

Offered: 4/20/83
Referred: Judiciary and Finance

Original sponsor: State Affairs Committee

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2

CS FOR HOUSE BILL NO. 323 (State Affairs)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to residency and residency require-
7 ments; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 01.10 is amended by adding a new section to read:

10 Sec. 01.10.055. RESIDENCY. (a) A person establishes residency
11 in the state by being physically present in the state with the intent
12 to remain in the state indefinitely and to make a home in the state.

13 (b) A person demonstrates the intent required under (a) of this
14 section

15 (1) by maintaining a principal place of abode in the state
16 for at least 30 days or for a longer period if a longer period is
17 required by law or regulation; and

18 (2) by providing other proof of intent as may be required
19 by law or regulation, that may include proof that the person is not
20 claiming residency outside the state or obtaining benefits under a
21 claim of residency outside the state.

22 (c) A person who establishes residency in the state remains a
23 resident during an absence from the state unless during the absence
24 the person establishes or claims residency in another state, territory
25 or country, or performs other acts or is absent under circumstances
26 that are inconsistent with the intent required under (a) of this
27 section to remain a resident of this state.

28 * Sec. 2. AS 08.04.110 is repealed and reenacted to read:

29 Sec. 08.04.110. PERSONAL REQUIREMENTS. An applicant for the

1 certified public accountant certificate shall be at least 19 years of
2 age and of good moral character.

3 * Sec. 3. AS 08.08.207(a) is amended to read:

4 (a) Every person who desires subsequently to qualify as a gen-
5 eral applicant for admission to the Alaska Bar without having been
6 graduated from an approved law school shall register as a law clerk as
7 provided by this section. The person [MUST BE A BONA FIDE RESIDENT OF
8 THE STATE AND] shall present satisfactory proof that the person has
9 been granted a bachelor's degree (other than bachelor of laws) by a
10 college or university offering the degree on the basis of a four-year
11 course of study and has successfully completed the first year of
12 studies at a law school.

13 * Sec. 4. AS 08.88.171 is amended to read:

14 Sec. 08.88.171. ENTITLEMENT TO LICENSE. (a) A person is enti-
15 tled to a real estate broker license [IF THE PERSON IS A RESIDENT OF
16 THE STATE,] if the person passes the real estate brokers examination,
17 if the person applies for a license within six months after the person
18 has taken the real estate brokers examination, if the person has had
19 at least 24 months of active and continuous experience as a licensed
20 real estate salesman, if the person is not under indictment for, or
21 seven years have elapsed since the person has completed a sentence
22 imposed upon conviction of, forgery, theft, extortion, conspiracy to
23 defraud creditors, or any other felony involving moral turpitude, and
24 if the person is an owner of a real estate business or employed as a
25 real estate broker by a corporation or a partnership, and if that
26 corporation or partnership does not have an existing licensed broker.
27 Unless the broker fails to pay the biennial renewal fee or unless the
28 broker's license is suspended or revoked under AS 08.88.071(a)(3), the
29 real estate broker's license continues in effect so long as the broker

1 is an owner of a real estate business, or the broker is employed as a
2 real estate broker by a corporation or a partnership. If the broker
3 stops being an owner of a real estate business, or stops being em-
4 ployed as a real estate broker by a corporation or partnership, the
5 broker's license is suspended from the time the broker stops until

6 (1) the broker again becomes an owner of a real estate
7 business or is again employed as a real estate broker by a corporation
8 or a partnership; or

9 (2) the broker is employed by a licensed real estate broker
10 as an associate real estate broker, in which case the real estate
11 broker license is returned to the commission, and the commission
12 issues the broker an associate real estate broker license.

13 (b) A person is entitled to an associate real estate broker
14 license [IF THE PERSON IS A RESIDENT OF THE STATE,] if the person
15 passes the real estate brokers examination, if the person applies for
16 a license within six months after the person has taken the examina-
17 tion, if the person has had at least 24 months of active and continu-
18 ous experience as a licensed real estate salesman, if the person is
19 not under indictment for, or five years have elapsed since the person
20 has completed a sentence imposed upon conviction of, forgery, theft,
21 extortion, conspiracy to defraud creditors, or any other felony in-
22 volving moral turpitude, and if the person is employed by a licensed
23 real estate broker as an associate real estate broker. Unless the
24 associate broker fails to pay the biennial renewal fee or unless the
25 associate broker's license is suspended or revoked under AS 08.88.-
26 071(a)(3), the associate real estate broker's license continues in
27 effect so long as the associate broker is employed by a licensed real
28 estate broker as an associate broker. If the associate broker stops
29 being employed by a licensed real estate broker, the associate

1 broker's license is suspended from the time the associate broker stops
2 until

3 (1) the associate broker again is employed by a real estate
4 broker as an associate broker; or

5 (2) the associate broker becomes an owner of a real estate
6 business, in which case the associate broker's associate real estate
7 broker license is returned to the commission, and the commission
8 issues the associate broker a real estate broker license.

9 (c) A person is entitled to a real estate salesman license [IF
10 THE PERSON IS A RESIDENT OF THE STATE,] if the person passes the real
11 estate salesman examination, if the person applies for a license
12 within six months after the person has taken the examination, if the
13 person is at least 19 years old, if the person is not under indictment
14 for forgery, theft, extortion, conspiracy to defraud creditors, or any
15 other felony involving moral turpitude, or, if convicted of such an
16 offense, the person has completed the sentence imposed upon conviction,
17 and if the person is employed by a real estate broker. Unless
18 the salesman fails to pay the biennial renewal fee or unless the real
19 estate salesman's license is suspended or revoked under AS 08.88.-
20 071(a)(3), a real estate salesman's license continues in effect so
21 long as the salesman is employed as a salesman by a licensed real
22 estate broker. If the salesman stops being employed as a real estate
23 salesman, the real estate salesman's license is suspended from the
24 time the salesman stops until the salesman [HE] again is employed as a
25 salesman by a licensed real estate broker.

26 (d) A licensee shall promptly inform the commission of a change
27 in business association that affects the status of the licensee's
28 license under this section.

29 * Sec. 5. AS 09.55.130 is amended to read:

1 Sec. 09.55.130. RESIDENCE REQUIREMENTS FOR ACTION TO DECLARE
2 MARRIAGE VOID. When a marriage has been solemnized [IN THE STATE] and
3 the plaintiff is a resident of the state, an action to declare the
4 marriage void may be brought at any time. [IF THE MARRIAGE HAS NOT
5 BEEN SOLEMNIZED IN THE STATE, THE ACTION MAY BE MAINTAINED ONLY WHEN
6 THE PLAINTIFF HAS BEEN A RESIDENT FOR AT LEAST ONE YEAR BEFORE THE
7 COMMENCEMENT OF AN ACTION.]

8 * Sec. 6. AS 16.05.400(b) is amended to read:

9 (b) A sport fishing, hunting or trapping license is not required
10 of a resident who is 60 years of age or more and has been a resident
11 for one year [30 CONSECUTIVE YEARS] or more. The commissioner of
12 revenue shall issue a permanent identification card without charge to
13 persons who qualify by age and residence and who complete the forms
14 required by the commissioner for implementation of this subsection. A
15 person who is issued a permanent identification card under this sub-
16 section shall have it in [HIS] possession while sport fishing, hunting
17 or trapping.

18 * Sec. 7. AS 16.35.130 is amended to read:

19 Sec. 16.35.130. BOUNTY NOT TO BE PAID. No bounty may be paid
20 under AS 16.35.050 - 16.35.120 to a person who does not maintain [FOR
21 THE IMMEDIATELY PRECEDING YEAR HAS NOT MAINTAINED] a permanent place
22 of abode inside the game management unit or part of the game manage-
23 ment unit in which the animal was taken and a bounty is paid, or to a
24 person who does not maintain [HAS NOT CONTINUALLY MAINTAINED HIS]
25 legal residence in the state, or to a salaried employee of a federal
26 or state agency which is engaged in fish or game protection, manage-
27 ment, research activity, or to any person whose bounty claim results
28 from a trophy hunt as publicly declared by the Department of Fish and
29 Game.

1 * Sec. 8. AS 18.56.101(1)(B) is amended to read:

2 (B) who, not being a bona fide resident of the terri-
3 tory or state at the time of entry into the service, has been a
4 resident of the territory or state for at least one year at the
5 time of the loan application [AND HAS BEEN A RESIDENT OF THE
6 TERRITORY OR STATE FOR AT LEAST FIVE YEARS]; and

7 * Sec. 9. AS 21.27.090(a)(2) is amended to read:

8 (2) if for a resident agent's or broker's license: be a
9 bona fide resident [FOR A PERIOD OF NOT LESS THAN ONE YEAR OF CON-
10 TINUOUS RESIDENCY, IMMEDIATELY] before issuance of license, and ac-
11 tually residing in Alaska; or if a corporation, be other than an
12 insurer and maintain a lawfully established place of business in this
13 state, except as provided in AS 21.27.270;

14 * Sec. 10. AS 26.15.130(a) is amended to read:

15 (a) Qualifications for loans under AS 26.15.010 - 26.15.160 are:

16 (1) persons who served in the armed forces of the United
17 States for 90 days or more, or whose service was for less than 90 days
18 because of injury or disability incurred in the line of duty, between
19 April 6, 1917, and November 11, 1918, and beginning September 16,
20 1940, to November 7, 1975, or in a combat zone during any period of
21 armed conflict, who were separated from the armed forces with a dis-
22 charge other than dishonorable, and

23 (A) who, at the time of induction into the service,
24 were residents of the territory or state, who had been residents
25 for not less than one year immediately before their induction,
26 and who returned to the territory or state after discharge as
27 residents with the intention of remaining in the territory or
28 state; or

29 (B) who, not being bona fide residents of the

1 territory or state before their entry into the service, have been
2 residents of the territory or state for one [FIVE] or more years;

3 (2) persons who were dependent on a member of the armed
4 forces or a veteran of World War II at the time of the member's or
5 veteran's death, if

6 (A) the member or veteran was a resident of the terri-
7 tory or state for one year before induction into the service; and

8 (B) the member or veteran [HE] served in the armed
9 forces for at least 90 days between September 16, 1940, and July
10 25, 1947, but no benefits for loans accrue to dependents of an
11 enlistee or re-enlistee for time served after November 1, 1945,
12 regardless of whether the enlistment or reenlistment was before
13 or after November 1, 1945; and

14 (C) the member or veteran [HE] died before the offi-
15 cial date of the termination of that war; and

16 (D) the member's or veteran's [HIS] discharge was not
17 dishonorable;

18 (3) persons who have served in the Alaska Army National
19 Guard or the Alaska Air National Guard or the Alaska Naval Militia for
20 not less than six years and who have not received a discharge other
21 than honorable.

22 * Sec. 11. AS 38.08.030(a)(2) is amended to read:

23 (2) submit proof acceptable to the commissioner that the
24 applicant [HE] is a resident of the state at the time of application,
25 and that the applicant [HE] has been a resident of the state for not
26 less than one year [THREE YEARS] immediately preceding the date the
27 [HIS] application was submitted [, OR THAT HE HAS BEEN A RESIDENT FOR
28 20 YEARS CUMULATIVELY];

29 * Sec. 12. The following laws are repealed: AS 08.54.110(2),

1 08.54.140(2), 08.54.142(a)(1); AS 14.43.130; AS 18.55.470(4); AS 21.27.-
2 220(1); AS 29.63.065(d)(1); AS 38.05.058; AS 38.08.040(b); AS 39.25.155(g);
3 AS 43.26.095(b)(3).

4 * Sec. 13. This Act takes effect immediately in accordance with AS 01.-
5 10.070(c).