

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,

territory, or country.

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

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

(h) In AS 16.05.330 - 16.05.430, a nonresident

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

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

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

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

(26) "resident" means

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

(B) [HAS CONTINUALLY MAINTAINED A VOTING RESIDENCE IN THE STATE; AND IN THE CASE OF] a partnership, association, joint stock company, trust, or corporation [, "RESIDENT" MEANS 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.