

**HOUSE BILL NO. 357**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE OGAN**

**Introduced: 12/29/95**

**Referred: Resources, Finance**

**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, establishes residency  
12 in the state by

13 (1) being 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) maintaining the person's domicile in the state for the preceding 12  
2 consecutive months; and

3 (3) not claiming residency in another state or country and not obtaining  
4 benefits under a claim of residency in another state or country.

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

8 (1) establishes or claims residency in another state or country; or

9 (2) performs an act, or is absent under circumstances, that are  
10 inconsistent with the intent required under (a) of this section to remain a resident of  
11 this state.

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

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

22 (e) A person who is an alien establishes residency in the state for the purposes  
23 of AS 16.05.330 - 16.05.430 by

24 (1) maintaining the person's domicile in the state for the preceding 12  
25 consecutive months; and

26 (2) not claiming residency in another state or country and not obtaining  
27 benefits under a claim of residency in another state or country.

28 (f) In AS 16.05.330 - 16.05.430, a person that is not a natural person, other  
29 than a sole proprietorship, establishes residency by maintaining its main office or  
30 headquarters in the state and providing proof, satisfactory to the commissioner, of that  
31 fact to the department or an agent of the department upon demand. A sole

1 proprietorship has the same residency as the person, whether natural or otherwise, who  
2 is the proprietor of the entity. The commissioner may adopt regulations as necessary  
3 to implement this subsection.

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

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

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

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

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

13 (26) "resident" means

14 (A) a person who for the preceding 12 consecutive months has  
15 maintained **the person's domicile** [A PERMANENT PLACE OF ABODE] in  
16 the state and who has **not claimed residency benefits in another state or**  
17 **country;**

18 (B) [CONTINUALLY MAINTAINED A VOTING  
19 RESIDENCE IN THE STATE; AND IN THE CASE OF] a partnership,  
20 association, joint stock company, trust, or corporation [, "RESIDENT" MEANS  
21 ONE] that has its main office or headquarters in the state; **a natural person**  
22 **who does not otherwise qualify as a resident under this paragraph may not**  
23 **qualify as a resident by virtue of an interest in a partnership, association,**  
24 **joint stock company, trust, or corporation;**

25 (C) [HOWEVER,] a member of the military service, **or United**  
26 **States Coast Guard,** who has been stationed in the state for the preceding 12  
27 consecutive months;

28 (D) **a person who** is [A RESIDENT FOR THE PURPOSES OF  
29 THIS PARAGRAPH, AND] the dependent of a resident member of the military  
30 service, **or the United States Coast Guard, and** who has **lived** [BEEN  
31 LIVING] in the state for the preceding **12 consecutive months; and**

1                                    (E) [YEAR IS A RESIDENT FOR THE PURPOSES OF THIS  
2 PARAGRAPH; AND A PERSON WHO IS] an alien [BUT] who for **the**  
3 **preceding 12 consecutive months** [ONE YEAR] has maintained **the person's**  
4 **domicile** [A PERMANENT PLACE OF ABODE] in the state **and has not**  
5 **claimed residency benefits in another state or country** [IS A RESIDENT  
6 FOR THE PURPOSES OF THIS PARAGRAPH];

7 \* **Sec. 4.** This Act takes effect January 1, 1997.