
 15 [BUT] who for **the 12 consecutive months immediately preceding the time**
 16 **when the assertion of residence is made** [ONE YEAR] has maintained **the**
 17 **person's domicile** [A PERMANENT PLACE OF ABODE] in the state **and**
 18 **who is neither claiming residency in another state, territory, or country**
 19 **nor obtaining benefits under a claim of residency in another state,**
 20 **territory, or country** [IS A RESIDENT FOR THE PURPOSES OF THIS
 21 PARAGRAPH];

22 * Sec. 4. This Act takes effect January 1, 1998.