

**SENATE CS FOR CS FOR HOUSE BILL NO. 357(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/11/96  
Referred: Rules

Sponsor(s): REPRESENTATIVE OGAN

**A BILL**

**FOR AN ACT ENTITLED**

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

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

5 \* **Section 1.** AS 16.05.340(a)(24) is amended to read:

6 (24) Nonresident anadromous king salmon tag - valid for the period  
7 inscribed on the tag

8 (A) for a one-day tag . . . . . \$10

9 (B) for a three-day tag . . . . . 15

10 (C) for a 14-day or annual tag . . . . . 35.

11 A nonresident may not engage in sport fishing for anadromous king salmon without  
12 having a valid anadromous king salmon tag in the person's actual possession, unless  
13 that person is under the age of 16. However, members of the military service on  
14 active duty who are permanently stationed in the state, and their dependents, who do

1 not qualify as residents under AS 16.05.415 [AS 16.05.940], may obtain an annual  
2 nonresident military anadromous king salmon tag for \$20.

3 \* **Sec. 2.** AS 16.05.340(d) is amended to read:

4 (d) Members of the military service on active duty who are permanently  
5 stationed in the state, and their dependents, who do not qualify as residents under  
6 AS 16.05.415 [AS 16.05.940], may obtain special nonresident military small game and  
7 sport fishing licenses at the rates for resident hunting and sport fishing licenses, but  
8 may not take a big game animal without previously purchasing a regular nonresident  
9 hunting license and a numbered, nontransferable appropriate tag, issued at one-half of  
10 the nonresident rate, under (a)(15) of this section.

11 \* **Sec. 3.** AS 16.05.340 is amended by adding a new subsection to read:

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

15 \* **Sec. 4.** AS 16.05 is amended by adding a new section to read:

16 Sec. 16.05.415. DETERMINATION OF RESIDENCY. (a) In AS 16.05.330 -  
17 16.05.430, a person, except as provided in (c) - (f) of this section, establishes residency  
18 in the state by

19 (1) being physically present in the state with the intent to remain in the  
20 state indefinitely and to make a home in the state;

21 (2) maintaining the person's domicile in the state for the preceding 12  
22 consecutive months;

23 (3) not claiming residency in another state or country;

24 (4) not obtaining benefits under a claim of residency in another state  
25 or country; and

26 (5) not receiving an employment benefit from the person's employer  
27 that is provided as a condition of hire to a person who is hired from outside of the  
28 state to work in the state but is not provided to employees of the employer who are  
29 hired in the state; in this paragraph, "employment benefit" includes salary, employer  
30 provided or subsidized housing, house resale price guarantee agreement, home leave,  
31 or similar benefit.

1 (b) A person who establishes residency in the state under (a) of this section  
2 remains a resident during an absence from the state unless during the absence the  
3 person

4 (1) establishes or claims residency in another state or country; or  
5 (2) performs an act, or is absent under circumstances, that are  
6 inconsistent with the intent required under (a) of this section to remain a resident of  
7 this state.

8 (c) A person who is a member of the military service or the United States  
9 Coast Guard establishes residency in the state for the purposes of AS 16.05.330 -  
10 16.05.430 by being stationed in the state for the preceding 12 consecutive months.  
11 This subsection does not apply to a person who establishes and maintains residency  
12 in the state under (a) and (b) of this section.

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

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

20 (1) maintaining the person's domicile in the state for the preceding 12  
21 consecutive months;

22 (2) not claiming residency in another state or country;

23 (3) not obtaining benefits under a claim of residency in another state  
24 or country; and

25 (4) not receiving an employment benefit from the person's employer  
26 that is provided as a condition of hire to a person who is hired from outside of the  
27 state to work in the state but is not provided to employees of the employer who are  
28 hired in the state; in this paragraph, "employment benefit" includes salary, employer  
29 provided or subsidized housing, house resale price guarantee agreement, home leave,  
30 or similar benefit.

31 (f) In AS 16.05.330 - 16.05.430, a person that is not a natural person, other

1 than a sole proprietorship, establishes residency by maintaining its main office or  
2 headquarters in the state and providing proof, satisfactory to the commissioner, of that  
3 fact to the department or an agent of the department upon demand. A sole  
4 proprietorship has the same residency as the person, whether natural or otherwise, who  
5 is the proprietor of the entity. The commissioner may adopt regulations as necessary  
6 to implement this subsection.

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

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

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

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

15 \* **Sec. 5.** AS 16.05.940(26) is amended to read:

16 (26) "resident" means

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

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

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

31 (D) a person who is [A RESIDENT FOR THE PURPOSES OF

1 THIS PARAGRAPH, AND] the dependent of a resident member of the military  
2 service, or the United States Coast Guard, and who has lived [BEEN  
3 LIVING] in the state for the preceding 12 consecutive months; or

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

10 \* Sec. 6. This Act takes effect January 1, 1997.