

Offered: 6/16/83
Referred: Rules

Original sponsor: State Affairs Committee

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 323 (Judiciary)
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 AS 08.04.110 is repealed and reenacted to read: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 08.04.260 is amended to read:

4 Sec. 08.04.260. TEMPORARY CERTIFICATE AS CERTIFIED PUBLIC AC-
5 COUNTANT. If an applicant for a certificate as a certified public
6 accountant meets all the requirements for a certificate and the appli-
7 cant's application is pending or if an applicant meets all the re-
8 quirements for a certificate except [THE RESIDENCE REQUIREMENT, OR]
9 the requirement that the applicant have a place of business in the
10 state or be an employee regularly employed in this state, the board
11 may issue a temporary certificate as a certified public accountant.
12 The certificate is effective until the board notifies the applicant
13 that the applicant's application has been granted or rejected. A
14 temporary certificate is effective for a period not exceeding six
15 months. No fee may be charged for the issuance of a temporary certif-
16 icate.

17 * Sec. 4. AS 08.08.207(a) is amended to read:

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

27 * Sec. 5. AS 08.42.050(a)(4) is amended to read:

28 (4) have completed at least one year of apprenticeship as a
29 [RESIDENT] trainee under a licensed embalmer.

1 * Sec. 6. AS 08.42.110(4) is amended to read:

2 (4) "[RESIDENT] trainee" means a person who has met the
3 qualifications set out in AS 08.42.050(a)(1) and (2) and is engaged
4 in learning the practice of embalming under the direction and control
5 of a person properly licensed to practice embalming, or a person who
6 has met the qualifications set out in AS 08.42.050(b)(1) and (2) and
7 is engaged in learning the practice of funeral directing under the
8 direction and control of a person properly licensed to practice
9 funeral directing.

10 * Sec. 7. AS 08.88.171 is amended to read:

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

1 employed as a real estate broker by a corporation or partnership, the
2 broker's license is suspended from the time the broker stops until

3 (1) the broker again becomes an owner of a real estate
4 business or is again employed as a real estate broker by a corporation
5 or a partnership; or

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

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

29 (1) the associate broker again is employed by a real estate

1 broker as an associate broker; or

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

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

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

26 * Sec. 8. AS 09.55.130 is amended to read:

27 Sec. 09.55.130. RESIDENCE REQUIREMENTS FOR ACTION TO DECLARE
28 MARRIAGE VOID. When a marriage has been solemnized [IN THE STATE] and
29 the plaintiff is a resident of the state, an action to declare the

1 marriage void may be brought at any time. [IF THE MARRIAGE HAS NOT
2 BEEN SOLEMNIZED IN THE STATE, THE ACTION MAY BE MAINTAINED ONLY WHEN
3 THE PLAINTIFF HAS BEEN A RESIDENT FOR AT LEAST ONE YEAR BEFORE THE
4 COMMENCEMENT OF AN ACTION.]

5 * Sec. 9. AS 14.43.125(b)(2) is amended to read:

6 (2) is a person who is dependent on a parent or guardian
7 for care, [AND] the parent or guardian has been present in the state
8 for at least two years, and the person has been present in the state
9 for at least one year of the immediately preceding five years.

10 * Sec. 10. AS 16.05.400(b) is amended to read:

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

20 * Sec. 11. AS 16.35.130 is amended to read:

21 Sec. 16.35.130. BOUNTY NOT TO BE PAID. No bounty may be paid
22 under AS 16.35.050 - 16.35.120 to a person [WHO FOR THE IMMEDIATELY
23 PRECEDING YEAR HAS NOT MAINTAINED A PERMANENT PLACE OF ABODE INSIDE
24 THE GAME MANAGEMENT UNIT OR PART OF THE GAME MANAGEMENT UNIT IN WHICH
25 THE ANIMAL WAS TAKEN AND A BOUNTY IS PAID, OR TO A PERSON] who does
26 not maintain [HAS NOT CONTINUALLY MAINTAINED HIS] legal residence in
27 the state, or to a salaried employee of a federal or state agency
28 which is engaged in fish or game protection, management, research
29 activity, or to any person whose bounty claim results from a trophy

1 hunt as publicly declared by the Department of Fish and Game.

2 * Sec. 12. AS 18.56.101 is amended to read:

3 Sec. 18.56.101. ELIGIBILITY FOR VETERANS' INTEREST RATES. The
4 following persons are eligible veterans for the purposes of AS 18.56.-
5 098(g) and (h):

6 (1) a person who served in the armed forces of the United
7 States for 90 days or more, or whose service was for less than 90 days
8 because of injury or disability incurred in the line of duty, after
9 April 6, 1917,

10 [(A) WHO AT THE TIME OF INDUCTION INTO THE SERVICE WAS
11 A RESIDENT OF THE TERRITORY OR STATE, WHO HAD BEEN A RESIDENT FOR
12 NOT LESS THAN ONE YEAR IMMEDIATELY BEFORE HIS INDUCTION, AND WHO
13 RETURNED TO THE TERRITORY OR STATE WITHIN ONE YEAR AFTER DIS-
14 CHARGE AS A RESIDENT WITH THE INTENTION OF REMAINING IN THE
15 TERRITORY OR STATE; OR

16 (B) WHO, NOT BEING A BONA FIDE RESIDENT OF THE TERRI-
17 TORY OR STATE AT THE TIME OF ENTRY INTO THE SERVICE, HAS BEEN A
18 RESIDENT OF THE TERRITORY OR STATE FOR AT LEAST ONE YEAR AT THE
19 TIME OF THE LOAN APPLICATION AND HAS BEEN A RESIDENT TO THE
20 TERRITORY OR STATE FOR AT LEAST FIVE YEARS; AND

21 (C)] whose discharge was under honorable conditions;

22 (2) the widow or widower of a member of the armed forces or
23 an eligible veteran if

24 [(A) THE MEMBER OR VETERAN WAS A RESIDENT OF THE TERRI-
25 TORY OR STATE FOR ONE YEAR BEFORE INDUCTION INTO THE SERVICE;

26 (B)] the member or veteran served in the armed forces
27 for at least 90 days after April 6, 1917 [;] and

28 [(C)] the veteran's [HIS] discharge was under honorable
29 conditions;

1 (3) a person who has served for not less than five years in
2 the Alaska Army National Guard, the Alaska Air National Guard, [OR]
3 the Alaska Naval Militia, or [WHO HAS SERVED IN] a reserve unit of the
4 United States armed forces [IN ALASKA] if the reserve unit required,
5 as a minimum, one weekend each month of duty and 15 consecutive days
6 of active duty training each year [FOR NOT LESS THAN FIVE YEARS] and
7 whose discharge was under honorable conditions.

8 * Sec. 13. AS 21.27.090(a)(2) is amended to read:

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

15 * Sec. 14. AS 26.10.080(d)(1)(B) is amended to read:

16 (B) who, not being a bona fide resident of the terri-
17 tory or state at the time of entry into the service, had been a
18 resident of the territory or state for at least one year at the
19 time of death [AND HAD BEEN A RESIDENT OF THE TERRITORY OR STATE
20 FOR AT LEAST FIVE YEARS]; and

21 * Sec. 15. AS 26.15.130(a) is amended to read:

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

23 (1) persons who served in the armed forces of the United
24 States for 90 days or more, or whose service was for less than 90 days
25 because of injury or disability incurred in the line of duty, between
26 April 6, 1917, and November 11, 1918, and beginning September 16,
27 1940, to November 7, 1975, or in a combat zone during any period of
28 armed conflict, who were separated from the armed forces with a dis-
29 charge other than dishonorable, and

1 (A) who, at the time of induction into the service,
2 were residents of the territory or state, who had been residents
3 for not less than one year immediately before their induction,
4 and who returned to the territory or state after discharge as
5 residents with the intention of remaining in the territory or
6 state; or

7 (B) who, not being bona fide residents of the terri-
8 tory or state before their entry into the service, have been
9 residents of the territory or state for one [FIVE] or more years;

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

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

15 (B) the member or veteran [HE] served in the armed
16 forces for at least 90 days between September 16, 1940, and July
17 25, 1947, but no benefits for loans accrue to dependents of an
18 enlistee or re-enlistee for time served after November 1, 1945,
19 regardless of whether the enlistment or reenlistment was before
20 or after November 1, 1945; and

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

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

25 (3) persons who have served in the Alaska Army National
26 Guard or the Alaska Air National Guard or the Alaska Naval Militia for
27 not less than six years and who have not received a discharge other
28 than honorable.

29 * Sec. 16. AS 38.08.030(a)(2) is amended to read:

1 (2) submit proof acceptable to the commissioner that the
2 applicant [HE] is a resident of the state at the time of application,
3 and that the applicant [HE] has been a resident of the state for not
4 less than one year [THREE YEARS] immediately preceding the date the
5 [HIS] application was submitted [, OR THAT HE HAS BEEN A RESIDENT FOR
6 20 YEARS CUMULATIVELY];

7 * Sec. 17. AS 44.81.210(a)(20) is amended to read:

8 (20) make loans to individual commercial fishermen for
9 limited entry permits; a loan under this paragraph may be made only to
10 an individual commercial fisherman who has been a state resident for a
11 continuous period of two [FIVE] years immediately preceding the date
12 of application for the loan and who has had a crewmember or commercial
13 fishing license under AS 16.05.480 or a permit under AS 16.43 for the
14 year immediately preceding the date of application and any other two
15 [ANY ONE] of the past five years, and who has actively participated in
16 the fishery during that period; loans made under this paragraph are
17 subject to the provisions of AS 44.81.230;

18 * Sec. 18. If the two-year residency requirement for scholarship loans
19 provided by AS 14.43.125 is declared unconstitutional or otherwise invalid
20 by a court of competent jurisdiction, the Commission on Postsecondary
21 Education shall adopt regulations to impose the most stringent residency
22 requirement allowable under the Constitution of the State of Alaska and the
23 United States Constitution on scholarship loan applicants.

24 * Sec. 19. The following laws are repealed: AS 08.24.110(1); AS 08.-
25 54.110(2), 08.54.140(2), 08.54.142(a)(1), 08.54.240(3)(B); AS 14.43.130;
26 AS 18.55.470(4); AS 21.27.220(1); AS 29.63.065(d)(1); AS 38.05.058; AS 38.-
27 08.040(b); AS 39.25.155(g); AS 43.26.095(b)(3).

28 * Sec. 20. This Act takes effect immediately in accordance with AS 01.-
29 10.070(c).