

## Residency Requirements for Commercial Fishing Crewmember License

### Sec. 16.05.415. Determination of residency.

- (a) In AS 16.05.330 - 16.05.430, a person, except as provided in (c) - (f) of this section, is a resident if the person
- (1) is physically present in the state with the intent to remain in the state indefinitely and to make a home in the state;
  - (2) has maintained the person's domicile in the state for the 12 consecutive months immediately preceding the application for a license;
  - (3) is not claiming residency in another state, territory, or country; and
  - (4) is not obtaining benefits under a claim of residency in another state, territory, or country.
- (b) A person who establishes residency in the state under (a) of this section remains a resident during an absence from the state unless during the absence the person
- (1) establishes or claims residency in another state, territory, or country; or
  - (2) performs an act, or is absent under circumstances, that are inconsistent with the intent required under (a) of this section.
- (c) A person who is a member of the military service or the United States Coast Guard is a resident for the purposes of AS 16.05.330 - 16.05.430 if the person has been stationed in the state for the 12 consecutive months immediately preceding the application for a license. This subsection does not apply to a person who establishes and maintains residency in the state under (a) and (b) of this section.
- (d) A person who is the dependent of a resident member of the military service or the United States Coast Guard under (a) or (c) of this section is a resident for the purposes of AS 16.05.330 - 16.05.430 if the person has lived in the state for the 12 consecutive months immediately preceding the application for a license. This subsection does not apply to a person who establishes and maintains residency in the state under (a) and (b) of this section.
- (e) A person who is an alien is a resident for the purposes of AS 16.05.330 - 16.05.430 if the person
- (1) is physically present in the state with the intent to remain in the state indefinitely and to make a home in the state;
  - (2) has maintained the person's domicile in the state for the 12 consecutive months immediately preceding the application for a license;
  - (3) is not claiming residency in another state, territory, or country; and
  - (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 who 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.

AS 16.05.940(27)

"resident" means

(A) a person who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile 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) a partnership, association, joint stock company, trust, or corporation that has its main office or headquarters in the state; a natural person who does not otherwise qualify as a resident under this paragraph may not qualify as a resident by virtue of an interest in a partnership, association, joint stock company, trust, or corporation;

(C) a member of the military service, or United States Coast Guard, who has been stationed in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made;

(D) a person who is the dependent of a resident member of the military service, or the United States Coast Guard, and who has lived in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made; or

(E) an alien who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile 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.

Prepared By The

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