

SCOMM

147:30

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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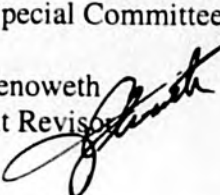
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 24, 2007

SUBJECT: CSHB 137(FSH), amending the requirements for the identification card for residents 60 years of age or older to fish, hunt, or trap without the appropriate license (Work Order No. 25-LS0118\E)

TO: Representative Paul Seaton, Chair
House Special Committee on Fisheries

FROM: Jack Chenoweth
Assistant Revisor 

The measure transmitted with this memo makes the changes specifically requested by incorporating the C.1 amendment.

Either before the measure is reported from your committee or when the measure is addressed in the next committee of referral, you may want to address the ambiguity inherent in the phrase "to retain eligibility for the temporary identification card" beginning on the last line of the bill's first page. Do the two elements of the "retain eligibility" requirement -- lawfully receiving a permanent fund dividend in the previous year or . . . maintain[ing] permanent fund dividend eligibility [under] AS 43.23.005(a)(3) - (7) -- operate so that, once the card has been issued, for the three-year life of the issued card, the continuing validity of the issued card is conditioned on the person's meeting one or the other of these requirements? Or, instead, do these two elements operate only so as to apply to obtain renewal of the card at the end of its three-year life? It's the use of the word "retain" that introduces the question, for "retain," in its dictionary definition, infers a continuing or continuity. Do you have a sense of how the committee intends the provision to operate so that we could substitute more definite language?

JBC:lmb
07-031.lmb

Enclosure

43.23.005. Eligibility. (a) An individual is eligible to receive one permanent dividend each year in an amount to be determined under AS 43.23.025 if the individual

- (1) applies to the department;
- (2) is a state resident on the date of application;
- (3) was a state resident during the entire qualifying year;
- (4) has been physically present in the state for at least 72 consecutive hours at some time during the prior two years before the current dividend year;

- (5) is
 - (A) a citizen of the United States;
 - (B) an alien lawfully admitted for permanent residence in the United States;
 - (C) an alien with refugee status under federal law; or
 - (D) an alien that has been granted asylum under federal law;
- (6) was, at all times during the qualifying year, physically present in the state or, if absent, was absent only as allowed in AS 43.23.008; and
- (7) was in compliance during the qualifying year with the military selective service registration requirements imposed under 50 U.S.C. App. 453 (Military Selective Service Act) if those requirements were applicable to the individual, or has come into compliance with those requirements after being notified of the lack of compliance.

[Repealed, § 18 ch 4 SLA 1992.]

- (8) A parent, guardian, or other authorized representative may claim a permanent dividend on behalf of an unemancipated minor or on behalf of a disabled or an incompetent individual who is eligible to receive a payment under this section. Notwithstanding (a)(2) — (4) of this section, a minor is eligible for a dividend if, during the two calendar years immediately preceding the current dividend year, the minor was born to or adopted by an individual who is eligible for a dividend for the current dividend year.
- (9) Notwithstanding the provisions of (a) — (c) of this section, an individual is not eligible for a permanent fund dividend for a dividend year when
 - (A) during the qualifying year, the individual was sentenced as a result of conviction in this state of a felony;

- (B) during all or part of the qualifying year, the individual was incarcerated as a result of the conviction in this state of a
 - (A) felony; or

- (B) misdemeanor if the individual has been convicted of
 - (i) a prior felony as defined in AS 11.81.900; or
 - (ii) two or more prior misdemeanors as defined in AS 11.81.900.

[Repealed, § 64 ch 21 SLA 1991.]

- (10) The commissioner may waive the requirement of (a)(4) of this section for an individual absent from the state

- (1) in a time of national military emergency under military orders while serving in the armed forces of the United States, or for the spouse and dependents of that individual; or
 - (2) while in the custody of the Department of Health and Social Services in accordance with a court order under AS 47.10 or AS 47.12 and placed outside of the state by the Department of Health and Social Services for purposes of medical or behavioral treatment.

- (11) For purposes of applying (d)(1) of this section, the date the court imposes a sentence suspends the imposition of sentence shall be treated as the date of conviction. For purposes of applying (d)(2)(B) of this section, multiple convictions arising out of a single criminal episode shall be treated as a single conviction.

- (h) If an individual who would otherwise have been eligible for a permanent fund dividend dies after applying for the dividend but before the dividend is paid, the department shall pay the dividend to a personal representative of the estate or to a successor claiming personal property under AS 13.16.680. If an individual who would

otherwise have been eligible for a dividend and who did not apply for the dividend during the application period, a personal representative of the estate or a successor claiming personal property under AS 13.16.680 may apply for and receive the dividend. Notwithstanding AS 43.23.011, the application for the dividend may be filed by the personal representative or the successor at any time before the end of the application period for the next dividend year. (§ 1 ch 102 SLA 1982; am § 1 ch 57 SLA 1987; am § 1 ch 54 SLA 1988; am § 1 ch 159 SLA 1988; am §§ 2, 3 ch 107 SLA 1989; am § 1 ch 68 SLA 1990; am §§ 46, 62 ch 21 SLA 1991; am § 1 ch 68 SLA 1991; am §§ 4 — 8, 18 ch 4 SLA 1992; am §§ 2, 3 ch 46 SLA 1996; am §§ 2 — 4 ch 44 SLA 1998; am § 1 ch 91 SLA 1998; am § 25 ch 92 SLA 2001; am § 5 ch 89 SLA 2002; am § 5 ch 64 SLA 2005)

Cross references. — For legislative findings in connection with the 1989 amendment to (a) of this section, see § 1(a), ch. 107, SLA 1989 in the Temporary and Special Acts; for the application deadlines for minors who qualified for a dividend for 1992 because of the 1992 amendment to (c) of this section, see § 19, ch. 4, SLA 1992 in the Temporary and Special Acts; for legislative purpose relating to the 1996 amendments amending subsection (d) and adding subsection (g), see § 1, ch. 46, SLA 1996 in the Temporary and Special Acts.

Effect of amendments. — The first 1998 amendment, effective January 1, 1999, rewrote subsection (a); in subsection (d) substituted "qualifying year" for "calendar year immediately preceding that dividend year" in paragraphs (1) and (2); and, effective January 1, 2000, inserted "for at least 72 consecutive hours" in paragraph (a)(4).

The second 1998 amendment, effective June 13, 1998, added subsection (h).

The 2001 amendment, effective July 6, 2001, in subparagraph (d)(2)(B), added item (i) and the item (ii) designation, and, in item (ii), substituted "misdemeanors" for "crimes."

The 2002 amendment, effective January 1, 2004, added paragraph (a)(7) and made related stylistic changes.

The 2005 amendment, effective July 1, 2005, in subsection (f), deleted "In a time of national military emergency" from the beginning of the introductory language, added the paragraph (1) designation and added that language at the beginning of paragraph (1), and added paragraph (2).

Editor's notes. — Section 6, ch. 46, SLA 1996 provides that the 1996 amendments that amended subsection (d) and added (g) "apply only to individuals convicted of crimes committed after December 31, 1996" and that "[c]onvictions for crimes committed before January 1, 1997, may not be considered in determining the number of prior convictions for purposes of applying AS 43.23.005(d)(2)(B)."

Under § 6, ch. 89, SLA 2002, paragraph (a)(7) applies to a person who applies for a permanent fund dividend on or after January 1, 2004.

Legislative history reports. — For legislative letter of intent relating to the enactment of subsection (f) by § 1 ch. 68, SLA 1991 (HCS CSSB 98(FIN)), see 1991 Senate Journal, pages 256, 257.

NOTES TO DECISIONS

Constitutionality. — The 1989 amendment to paragraph (a)(2) of this section, imposing a two-year residency requirement for applicants, was unconstitutional; the one year requirement in subsection (e) is the applicable period, since no appeal is pending. *Lindly, et al. v. Malone*, Superior Court, 3rd Jud. Dist. 3AN-90-02586 CI (1990) (The 1991 amendment codified this decision.).

Subsection (d) does not violate the equal protection clause of the United States Constitution and/or the Alaska Constitution. *State v. Anthony*, 810 P.2d 155 (Alaska 1991).

Subsection (d), which makes incarcerated felons ineligible for permanent fund dividends, does not violate the ex post facto clause of either the United States or the Alaska Constitutions. *State v. Anthony*, 816 P.2d 1377 (Alaska 1991).

Denial of a permanent fund dividend to an incarcerated felon was not a separate punishment in addition to his sentence for murder for purposes of double jeopardy. *Hertz v. Storer*, 943 P.2d 725 (Alaska 1997), cert. denied, 522 U.S. 1059, 118 S. Ct. 717, 139 L. Ed. 2d 657 (1998).

The alien eligibility requirement of subparagraph (a)(5)(B) is constitutional because the department has the authority to interpret the statutory language in a manner that meets the purposes of the permanent fund dividend program and that comports with federal law. *State v. Andrade*, 23 P.3d 58 (Alaska 2001).

No constitutional protection of permanent fund dividend. — Changes in the qualifying date for a permanent fund dividend (pfd) do not violate the constitutional rights of new residents. Plaintiffs, as new residents, had only an inchoate expectancy of a pfd which is not afforded constitutional protection. *Underwood v. State*, 881 P.2d 322 (Alaska 1994), cert. denied, 514 U.S. 1064, 115 S. Ct. 1694, 131 L. Ed. 2d 558 (1995).

Dividends received on behalf of minors. — Where a divorced mother borrowed money from her children's permanent fund dividends, it was not error on the part of the court to deny the former husband's request that the mother be ordered to repay the amount taken. *Hayes v. Hayes*, 922 P.2d 896 (Alaska 1996).

Dividends properly withheld. — The state department of revenue properly withheld appellant's permanent fund dividends (PFDs) for 1992, 1993, and 1994 because the absences he reported from his primary Alaska residence exceeded the 180-day period allowed under former AS 43.23.005(a), 43.23.095(8), and their implementing regulations. *Schikora v. State*, 7 P.3d 938 (Alaska 2000).

Applied in *Dept of Revenue v. Cosio*, 858 P.2d 621 (Alaska 1993); *State, Dept of Revenue v. Wilder*, 929 P.2d 1280 (Alaska 1997).

Stated in *Alaska Oil Co. v. Alaska*, 45 Bankr. 358 (D. Alaska 1985).

Cited in *Standard Alaska*, 822 F.2d 624 (9th Cir. 1989) (Alaska 1990); *Morgan v.*

Sec. 43.23.008. A person who is otherwise eligible for a dividend remains eligible for

(1) receiving second dividend which, as determined by the program is not

(2) receiving vocational training program is not

(3) serving on active duty accompanying, as the individual who is

(A) serving on active duty

(B) eligible for a dividend

(4) serving under contract with the United States

(5) receiving compensation as a result of or convalescence is

(6) providing care for a life-threatening illness

(7) requires travel

(8) providing care for a stepchild, provided

(9) serving as a

(10) serving on

(11) serving as

(12) accompanying

(13) accompanying

under (1), (2), (5)

disabled dependent

(14) serving as

(15) because of

(16) for any reason

provided the absence

(A) 180 days in

this subsection if

this subsection;

(B) 120 days in

(3) of this subsection

subsection but is

(C) 45 days in

of this subsection

subsection.

(b) An individual

section unless the

months immediately

preceding 10 dividends

each of the related

individual was a

AMENDMENT #1 → Adopted

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

TO: HB 137

1 Page 1, line 12, following "resident":

2 Insert "must have lawfully received a permanent fund dividend in the previous
3 year or"

4

5 Page 1, line 13:

6 Delete "AS 43.23.005"

7 Insert "AS 43.23.005(a)(3) - (7)"

APPLICATION FOR PERMANENT IDENTIFICATION CARD FOR RESIDENT SPORT FISHING, HUNTING AND TRAPPING

Statutory Authority: AS 16.05.400(b)

A sport fishing, hunting, or trapping license is not required of a resident who is 60 years of age or older and meets the residency definition below. A Permanent Identification Card will be issued without charge to persons who qualify by age and residence and who complete this application.

Instructions: Fill out form completely. Keep the yellow copy of the application until you receive the Permanent Identification Card in the mail. Send the white copy to: Department of Fish and Game Licensing section, Box 25525, Juneau, Alaska 99802-5525.

You will then receive a Permanent Identification Card within 4-6 weeks. The yellow copy of the application or the Permanent Identification Card must be in your possession while sport fishing, hunting, or trapping.

PLEASE NOTE: The yellow copy is valid as a temporary license for 60 days from date of signature.

The number printed on your Identification Card should be used in lieu of a sport fishing, hunting and trapping license number in all instances which require a license number, e.g. resident big game tags, harvest tickets, fur export permits, sale of furs, trophy export, transfer of legally taken fish and game to others, etc. A Permanent Identification Card licensee does not have to purchase a state conservation stamp to hunt waterfowl or a king salmon stamp to fish for king salmon.

PLEASE PRINT CLEARLY

Name (First, Middle, Last)				Physical Location of Residence					
Mailing Address				City, State, Zip Code					
City, State, Zip Code				I am a resident of Alaska in accordance with the definition shown below. Length of Residency <table style="margin: auto;"> <tr> <td style="border: 1px solid black; width: 30px;">Years</td> <td style="border: 1px solid black; width: 30px;">Months</td> </tr> </table>				Years	Months
Years	Months								
Drivers License Number									
State _____ Number _____									
Daytime Telephone	Date of Birth mm/dd/yy	Sex	Height FT/IN	Weight	Color Eyes	Color Hair			

ALASKA RESIDENT AS 16.05.940(26): "resident" means, a person (including an alien) who is physically present in Alaska with the intent to remain indefinitely and make a home here, has maintained that person's domicile in Alaska for the 12 consecutive months immediately preceding this application for a license, and is not claiming residency or obtaining benefits under a claim of residency in another state, territory, or country; a member of the military service or U.S. Coast Guard who has been stationed in Alaska for the 12 consecutive months immediately preceding this application for a license; or a dependent of a resident member of the military service or U.S. Coast Guard who has lived in Alaska for the 12 consecutive months immediately preceding this application for a license. A person who does not otherwise qualify as a resident may not qualify by virtue of an interest in an Alaska business.

I have personally reviewed the information on this application and hereby certify that all of the information on this application is true and correct and that I understand this information is subject to public disclosure. My right to obtain or exercise the privilege granted by a sport fishing, hunting, or trapping license is not suspended or revoked in another state. **(NOTE: Making a false statement, or omitting a material fact, is subject to a maximum penalty of \$5,000 or 1 year imprisonment, or both, per AS 11.56.210 and AS 16.05.420.)**

Signature of Applicant _____ Date _____

PLEASE ALLOW 4-6 WEEKS FOR PROCESSING.

FOR DEPARTMENT USE ONLY

I.D. Number _____ Date Issued _____ Issued By _____

APPLICATION FOR PERMANENT IDENTIFICATION CARD FOR RESIDENT SPORT FISHING, HUNTING AND TRAPPING

Statutory Authority: AS 16.05.400(d)

PID - Fishing/Hunting/Trapping

P93867

Name: [REDACTED]

Town/Zip Code: HOMER 99603

The person named above has certified that he/she is 60 years of age or older and has been a resident of Alaska for one year or more. The bearer's personal description is:

Date of Birth 10-01-1945	Drivers License AK [REDACTED]	Date Issued 08-15-2006
Height 6 ft 1 in	Color Eyes Hazel	Color Hair Brown
		Sex M

PLEASE PRINT CLEARLY

Name (First, Middle, Last)		City, State, Zip Code	
Mailing Address		City, State, Zip Code	
Drivers License Number		State	
Date of Birth		Sex	
Date of Birth		Sex	

State of Alaska
Department of Fish & Game

I hereby certify that all of the information on the reverse side is true and correct. I further certify that I meet the provisions of the applicable Alaska Statutes, AS 16.05.400(b) or AS 16.05.341. I understand this information is subject to public disclosure.

Signature: _____

This card must be in your possession while engaging in the authorized activities as described on the front. This card is not valid if residency requirements per AS 16.05.940 and AS 16.05.415, and veteran requirements, if applicable, per AS 16.05.341 are not maintained.

ALASKA RESIDENT AS 16.05.940(5B): "resident" means: a person (including an alien) who is lawfully present in Alaska with the intent to remain indefinitely and make a home there; has maintained that person's domicile in Alaska for the 12 consecutive months immediately preceding the application for a license; and is not claiming residency or claiming benefits under a claim of residency in another state, territory, or country. A member of the military - including U.S. Coast Guard who has been stationed in Alaska for the 12 consecutive months immediately preceding the application for a license; or a dependent of a member of the military service or U.S. Coast Guard who has been stationed in Alaska for the 12 consecutive months immediately preceding the application for a license. A person who receives retirement benefits as a resident may not qualify by virtue of an intent to an Alaska business.

I have personally reviewed the information on this application and hereby certify that all of the information on this application is true and correct and that I understand this information is subject to public release under Mr. Right's Open Access Act. Making a false statement, or omitting a material fact, is subject to a maximum penalty of \$2,000 or 1 year imprisonment, or both, per AS 11.56.210 and AS 16.05.420.

PLEASE ALLOW 4-6 WEEKS FOR PROCESSING

FOR DEPARTMENT USE ONLY

ID Number _____ Date Issued _____ Issued By _____

REPRESENTATIVE PAUL SEATON

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ALASKA STATE LEGISLATURE House District 35

HB 137 Temporary Senior Hunting/Trapping/Fishing License

The Permanent Identification Card (PID) is a permanent license that allows Alaskan seniors to enjoy the natural resources of this great state through hunting, fishing and trapping free of charge. However, as the program is currently structured there are few safeguards to prevent abuse. Because the license is permanent, someone can get the card when they live in Alaska, move out of state and never have to pay for a license in Alaska on subsequent return visits. Also, because there is no easily enforceable determination of Alaskan resident, non-residents can fraudulently apply for a card. This is not fair to Alaskan seniors who live here year round and have the right to fish without the financial burden of a yearly license fee.

HB 137 changes the current PID statute from a permanent identification card to a temporary identification card. The license holder is required to renew the card every three years and must be eligible for the permanent fund dividend to qualify for the free hunting/fishing/trapping card. Fish and Game will have a list of individuals who received the PFD to cross reference before issuing a free senior license. The program will be easier for Fish and Game to administer because they have a simple way to check for suspected fraud instead of enlisting the help of the overextended Wildlife Troopers. HB 137 will result in an increase of funds as out-of-state individuals will have to purchase their license.

More people have been issued a PID in the last 20 years than there are eligible residents in Alaska who receive the PFD. Anecdotal stories of abuse of this benefit include a Fish and Game clerk on the Kenai Peninsula who issued a PID to a senior who claimed he was a resident but that he did not own a drivers license to prove it. He then proceeded to get into the drivers seat of a car with out-of-state license plates. The Fish and Game officer faxed the individual's information to the Wildlife Troopers, however they do not have the resources to persecute minor offenses such as fraudulent license applications, leaving the program with little means for checks and balances.

HB 137 ensures the integrity of a program designed to award resident Alaskan seniors the well deserved benefit of a free fishing, hunting and trapping licenses.

State of Alaska Permanent Identification Card (PID) program for resident seniors 60 years of age or older to receive a free sport fishing, hunting and trapping license:

Information about Program:

- Total PID licenses issued during past 10 years: 43,662.
- Average distribution of PID licenses each year over the past 10 years: 4,366.
- Lost revenue to Fish and Game Fund for new licenses issued each year, not total PID licensees: \$137,827. Difficult to estimate how many licensees are still residing in Alaska, living, or would purchase a sport license/king salmon stamp if they were required to.

Qualifications for obtaining a PID license:

- Resident:
 - Physically present in Alaska
 - Intent to remain indefinitely and make a home in Alaska
 - Maintained their domicile in Alaska for the 12 consecutive months immediately preceding the application for a license
 - Not claiming residency or obtaining benefits under a claim of residency in another state, territory, or country.
 - This past year, the Attorney General's office, Criminal Justice Planner for ADF&G, and Licensing Supervisor put together the attached "What Constitutes a Resident" information sheet basically for PID applicants. Location of household goods, where other immediate family members live, and how many months you are away from the state are discussed.
- 60 years of age or older

Problems:

- Identifying active/inactive PID holders.
- People who live part-time other than in Alaska but consider Alaska their home. It is hard to determine if they are still a resident; regulations are not clear.
- Nonresident seniors obtaining PID.
- Two problems during past year with PID licensees in Ninilchik and Hyder. DPS/Bureau of Wildlife Enforcement was the entity involved in both cases.
- Licensing has to send back 10% of the applications received each year because of incomplete information or because additional information is needed, i.e. out-of-state address used on application.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF ADMINISTRATIVE SERVICES

FRANK MURKOWSKI, GOVERNOR

P.O. BOX 115525
JUNEAU, AK 99802-5526
PHONE: (907) 465-3276
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E Mail: license_help@fishgame.state.ak.us

Below are some guidelines to help determine whether or not you meet the residency requirements to purchase/receive a State of Alaska resident sport fishing, hunting, trapping, or commercial crewmember license:

Per Alaska Statute 16.05.940(27), resident means, "a person who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country..."

"Residency" is further defined and explained in Alaska Statute 16.05.415(a) & (b). "(a) a person ... is a resident if the person,

(1) is physically present in the state with the intent to remain in the state indefinitely and to make a home in the state; [Note:

a. you must be physically present in Alaska in order to obtain a resident license.

b. you must intend to remain in the state indefinitely and to make your true and permanent home in Alaska. Living in Alaska for a short period of time, 6 months or less, and spending the majority of the year somewhere else probably does not constitute the intent to remain indefinitely. Consideration is given to other factors. See below.]

(2) has maintained the person's domicile in the state for the 12 consecutive months immediately preceding the application for a license;

[Note: for the previous 12 consecutive months you must have maintained a livable dwelling in Alaska. Consideration is given to the type of dwelling maintained here vs. the type of dwelling maintained somewhere else.]

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

[Note: you cannot have voted as a resident in another state, registered your car or have a driver's license in another state unless required by that state's laws to do so; Alaska law requires that a person who resides in the state and is not employed must register their vehicles in Alaska within 60 days of entering the state in accordance with AS 28.10.212; additionally a person who is employed in Alaska or takes an action that indicates an intention to acquire residence in the state must register their vehicles within 10 days. A person establishing residency in Alaska must obtain an Alaskan drivers license within 90 days and must surrender any out of state drivers license in accordance with AS 28.15.011 & 021. You may not hold a "resident" hunting or fishing license in another state, and may not have held one during the past 12 months.]

(4) is not obtaining benefits under a claim of residency in another state, territory, or country.

[Note: you cannot be claiming residency for COLA retirement benefits in another state, paying resident vs. nonresident taxes in another state, receiving subsidized or free benefits available only to a resident of another state, or gaining any advantage provided to residents of another state, etc.]

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

(1) establishes or claims residency in another state, territory, or country; or

(2) performs an act, or is absent under circumstances, that are inconsistent with the intent required under (a) of this section. [N Note: You may not have made any public or private declaration that indicates an intent to maintain a domicile anywhere but Alaska.]

"Domicile" is defined in Alaska Statute 16.05.940 as "the true and permanent home of a person from which the person has no present intention of moving and to which the person intends to return whenever the person is away;"

[Note: the purchase of round trip tickets or the making of return plans each time a person travels to Alaska would probably constitute evidence that the person's true and permanent home was elsewhere than Alaska. The location of household goods, the location where the spouse or family members of the household live and work, the location where children attend school, and other factors will also aide in determining where the true and permanent home is.]

Per Alaska Administrative Code 5 AAC 39.975(30) and 5 AAC 92.990(14), evidence of domicile includes, but is not limited to, the following:

(A) statements made to obtain a license to drive, hunt, fish, or engage in an activity regulated by a government entity;

(B) affidavit of a person who may know an applicant's domicile;

(C) place of voter registration;

[Note: see (3) under "Residency" above.]

(D) location of residence owned, rented, or leased;

[Note: see (1&2) under "Residency" above. The courts also look at the number of months you spend at a domicile located in another state vs. the number of months you spend in Alaska. For example, if you spend 9 months in another state and 3 months in Alaska, your residency in Alaska could be in question and will be taken into consideration along with other factors.]

(E) location of storage of household goods;

[Note: if your household goods are located in another state, it appears that you have not made your home here.]

(F) location of business owned or operated;

[Note: if your business is located in another state, you may need to explain to enforcement how your business is operated. On the other hand, you will not qualify as a resident merely by virtue of an interest in, or employment or contractual association with and Alaska-based business, see AS 16.05.415(g).]

(G) residence of spouse and minor children or dependents;

[Note: You are unlikely to be considered a resident of Alaska if your immediate family is living in another state or claiming another state as their residence while you consider Alaska your home.]

(H) governments to which taxes are paid;

[Note: see (4) under "Residency" above.]

(I) whether the person has claimed residence in another location for the purpose of obtaining benefits provided by the governments in that location."

[Note: see (4) under "Residency" above.]

If you are a member, or a dependent of a member, of the military or U.S. Coast Guard stationed in Alaska, you should also review the provisions of AS 16.05.415(c)-(d) and AS 16.05.940(27(C)-(D).

If you have any questions about whether or not you meet the residency definition to obtain a sport or commercial crewmember license, please contact your local Department of Public Safety/Bureau of Wildlife Enforcement office.

Al Cain, State Wide Enforcement Specialist for the Department of Fish and Game forwarded to Rep. Seaton's office comments from the Wildlife Troopers on PID enforcement. In January Mr. Cain asked for comments from all the Wildlife Troopers statewide. Below are the comments received. Out of about 75 Wildlife Troopers 8 trooper commented. Each paragraph below is one comment from one trooper. Names have been omitted for privacy.

YES.....FORMER.....Registered Big Game Guide J_____ residency conviction was based upon falsifying his Alaska resident permanent identification card: 04-63900.

Yakutat Case: 03-75426, initiated by USPS.....V_____ for several years was sport fishing in Yakutat, partial owner of a sport fishing lodge. V_____ unlawfully obtained a permanent ID and used it for several years until caught. V_____ 's ID was seized and I issued him a citation for sport fishing without a valid license!

Craig.....R_____ is a wealthy retired lawyer that owns a house at Sakar Cove, Prince of Wales Island. R_____ has a Summer home in Wisconsin, travels to Arizona and lives there in the winter and vacations at Prince of Wales for a couple weeks in the Summer. R_____ lawfully obtained a permanent ID card in the mid 1990's and has been using every since for sport/personal use fishing! No citations have been issued yet in this case!

I know of two cases in the last couple of years dealing with misuse of PID's in Kodiak. Both were retired folks, one a longtime resident of Kodiak who retired down south, the other a retired down south'er who spent his summers up here. We were informed of both by locals who knew the status of each and suspected foul play. I don't really see how requiring the PID to be renewable would solve the problem as the bad deed doers may just fib on the renewal applications, if they felt strong enough about deserving the benefit. That and it would put that much more of a burden on the sourdoughs that plan on being buried in Alaska, causing them a need to renew their Permanent ID. Not to mention we'd have to change the name to TID, for Temporary Identification card. All and all, I'd say leaving it as is and having the trooper investigate suspects, as contacted, seems to be a logical course.

I have had problems with the PID program in the past. On Prince of Wales Island there were / are folks that at one time were Alaska residents and received there PID. The individuals then left Alaska, but retained there PID and come up every summer to fish and possibly hunt deer in August / September before returning to their homes down South.

The PID program requires an individual to be an Alaska resident to receive the PID, but it doesn't mention what happens after you receive it and then move out of State. "The commissioner shall issue a permanent identification card without charge to persons who qualify by age (60+) and residence and who complete the forms required by the commissioner for implementation of this subsection". Perhaps we could add a section in the statute that reads something like: If the holder of a permanent identification card (PID) no longer qualifies as an Alaska resident (as defined by AS 16.05.415) they MUST surrender their permanent identification card to the Department of Fish and Game. Failure to do so could have the same penalties as established under AS 16.05.420.

The Permanent License abuse has been a problem since I started as a Trooper in Soldotna. The Dept. policy of no crime unless a person claims residency in another State, is really hard to prove. After a person gets the license and is eligible to get it, he hasn't made a False Statement, even if he does take a resident right in another State. My solution would be to have another box on the paper license for the free license and have them get it every year. If they claim residency and are not residents we at least can cite them. I have worked very few cases, but know of at least two who have the PID and do not live in AK. yet are here every year for fishing and or hunting. I have checked their resident States and they do not get resident licenses or pay taxes on property, I know one has a home but it is in his mothers name.

I have not seen much of that myself other than one instance last fall. A non-resident assistant guide had previously acquired a PID, but then moved to Idaho. When he returned to guide last fall he failed to get a non-resident hunting license (as required to act as a big game guide). He really didn't try to pass off the old PID, but kind of meekly threw it out there to see if it would fly. It didn't. What I would really like to see is a closer look at the military disabled hunter licenses. I checked two guys last year that had been sheep and mt. goat hunting! Half the able bodied men in this state can't do that.

We recently followed up on a tip for a non resident with resident license (PID). Upon contact they provided a current non resident license that they had bought this year. They still had their PID cards with them and said they didn't know what to do with them. They indicated they planned to hang onto them in case they became residents again. There isn't any direction in statute or regulation that I can find that addresses the PIDs. The application form also does not give any notice as to any requirements to forfeit or return them to ADF&G if you no longer maintain your residency. It would be nice to see something in writing that addresses what the requirement is for the PID upon leaving state. As it's issued now, I'm not sure we could charge them with anything that would hold up in court as long as they were residents when they obtained it.

I would say this is not abused out here. Furthermore, I'd hope they don't paint with too broad a brush and impose an unnecessary limitation on the residents of AK that qualify and don't abuse it. I've heard they have problems in the Kenai Peninsula area so it's likely a good topic for discussion and looks as if they may currently have the support to get something done.

I haven't worked any cases involving misuse of a permanent license.

Yes, we work several of these each year. Generally we just tell the person that they no longer qualify as a resident and ask them to stop taking privileges. They usually comply. Most don't know that they must continue to maintain resident status, they just think it's a bonus for living here so long. A longevity bonus of sorts. Most of the time I can't see us taking the case to the DAO unless grossly abused. Just imagine the press on this, so poor old timer who just barely makes it into the court house with his walker and goes in front of the local magistrate. The guy can't hear anymore, barely able to read, confused by the whole thing. Tells the judge that he is just there to visit his grandchildren and thought that he would take them out fishing and along comes the fish cop. Spoils the whole day, all the little kids cried, the parents swore that they would never go fishing again. On and on. Yes, an expiration date would be a great help. The application could just have an additional box for the person to check if it is a renewal. They sign at the bottom again just like before. Very good idea.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB137-DFG-DAS-02-16-07
Bill Version: HB 137
() Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Fish and Game

Title Senior Fishing/Hunting/Trapping Licenses

RDU Administration and Support

Component Administrative Services

Sponsor House Special Committee on Fisheries

Requester House Special Committee on Fisheries

Component No. 470

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual	0.0	0.0	2.0	2.0	2.0	2.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	2.0	2.0	2.0	2.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	2.0	2.0	2.0	2.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	2.0	2.0	2.0	2.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Department of Fish and Game will notify licensees that it is time to renew their license. Costs included above are postage and supplies for the notification process.

Prepared by: Tom Lawson

Division Administrative Services

Approved by: Denby Lloyd

Agency Department of Fish and Game

Phone 465-5999

Date/Time 02/16/07 8:30 a.m.

Date 2/16/2007