

HOUSE BILL NO. 25

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE OGAN

Introduced: 1/13/97

Referred: House Special Committee on Fisheries, 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;

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

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

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

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

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

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

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

28 (3) not obtaining benefits under a claim of residency in another state
29 or country.

30 (f) In AS 16.05.330 - 16.05.430, a person that is not a natural person, other
31 than a sole proprietorship, establishes residency by maintaining its main office or

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

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

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

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

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

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

15 (26) "resident" means

16 (A) a person who for the preceding 12 consecutive months has
 17 maintained **the person's domicile** [A PERMANENT PLACE OF ABODE] in
 18 the state and who **is neither claiming residency in another state or country**
 19 **nor obtaining benefits under a claim of residency in another state or**
 20 **country;**

21 (B) [HAS 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 who is
8 neither claiming residency in another state or country nor obtaining
9 benefits under a claim of residency in another state or country [IS A
10 RESIDENT FOR THE PURPOSES OF THIS PARAGRAPH];

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