

HB

357

Alaska State Legislature

Resources, Vice Chair
State Affairs, Vice Chair
House Special Committee on Oil & Gas, Vice Chair
House Special Committee on Fisheries



State Capitol
Room 409
Juneau, Alaska 99801-1182
(907) 465-3878

Representative Scott Ogan
House District 27

Sponsor Statement HB 357 Amendments to Title 16

HB 357 simplifies the enforcement of residency requirements for hunting, trapping, and noncommercial fishing licenses. This legislation will reduce the number of nonresidents who use loopholes in current state residency laws to hunt, trap, and fish Alaska's resources. After meeting and working diligently with the department of law, department of fish & game, department of public safety, and legislative legal this bill was drafted to accommodate all the participants concerns addressed during those discussions.

The definition of residency was separated into subsections for clarification purposes. In these subsections, you will note the different changes that were made to better define the rules of residency for Title 16 purposes.

Also, passage of HB 357 could increase revenue annually by thousands of dollars in relationship to current statistics of nonresidents in terms of licenses, game tags, and hunting fees for guides.

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Sectional Analysis HB 357 Amendments to Title 16

Section 1. This change has been proposed to clarify the intent of the law to allow a human being, not a proprietor that may be a part of a partnership, association, joint stock company, trust, or corporation registered in the state of Alaska, to qualify for resident status in obtaining a hunting, trapping, or fishing license.

Section 2. This new section establishes the basic rules for establishing residency under the bill (Sec. 16.05.415 (a) (1) - (3)). Also, this section addresses that once a person establishes residency, the person maintains residency until the person demonstrates that their intent is no longer to consider the state of Alaska as their home state.

Section 3. This section has been amended to accomplish several purposes. Overall, it has been separated into subsections for clarification purposes. Also, the rules for declaring residency have been clarified.

In the Sec. 16.05.940(26)(A), the phrase *a permanent place of abode* has been deleted and the replaced with the phrase *a person's domicile*. The two main reasons for this change that are being proposed to accomplish two items. The first being, the requirement to maintain a *permanent place of abode* is unduly restrictive and unnecessary to prevent nonresidents from obtaining resident privileges in the state. If a person is forced to move from one location to another around the state due to their work commitment they may not satisfy the residency requirement because they have not maintained a *permanent place of abode*. The second reason for this change is because the term *abode* is not defined in statute. The lack of strict legal definition creates enforcement problems. Blacks Law Dictionary states: "As

"domicile" and "residence" are usually in the same place, they are frequently used as if they had the same meaning, but they are not identical terms, for a person may have two places of residence, as in the city and country, but only one domicile. Residence means living in a particular locality, but domicile means living in that locality with intent to make it a fixed permanent home..." We believe that replacing the current phrase *a permanent place of abode* to *domicile* will make it more clear that the legislature intended only those who are domiciled in the state are entitled to residency licensing privileges.

In the Sec. 16.05.940 (26)(B), the present requirement that a person maintain a voting residence in the state is also problematic. Though an Alaska voting address is easy to establish and provides an easy enforcement tool, it is not clear that the state can compel a person to register to vote as a condition of obtaining a resident hunting license. Also this requirement is not appropriate for persons under the voting age. Persons over 16 years of age are required to obtain hunting, trapping, and sport fishing licenses but they do not have a voting address until they are old enough to vote. One other area that this amendment clarifies is that a natural person may not qualify as a resident by virtue of an interest in a partnership, association, joint stock company, trust, or corporation.

In Sec. 16.05.940(26)(C) and in Sec. 16.05.940(26)(D) the branch of United States Coast Guard has been added because the federal definition of military does not include the United States Coast Guard. By adding the United States Coast Guard clarifies the intent of the law to have provisions for this branch that are consistent with military personnel and their dependents. Also, the amendment provides consistency between the language in both paragraphs in reference to the requirement of a resident member of the military service or the United States Coast Guard and their dependents have lived in the state for the preceding 12 consecutive months.

In Sec. 16.05.940(26)(E) the amendments provided are to make the language consistent with the proposed subsections 16.05.940(26)(C) and 16.05.940(26)(D).

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: HB 357

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to the issuance of hunting, trapping and
noncommercial fishing licenses, tags, & permits....." BRU: Enforcement
 Sponsor: Representative Ogan Component: _____
 Requestor: (H) H. S. Smith COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1006 GE/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

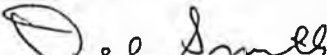
Estimate of current year (FY 95) impact: \$ 0.00 _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

The Division of Fish and Wildlife Protection anticipates no fiscal impact as a result of this legislation.

Prepared By: Captain Richard L. Graham Phone: (907)269-5589
 Division: Fish and Wildlife Protection Date: January 25, 1996
 Approved by Commissioner:  Date: _____
 Agency: Ronald L. Otte, Dept. of Public Safety

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