

SCOMM

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3/27/08

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document*

**CS FOR SENATE BILL NO. 214( )**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATORS HUGGINS, Dyson, Stedman**

**A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to hunting licenses and tags for nonresident members of the military  
2 service or the United States Coast Guard and their dependents; and providing for an  
3 effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 16.05.340(d) is amended to read:

6 (d) Members of the military service or the United States Coast Guard on  
7 active duty who are permanently stationed in the state, and their dependents, who do  
8 not qualify as residents under AS 16.05.415, may obtain special nonresident military  
9 hunting [SMALL GAME] and sport fishing licenses at the rates for resident hunting  
10 and sport fishing licenses. A person who obtains a special nonresident military  
11 hunting license under this subsection is exempt from the requirements of (a)(15)  
12 of this section, but may not take a big game animal for which a tag is required  
13 under (a)(16) of this section or a mountain goat or sheep without previously  
14 purchasing a [REGULAR NONRESIDENT HUNTING LICENSE AND A]

*3 new  
I km*

1            numbered, nontransferable appropriate tag, issued at the resident [ONE-HALF OF  
2            THE NONRESIDENT] rate, under (a)(16) [(a)(15)] of this section. A person who  
3            obtains a special nonresident military hunting license under this subsection may  
4            obtain a numbered, nontransferable tag for mountain goat or sheep at no cost.

5            \* Sec. 2. This Act takes effect January 1, 2009.

New  
Language

# ALASKA STATE LEGISLATURE

Senate District H  
600 E. Railroad Avenue  
Wasilla AK 99654  
907-376-4866  
907-373-4724 :Fax



State Capitol  
Juneau AK 99801-1182  
907-465-3878  
Fax: 907-465-3265  
800-862-3878

## Charlie Huggins Senator

### Sponsor Statement for SB 214

*"An Act relating to big game hunting by non-resident members of the military service or the United States Coast Guard and their dependents; and providing for an effective date."*

Senate Bill 214 allows non-resident active-duty military or United States Coast Guard personnel and their dependents to qualify for resident-rate big game hunting licenses immediately upon report date without having to meet the current 12-month residency requirement.

The vast majority of states have unique licensing statutes for active-duty military personnel. At least 45 states offer resident license rates, without regard to actual residency status, to active-duty personnel or personnel stationed in the state. Eight of those states, including Alaska, require personnel to be stationed in state for a specific period of time. At twelve months, Alaska's waiting period, as provided by AS 16.05.415(c), is by far the longest among the states. Because military personnel are transferred around the world, often without having any real say in where they are stationed, they are not similarly situated to others who choose to move to Alaska voluntarily. The fact that transfers are involuntary and frequent means that they may be unable to establish the qualifications for normal residency and ever be able to take advantage of state resident preferences. SB 214, if enacted, benefits active-duty military members and their dependents by waiving the 12-month waiting period.

Current statute, AS 16.05.340 (d), entitles non-resident military members stationed in Alaska to special military licenses at the resident rate for sport-fishing and small game hunting. This provision does not extend to big game licenses and tags. If military members who have not reached residency status want to go big game hunting, they must now purchase big game licenses at the non-resident rate plus big game tags at one-half the non-resident rate. SB 214, if enacted, would allow them to purchase big game licenses and tags at resident rates.

The January 1, 2009, effective date allows the Department of Fish and Game time to revise, print, and distribute application forms that reflect accurate information and to work with vendors and applicants to achieve compliance with the new law.

---

Contact: Jody Simpson  
907-465-2661  
CS for SB 214(FIN) Version 25-LS1261\L  
March 28, 2008

25-LS1261\O

Kane

3/27/08

**CS FOR SENATE BILL NO. 214( )****IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-FIFTH LEGISLATURE - SECOND SESSION****BY****Offered:****Referred:****Sponsor(s): SENATORS HUGGINS, Dyson, Stedman****A BILL****FOR AN ACT ENTITLED**

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9 hunting [SMALL GAME] and sport fishing licenses at the rates for resident hunting  
10 and sport fishing licenses. A person who obtains a special nonresident military  
11 hunting license under this subsection is exempt from the requirements of (a)(15)  
12 of this section, but may not take a big game animal for which a tag is required  
13 under (a)(16) of this section or a mountain goat or sheep without previously  
14 purchasing a [REGULAR NONRESIDENT HUNTING LICENSE AND A]

1        numbered, nontransferable appropriate tag, issued at the resident [ONE-HALF OF  
2        THE NONRESIDENT] rate, under (a)(16) [(a)(15)] of this section. A person who  
3        obtains a special nonresident military hunting license under this subsection may  
4        obtain a numbered, nontransferable tag for mountain goat or sheep at no cost.

5        \* Sec. 2. This Act takes effect January 1, 2009.

**Josh Applebee**

---

**From:** Jody Simpson  
**Sent:** Thursday, March 27, 2008 4:14 PM  
**To:** Josh Applebee  
**Subject:** SB 214 - Military Hunting - Blank CS Workdraft Version O  
**Attachments:** CS for SB 214 version O.pdf

Josh,

Thank you again for scheduling SB 214 so quickly. Attached is the blank CS work draft for the committee to consider.

SB 214 allows non-resident active-duty military personnel and their dependents to qualify for resident-rate big game hunting licenses immediately upon report date without having to meet the current 12-month residency requirement. If enacted, SB 214 benefits active-duty military members and their dependents by waiving the 12-month waiting period.

Current statutes entitle non-resident military members stationed in Alaska to special military licenses at the resident rate for sport-fishing and small game hunting. This provision does not extend to big game licenses and tags. If military members who have not reached residency status want to go big game hunting, they must now purchase big game licenses at the non-resident rate plus big game tags at one-half the non-resident rate. SB 214, if enacted, would allow them to purchase big game licenses and tags at resident rates.

Yesterday, Leg Legal, Law, and ADF&G all decided that we needed to better clarify the steps in the process for tracking and accounting for tags for some species. CS version O expressly states that a person may obtain a special non-resident military hunting license is exempt from (a)(15), i.e., black bear, bison, caribou, deer, elk, moose, or wolf, but he or she may *not* take a big game animal for which a tag is required under (a)(16), i.e., brown/grizzly and musk ox, or mountain goat or sheep, *without* previously purchasing a tag at the resident rate. The background is that current statutes require those who haven't lived here for 12 months to hire a guide to the hunt three species (Brown/Griz, sheep, goat). SB 214 makes no change to that statute; the guiding requirement is retained for new arrivals for that first year. Therefore, there has to be a process for the department to track who is hunting those guided species for enforcement purposes. The trigger for tracking those hunters is acquisition of the tag. The new language in the CS better captures the actual steps taken by vendors and department staff in that tracking and enforcement process.

The CS also clearly states that there is no cost associated with obtaining a tag for sheep or goat. Hunters will still have to obtain the tag but they won't pay anything for it. Again, this is for tracking and enforcement purposes.

If you would like additional information before Tuesday, please let me know. Kevin Saxby from Div of Law and Kristin Wright, Licensing Supervisor for ADF&G, will be available to speak to the changes. They are better at explaining the legalese than I am.

jody

Jody Simpson

Staff to Senator Charlie Huggins  
Alaska State Capitol, Room 119  
Juneau, Alaska 99801-1182  
Phone: (907)465-2661 / Fax: (907)465-3265  
Jody\_Simpson@legis.state.ak.us

3/28/2008

# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSSB 214(RES)  
 (S) Publish Date: 3/18/08

Identifier (file name): SB214-DFG-DAS-02-22-08 Dept. Affected: Fish and Game  
 Title: Hunting by Members of the Military RDU: Administration and Support  
 Component: Commissioner's Office  
 Sponsor: Senator Huggins  
 Requester: Senate Resources Committee Component Number: 2175

**Expenditures/Revenues** (Thousands of Dollars)

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

|                               | Appropriation<br>Required | Information |            |            |            |            |            |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|
|                               |                           | FY 2009     | FY 2010    | FY 2011    | FY 2012    | FY 2013    | FY 2014    |
| <b>OPERATING EXPENDITURES</b> |                           |             |            |            |            |            |            |
| Personal Services             |                           |             |            |            |            |            |            |
| Travel                        |                           |             |            |            |            |            |            |
| Contractual                   |                           |             |            |            |            |            |            |
| Supplies                      |                           |             |            |            |            |            |            |
| Equipment                     |                           |             |            |            |            |            |            |
| Land & Structures             |                           |             |            |            |            |            |            |
| Grants & Claims               |                           |             |            |            |            |            |            |
| Miscellaneous                 |                           |             |            |            |            |            |            |
| <b>TOTAL OPERATING</b>        |                           | <b>0.0</b>  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|--|

|                                    |               |  |               |               |               |               |               |
|------------------------------------|---------------|--|---------------|---------------|---------------|---------------|---------------|
| <b>CHANGE IN REVENUES ( 1024 )</b> | <b>(39.9)</b> |  | <b>(39.9)</b> | <b>(39.9)</b> | <b>(39.9)</b> | <b>(39.9)</b> | <b>(39.9)</b> |
|------------------------------------|---------------|--|---------------|---------------|---------------|---------------|---------------|

**FUND SOURCE** (Thousands of Dollars)

|                            |  |            |            |            |            |            |            |
|----------------------------|--|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts      |  |            |            |            |            |            |            |
| 1003 GF Match              |  |            |            |            |            |            |            |
| 1004 GF                    |  |            |            |            |            |            |            |
| 1005 GF/Program Receipts   |  |            |            |            |            |            |            |
| 1037 GF/Mental Health      |  |            |            |            |            |            |            |
| Other Interagency Receipts |  |            |            |            |            |            |            |
| <b>TOTAL</b>               |  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

|           |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

In 2006, ADF&G received \$52,100 in sport license and big game tag sales from military personnel. If all military personnel could purchase licenses and tags at resident rates, the amount brought in would drop to \$20,200, meaning a loss of \$31,900 to the Fish and Game Fund. In addition, since the agency receives federal grants with a 25% matching requirement, this could translate into a \$39,900 total annual loss to ADF&G in federal and nonfederal funds.

Prepared by: Tom Lawson  
 Division: Administrative Services  
 Approved by: Denby Lloyd  
Department of Fish and Game

Phone 465-5999  
 Date/Time 02/22/08 4:30 p.m.  
 Date 2/22/2008

# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_

Bill Version: SB 214

() Publish Date: \_\_\_\_\_

Identifier (file name): SB214-DFG-DAS-02-22-08

Title Hunting by Members of the Military

Dept. Affected: Fish and Game

RDU Administration and Support

Component Commissioner's Office

Sponsor Senator Huggins

Requester Senate Resources Committee

Component Number 2175

**Expenditures/Revenues**

(Thousands of Dollars)

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

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| Supplies                      |                           |             |            |            |            |            |            |
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| Land & Structures             |                           |             |            |            |            |            |            |
| Grants & Claims               |                           |             |            |            |            |            |            |
| Miscellaneous                 |                           |             |            |            |            |            |            |
| <b>TOTAL OPERATING</b>        |                           | <b>0.0</b>  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

**CAPITAL EXPENDITURES**

|                                    |               |               |               |               |               |               |
|------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
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|------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|

**FUND SOURCE**

(Thousands of Dollars)

|                            |  |            |            |            |            |            |            |
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Estimate of any current year (FY2008) cost: \_\_\_\_\_

0.0

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|           |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|
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Prepared by: Tom Lawson

Division: Administrative Services

Approved by: Denby Lloyd

Department of Fish and Game

Phone 465-5999

Date/Time 02/22/08 4:30 p.m.

Date 2/22/2008

# ALASKA STATE LEGISLATURE

Senate District H  
600 E. Railroad Avenue  
Wasilla AK 99654  
907-376-4866  
907-373-4724 :Fax



State Capitol  
Juneau AK 99801-1182  
907-465-3878  
Fax: 907-465-3265  
800-862-3878

## Charlie Huggins Senator

January 25, 2008

### Sponsor Statement for SB 214

*"An Act relating to big game hunting by non-resident members of the military service and their dependents; and providing for an effective date."*

Senate Bill 214 allows non-resident active-duty military personnel and their dependents to qualify for resident-rate big game hunting licenses immediately upon report date without having to meet the current 12-month residency requirement.

The vast majority of states have unique licensing statutes for active-duty military personnel. At least 45 states offer resident license rates, without regard to actual residency status, to active-duty personnel or personnel stationed in the state. Eight of those states, including Alaska, require personnel to be stationed in state for a specific period of time. At twelve months, Alaska's waiting period, as provided by AS 16.05.415(c), is by far the longest among the states. Because military personnel are transferred around the world, often without having any real say in where they are stationed, they are not similarly situated to others who choose to move to Alaska voluntarily. The fact that transfers are involuntary and frequent means that they may be unable to establish the qualifications for normal residency and ever be able to take advantage of state resident preferences. SB 214, if enacted, benefits active-duty military members and their dependents by waiving the 12-month waiting period.

Current statute, AS 16.05.340 (d), entitles non-resident military members stationed in Alaska to special military licenses at the resident rate for sport-fishing and small game hunting. This provision does not extend to big game licenses and tags. If military members who have not reached residency status want to go big game hunting, they must now purchase big game licenses at the non-resident rate plus big game tags at one-half the non-resident rate. SB 214, if enacted, would allow them to purchase both big game licenses and tags at resident rates.

The January 1, 2009, effective date allows the Department of Fish and Game time to revise, print, and distribute application forms that reflect accurate information and to work with vendors and applicants to achieve compliance with the new law.

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Contact: Jody Simpson  
907-465-2661  
Version 25-LS1261A  
January 25, 2008

# LEGISLATIVE RESEARCH REPORT

DECEMBER 7, 2007



REPORT NUMBER 08.064

## STATUTORY RESIDENCY REQUIREMENTS FOR DETERMINING HUNTING AND FISHING LICENSE FEES FOR ACTIVE-DUTY MILITARY PERSONNEL

PREPARED FOR SENATOR CHARLIE HUGGINS

BY CHUCK BURNHAM, LEGISLATIVE ANALYST

You asked about residency requirements related to hunting and fishing licenses for active-duty military personnel. Specifically, you wished to know the residency requirements in other states used to determine licensing fees for those personnel.

### NON-RESIDENT ACTIVE-DUTY SOLDIERS

The vast majority of states have unique licensing statutes for active-duty military personnel.<sup>1</sup> At least 45 states offer resident license rates, without regard to actual residency status, either to all active-duty personnel (18 states) or to only those personnel stationed in state (27 states).<sup>2</sup> Eight of these states, including Alaska, require military personnel to be stationed in state for a specific waiting period—most often sixty to ninety days—prior to qualifying for resident rates. At twelve months, Alaska's waiting period, as provided by AS § 16.05.415(c), is by far the longest among the states; however, AS § 16.05.340(d) provides that non-resident military members stationed here are entitled to special military licenses at the resident rate, except for big game licenses and tags, which may be purchased at one-half the regular nonresident rate. Therefore, for typical sport fishing and small game hunting, the waiting period for non-residents stationed in Alaska appears to be moot.

<sup>1</sup> Our research did not generally include states' administrative regulations or policies. Although we believe our research to be thorough, there may be additional laws regarding hunting and fishing licensing residency provisions for active-duty military personnel that were not located by our efforts due to variations in wording and construction. Although our focus was primarily on residency requirements, we included other provisions for military personnel related to hunting and fishing licenses wherever we located them.

<sup>2</sup> Only two states—Hawaii and Washington—do not address military personnel in their statutory licensing regimes for hunting and fishing. The three additional states that do not provide any special residency considerations for military personnel are Alabama, Oklahoma, and West Virginia.

## BENEFITS FOR BONA FIDE RESIDENTS AND OTHER PROVISIONS

Eighteen states offer the following benefits to service members who are *bona fide* state residents but are assigned elsewhere:

- ♦ free licenses (six states);
- ♦ waiver of the requirement for licenses (two states);
- ♦ waiver of the license requirement while home on furlough (ten states).<sup>3</sup>

Four states offer one or more of these benefits to all active-duty personnel, regardless of residency. Among these, Arkansas may be the most generous with its offer of free licenses to all active-duty personnel.

Other states variously offer military personnel reduced fee licenses, specific benefits for combat service, replacement or transfer of licenses when deployment interferes with hunting or fishing seasons, and/or special hunts, fisheries, or other privileges.<sup>4</sup> Table 1 summarizes states' statutory requirements on the topics discussed above. Table 2 lists statutory citations and details of the information summarized in Table 1 for all fifty states.

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I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

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<sup>3</sup> In addition, at least twelve states variously specify that military personnel who were residents when they entered the service or who maintain the state as their "home of record" are considered residents for licensing purposes even while stationed elsewhere.

<sup>4</sup> As you may know, Governor Palin recently directed the Alaska Department of Fish and Game, Division of Wildlife Conservation, to reissue or allow transfers of hunting permits obtained through a state lottery and Tier II subsistence permits for soldiers deployed in connection with military operations in Iraq. Additional information on this matter is available through the Division of Wildlife Conservation website at <http://www.wildlife.alaska.gov/index.cfm?adfg=permits.military>.

**Table 1: Summary of State Residency Requirements and Related Provisions  
Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel**

| Provision <sup>1</sup>                                               | Bona Fide Residents Only |                                        | All Active-Duty <sup>2</sup> |                                                                                                            | Notes                                                                                            |
|----------------------------------------------------------------------|--------------------------|----------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
|                                                                      | Number of States         | States                                 | Number of States             | States                                                                                                     |                                                                                                  |
| All military personnel pay resident fees                             | Not Applicable           | Not Applicable                         | 18                           | AZ, CA, CT, GA, IL, LA, ME, MD, MA, MN, MS, MO, MT, ND, NJ, NY, RI, TX                                     |                                                                                                  |
| Military personnel stationed in state pay resident fees <sup>3</sup> |                          |                                        | 27                           | AK, CO, DE, FL, ID, IN, IA, KS, KY, MI, MS, NE, NV, NH, NM, NC, OH, OR, PA, SC, SD, TN, UT, VT, VA, WI, WY | Waiting periods: AZ, ID, MT, NE, PA- 30 days; SC-60 days; WY-90 days; AK-12 months. <sup>4</sup> |
| No license required                                                  | 2                        | NJ, SD                                 | 0                            | None                                                                                                       | NJ-active National Guard only; SD-must be stationed out of state.                                |
| No licenses required while on furlough                               | 10                       | AL, CO, FL, IL, IN, IA, MS, ND, PA, WV | 3                            | NY, OH, TN                                                                                                 |                                                                                                  |
| No licenses required in times of war                                 | 1                        | AL                                     | 0                            | None                                                                                                       |                                                                                                  |
| Free licenses                                                        | 6                        | AR, MD, NH, OK, TX, VT                 | 1                            | AR                                                                                                         | NH, OK, -during furlough only; TX-National Guard only.                                           |
| Reduced fee licenses or tags offered                                 | 7                        | AK, FL, LA, ME, MI, MO, NV             | 2                            | AK, PA                                                                                                     |                                                                                                  |
| Special benefit for combat service                                   | 5                        | DE, IL, MN, PA, WI                     | 0                            | None                                                                                                       |                                                                                                  |
| Special hunts/fisheries or privileges offered                        | 2                        | ND, WI                                 | 3                            | MN, OK, PA                                                                                                 |                                                                                                  |
| Replacement or transfer of license for active-duty offered           | 1                        | SD                                     | 4                            | NE, NM, UT, WI                                                                                             |                                                                                                  |

**Notes:** This table is a summary of states' statutory provisions regarding residency requirements for active-duty military personnel with regard to hunting and fishing licensing. Please review the text of the underlying statutes for specific provisions and requirements, which vary substantially among states. Our research did not include states' administrative regulations or policies. Although we believe our research to be thorough, there may be additional applicable laws that were not located by our efforts due to variations in wording and construction. Although our focus was primarily on residency requirements, we included other provisions for military personnel related to hunting and fishing licenses wherever we located them.

1) Unless otherwise noted, military personnel are required to conform with seasons, bag limits, and other regulations regardless of whether licenses or permits are required for hunting and/or fishing.

2) "Active-duty" refers to military personnel currently serving under federal control.

3) At least twelve states specify that military personnel who were residents when they entered the service or who maintain the state as their "home of record" are considered residents for licensing purposes even while stationed elsewhere.

4) Alaska's, as provided by AS § 16.05.415(c), is by far the longest at twelve months; however, AS § 16.05.340(d) provides that non-resident military members stationed in the state are entitled to special military licenses at the resident rate, except for big game licenses and tags, which must be purchased at one-half the regular nonresident rate. Therefore, for typical sport fishing and small game hunting, the waiting period for non-residents stationed in Alaska appears to be moot.

**Sources:** LexisNexis and Westlaw databases of state statutes.

| Table 2: State Residency Requirements and Related Provisions Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel |                           |                               |                                                                                      |                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-------------------------------|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State                                                                                                                                  | Statute                   | Bona Fide Residency Required? | Fee                                                                                  | Notes                                                                                                                                                                                                                                                                                                                      |
| Alabama                                                                                                                                | Ala. Code §9-11-35        | No                            | None                                                                                 | Active-duty personnel need not obtain licenses during times of war.                                                                                                                                                                                                                                                        |
|                                                                                                                                        | Ala. Code §9-11-35.1      | Yes                           | None                                                                                 | Active-duty AL residents need not obtain licenses when home on furlough.                                                                                                                                                                                                                                                   |
| Alaska                                                                                                                                 | AS §16.05.340 (a)(24)     | No                            | \$20                                                                                 | Active-duty non-residents stationed in state are entitled to a non-resident king salmon stamp at a reduced rate.                                                                                                                                                                                                           |
|                                                                                                                                        | AS §16.05.340(d)          | No                            | \$39 (resident hunting/fishing license)<br>\$15-\$550 (per tag, depending on animal) | Active-duty non-residents stationed in state are entitled to small game and sport fishing licenses at resident rates, but may not take big game a regular nonresident hunting license and tag, issued at one-half of the nonresident rate. Military members also pay the same \$9 license surcharge required of residents. |
|                                                                                                                                        | AS §16.05.415(d)          | No, 12 month waiting period   | Same as resident                                                                     | Applies to all active-duty personnel stationed in the state.                                                                                                                                                                                                                                                               |
|                                                                                                                                        | AS §16.43.180             | No                            | N/A                                                                                  | Active-duty service is recognized as a basis for emergency transfer of commercial fisheries entry and interim-use permits.                                                                                                                                                                                                 |
| Arizona                                                                                                                                | A.R.S. §17-337            | No, 30-day waiting period     | Same as resident                                                                     | Applies to all active-duty personnel.                                                                                                                                                                                                                                                                                      |
| Arkansas                                                                                                                               | Ark. Code §15-42-123      | No                            | None                                                                                 | All active duty personnel stationed in Arkansas, and residents of Arkansas home on furlough, receive free licenses. Not applicable to permits for special hunts.                                                                                                                                                           |
| California                                                                                                                             | Cal. Fish and Game C. §70 | No                            | Same as resident                                                                     | Applies to all active-duty personnel.                                                                                                                                                                                                                                                                                      |
| Colorado                                                                                                                               | C.R.S. §33-1-102          | No                            | Same as resident                                                                     | Applies to all active-duty personnel stationed in state and residents who retain CO as their home of record while serving out of state.                                                                                                                                                                                    |
|                                                                                                                                        | C.R.S. §33-4-104          | No                            | None                                                                                 | Applicable to military personnel stationed as a patient at any armed forces or Veterans Administration medical facility. CO residents home on furlough may receive a fishing license free of charge for a maximum of thirty days.                                                                                          |

| Table 2: State Residency Requirements and Related Provisions Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel (cont.) |                                                   |                               |                  |                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-------------------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State                                                                                                                                          | Statute                                           | Bona Fide Residency Required? | Fee              | Notes                                                                                                                                                                                                                          |
| Connecticut                                                                                                                                    | Conn. Gen. Stat. § 26-34a, § 26-86a, and § 26-86c | No                            | Same as resident | Applicable to all active-duty personnel.                                                                                                                                                                                       |
| Delaware                                                                                                                                       | 7 Del. C. §502                                    | No                            | None             | Licenses are free to any member of the armed forces who is a patient in a military hospital and for DE residents who have taken part in the current military operations in Iraq for one year following discharge from service. |
|                                                                                                                                                | 7 Del. C. §505                                    | No                            | Same as resident | Applies to all active-duty personnel stationed in state.                                                                                                                                                                       |
| Florida                                                                                                                                        | Fla. Stat. §372.001                               | No                            | Same as resident | Applies to all active-duty personnel stationed in state.                                                                                                                                                                       |
|                                                                                                                                                | Fla. Stat. §372.562                               | Yes                           | None             | Active-duty residents on furlough for 30 days or fewer need not obtain licenses.                                                                                                                                               |
|                                                                                                                                                | Fla. Stat. §372.57                                | Yes                           | \$18.50          | "Gold Sportsman's" combined hunting/fishing licenses are available to active and retired military members.                                                                                                                     |
| Georgia                                                                                                                                        | O.C.G.A. §27-1-2                                  | No                            | Same as resident | All active duty personnel in Georgia and residents home on furlough are considered residents.                                                                                                                                  |
| Hawaii                                                                                                                                         | None in Statute                                   |                               |                  |                                                                                                                                                                                                                                |
| Idaho                                                                                                                                          | I. C. §36-202                                     | No, 30-day waiting period     | Same as resident | Applies to all active-duty personnel stationed in state.                                                                                                                                                                       |
|                                                                                                                                                | I. C. §36-406                                     | Yes                           | Same as resident | Soldiers who were residents of Idaho upon entering the service who are on furlough may purchase combined hunting/fishing licenses at the resident rate.                                                                        |
| Illinois                                                                                                                                       | 515 ILCS §5/1-75                                  | No                            | Same as resident | Applies to all active-duty personnel.                                                                                                                                                                                          |
|                                                                                                                                                | 516 ILCS §5/20-15                                 | Yes                           | None             | Illinois residents home on furlough need not obtain fishing licenses.                                                                                                                                                          |
|                                                                                                                                                | 514 ILCS §5/20-47                                 | Yes                           | None             | Illinois residents returning from overseas deployment are entitled to receive one annual fishing license for each year of overseas service.                                                                                    |

| Table 2: State Residency Requirements and Related Provisions Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel (cont.) |                                         |                               |                  |                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| State                                                                                                                                          | Statute                                 | Bona Fide Residency Required? | Fee              | Notes                                                                                                                                                    |
| Indiana                                                                                                                                        | Ind. Code Ann. §14-22-11-10             | No                            | Same as resident | Applies to all active-duty personnel stationed in state.                                                                                                 |
|                                                                                                                                                | Ind. Code Ann. §14-22-11-11             | Yes                           | None             | Active-duty residents on furlough may hunt and fish without a license for the duration of their leave.                                                   |
| Iowa                                                                                                                                           | Iowa Code §483A.1A                      | Yes                           | Same as resident | Active-duty personnel who claim residency that have filed a IA state tax return for the previous year are considered residents.                          |
|                                                                                                                                                | Iowa Code §483A.1A                      | No                            | Same as resident | Applies to active-duty personnel stationed in state.                                                                                                     |
|                                                                                                                                                | Iowa Code §483A.24                      | Yes                           | None             | State residents stationed elsewhere but home on furlough need not obtain licenses.                                                                       |
| Kansas                                                                                                                                         | Kan. Stat. §32-980                      | No                            | Same as resident | All active duty personnel in Kansas and soldiers who were residents of the state upon entering the service who are on furlough are considered residents. |
| Kentucky                                                                                                                                       | KRS §150.010                            | No                            | Same as resident | Applies to all active-duty personnel stationed in state.                                                                                                 |
| Louisiana                                                                                                                                      | La. R.S. §56:643(B)(1)                  | No                            | Same as resident | Applies to all active-duty personnel.                                                                                                                    |
|                                                                                                                                                | La. R.S. §56:643(B)(2)                  | Yes                           | \$50             | Members of the Louisiana National Guard are eligible for combined hunting/fishing licenses at a reduced fee.                                             |
| Maine                                                                                                                                          | 12 M.R.S. §10752                        | No                            | Same as resident | Applies to all active-duty personnel.                                                                                                                    |
|                                                                                                                                                | 12 M.R.S. §10853                        | Yes                           | \$20             | Maine residents stationed outside the state are entitled to a combined hunting/fishing license at a reduced rate.                                        |
| Maryland                                                                                                                                       | Md. Code, Nat. Res., §4-604 and §10-101 | No                            | Same as resident | Applies to all active-duty personnel.                                                                                                                    |
|                                                                                                                                                | Md. Code, Nat. Res., §10-301            | Yes                           | None             | Maryland residents are entitled to free hunting licenses while home on furlough.                                                                         |

| Table 2: State Residency Requirements and Related Provisions Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel (cont.) |                                |                                                  |                  |                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State                                                                                                                                          | Statute                        | Bona Fide Residency Required?                    | Fee              | Notes                                                                                                                                                                    |
| Massachusetts                                                                                                                                  | M.G.L.A. 131 §11               | No                                               | Same as resident | Applies to all active-duty personnel.                                                                                                                                    |
| Michigan                                                                                                                                       | M.C.L.A. §324.43536a           | No                                               | Same as resident | Active duty personnel, stationed in Michigan.                                                                                                                            |
|                                                                                                                                                |                                | Yes                                              | \$1              | Active-duty personnel who are either stationed outside the state or who were MI residents at the time of their enlistment are entitled to a license valid for two weeks. |
| Minnesota                                                                                                                                      | M.S.A. §97A.465.1 and 465.4    | Yes                                              | None             | Active-duty MN residents on furlough and discharged residents who served overseas in the preceding 24 months, are entitled to free licenses.                             |
|                                                                                                                                                | M.S.A. §97A.465.2              | No                                               | Same as resident | Applies to fishing licenses for all active-duty personnel training at Camp Ripley                                                                                        |
|                                                                                                                                                | M.S.A. §97A.465.3              | No                                               | Same as resident | Applies to all active-duty personnel. Excludes elk and moose hunting.                                                                                                    |
|                                                                                                                                                | M.S.A. §97A.465.5(a)           | No                                               | N/A              | Anyone who has been on active-duty in the preceding 24 months may receive first preference in obtaining license for special hunts or fisheries.                          |
|                                                                                                                                                | M.S.A. §97A.465.6              | No                                               | N/A              | Special hunts and limits may be made available to active-duty personnel and veterans.                                                                                    |
| Mississippi                                                                                                                                    | Miss. Code §49-7-3(3)          | No                                               | Same as resident | Applies to all active-duty personnel stationed in the state.                                                                                                             |
|                                                                                                                                                | Miss. Code §49-7-3(4)          | No                                               | Same as resident | All active-duty personnel not stationed in state are entitled to two 14-day combined hunting/fishing licenses per year.                                                  |
|                                                                                                                                                | Miss. Code §49-7-5 and §49-7-9 | Yes                                              | None             | Active-duty residents on furlough are not required to obtain licenses.                                                                                                   |
| Missouri                                                                                                                                       | 3 C. of State Regs. §10-5.220  | No                                               | Same as resident | Applies to residents of Missouri serving in the armed forces and all active-duty personnel stationed in state.                                                           |
|                                                                                                                                                | 3 C. of State Regs. §10-5.331  | No                                               | \$5              | Residents who have served active-duty in the National Guard or Reserves are entitled to a reduced fee small-game hunting permit.                                         |
| Montana                                                                                                                                        | MT. St. §87-2-102              | No 30-day waiting period (waived in time of war) | Same as resident | Active-duty personnel stationed in MT, and those who were residents upon enlistment, are considered residents.                                                           |

| Table 2: State Residency Requirements and Related Provisions Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel (cont.) |                          |                               |                  |                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State                                                                                                                                          | Statute                  | Bona Fide Residency Required? | Fee              | Notes                                                                                                                                                                             |
| Nebraska                                                                                                                                       | R.R.S. Neb. §37-419      | No, 30-day waiting period     | Same as resident | Applies to all active-duty personnel stationed in the state.                                                                                                                      |
| Nebraska                                                                                                                                       | R.R.S. Neb. §37-421.01   | No                            | \$5              | Permit holders who have served out of state are entitled to a discounted permit if their service encompassed at least one-half of the time period covered by the original permit. |
| Nevada                                                                                                                                         | N.R.S. §502.070          | No                            | Same as resident | Applies to all active-duty personnel stationed in the state.                                                                                                                      |
|                                                                                                                                                | N.R.S. §502.290          | Yes                           | \$5              | Residents home on furlough are entitled to licenses at a reduced rate.                                                                                                            |
| New Hampshire                                                                                                                                  | N.H. Rev. Stat. §214:3   | Yes                           | None             | Active-duty residents are entitled to free licenses while home on furlough.                                                                                                       |
|                                                                                                                                                |                          | No                            | Same as resident | Applies to all active-duty personnel stationed in the state.                                                                                                                      |
| New Jersey                                                                                                                                     | N.J.S.A. §23:3-1         | No                            | Same as resident | Applies to all active-duty personnel.                                                                                                                                             |
|                                                                                                                                                | N.J.S.A. §23:3-1e        | No                            | None             | Applies to any active member of the New Jersey National Guard who has completed Initial Active Duty Training.                                                                     |
| New Mexico                                                                                                                                     | N.M.S.A. §17-3-4         | No                            | Same as resident | Applies to active-duty members stationed at military facilities that are wholly or partially located within the state.                                                            |
|                                                                                                                                                | N.M.S.A. §17-3-7         | No                            | N/A              | Licensees who have been deployed on active-duty such that they are unable to take part in a hunt may have their license fee refunded or transferred to a different hunt.          |
| New York                                                                                                                                       | NY CLS ECL §11-0703(2)   | No                            | None             | Applies to all active-duty personnel on furlough not stationed within the state. Furlough period may not exceed 30 days.                                                          |
|                                                                                                                                                | NY CLS ECL §11-0703(a)   | No                            | Same as resident | Applies to all active-duty personnel stationed in the state.                                                                                                                      |
| North Carolina                                                                                                                                 | N.C. Gen. Stat. §113-130 | No                            | Same as resident | Military personnel stationed in state are considered residents.                                                                                                                   |

**Table 2: State Residency Requirements and Related Provisions Regarding  
Hunting and Fishing Licenses for Active-Duty Military Personnel (cont.)**

| State        | Statute                                                 | Bona Fide<br>Residency<br>Required? | Fee                 | Notes                                                                                                                                                                                                                                          |
|--------------|---------------------------------------------------------|-------------------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| North Dakota | N.D.<br>Cent. Code<br>§20.1-02-05                       | No                                  | Same as<br>resident | Applies to all active-duty personnel. Residents who are stationed out of state are entitled to a resident deer hunting license without having to take part in the licensing lottery system.                                                    |
|              | N.D.<br>Cent. Code<br>§20.1-03-04                       | Yes                                 | None                | Active-duty residents on furlough may fish and hunt small game without a license.                                                                                                                                                              |
| Ohio         | ORC Ann.<br>§1533.12(A)(1)                              | No                                  | Same as<br>resident | Applies to all active-duty personnel stationed in the state.                                                                                                                                                                                   |
|              | ORC Ann.<br>§1533.12(A)(2)                              | No                                  | None                | Applies to all active-duty personnel on furlough; however, permits are required for deer and wild turkey hunts.                                                                                                                                |
| Oklahoma     | 29 Okl. St.<br>§4-110 and<br>§4-112                     | Yes                                 | None                | Applies to state residents stationed elsewhere but home on furlough                                                                                                                                                                            |
|              | 30 Okl. St.<br>§4-112A                                  | No                                  | N/A                 | Military personnel need not complete a hunter education course.                                                                                                                                                                                |
|              | 29 Okl. St.<br>§4-140                                   | Yes                                 | None                | State residents stationed elsewhere but home on furlough need not obtain a "Wildlife Land Stamp."                                                                                                                                              |
| Oregon       | ORS<br>§497.006                                         | No                                  | Same as<br>resident | Applies to all active-duty personnel stationed in state and Oregon residents stationed elsewhere.                                                                                                                                              |
| Pennsylvania | 30 Pa.C.S.<br>§2707.1-2 and<br>35 Pa.C.S.<br>§2706(f-g) | Yes                                 | \$1                 | Members of the PA National Guard or a reserve component who have been deployed overseas for at least 180 days in the past 24 months, or who were injured during such a deployment, are entitled to a reduced fee hunting and fishing licenses. |
|              | 30 Pa.C.S.<br>§2709                                     | Yes                                 | None                | Resident of PA stationed out of state are not required to obtain fishing licenses while on furlough.                                                                                                                                           |
|              | 34 Pa.C.S.<br>§2702(b)                                  | Yes                                 | Same as<br>resident | Active-duty personnel whose "home of record" is PA are considered residents for the purpose of hunting licenses.                                                                                                                               |
|              | 35 Pa.C.S.<br>§2702(c)                                  | No, 30-day<br>waiting period        | \$5                 | Applies to all active-duty personnel stationed in state.                                                                                                                                                                                       |
|              | 34 Pa.C.S.<br>§2704                                     | N/A                                 | N/A                 | Active-duty members or those who have been discharged in the past six months need not complete a hunter's education course.                                                                                                                    |

**Table 2: State Residency Requirements and Related Provisions Regarding  
Hunting and Fishing Licenses for Active-Duty Military Personnel (cont.)**

| State          | Statute                  | Bona Fide<br>Residency<br>Required? | Fee              | Notes                                                                                                                                                                                                                                                                      |
|----------------|--------------------------|-------------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pennsylvania   | 34 Pa.C.S.<br>§2705      | No                                  | N/A              | Active-duty members shall be issued licenses for certain hunts without regard to quota limitations.                                                                                                                                                                        |
|                | 34 Pa.C.S.<br>§2706(e)   | Yes                                 | Same as resident | Resident of PA stationed out of state are considered residents while on furlough.                                                                                                                                                                                          |
|                | 35 Pa.C.S.<br>§2706(f-g) | No                                  | \$2              | Members of the PA National Guard or a reserve component who have been deployed overseas for at least 180 days in the past 24 months, or who were injured during such a deployment, are entitled to a reduced fee hunting license.                                          |
| Rhode Island   | R.I. ST.<br>§20-2-31     | No                                  | Same as resident | Every active-duty member of the armed forces or merchant marine is considered a resident.                                                                                                                                                                                  |
| South Carolina | S.C. Code<br>§50-9-30    | No, 60-day waiting period           | Same as resident | Applies to active-duty personnel serving in state.                                                                                                                                                                                                                         |
| South Dakota   | S.D.C.L.<br>§41-1-1(22)  | Yes                                 | Same as resident | Residency for the purpose of licensing cannot be lost due to out of state service in the armed forces.                                                                                                                                                                     |
|                | S.D.C.L.<br>§41-6-16.2   | Yes                                 | None             | Active-duty residents stationed out of state may hunt and fish without a license. Does not apply to migratory bird hunts.                                                                                                                                                  |
|                | S.D.C.L.<br>§41-6-19.7   | Yes                                 | N/A              | Any member of the S.D. National Guard or Reserves who holds an elk, bighorn sheep, or mountain goat hunting license at the time of being deployed to active-duty is entitled to a replacement license for the season immediately following his or her return from service. |
|                | S.D.C.L.<br>§41-6-21     | Yes                                 | Same as resident | Any resident military personnel who are absent the state during the application period of a hunt due to active-duty service are entitled to deer, turkey, and antelope licenses without regard to limits on the issuance of such licenses.                                 |
|                | S.D.C.L.<br>§41-6-52     | No                                  | Same as resident | Applies to all active-duty personnel stationed in state.                                                                                                                                                                                                                   |
| Tennessee      | T.C.A.<br>§70-1-101      | No                                  | Same as resident | Applies to all active-duty personnel stationed in state.                                                                                                                                                                                                                   |
|                | T.C.A.<br>§70-2-103      | No                                  | None             | Applies to all active-duty personnel on furlough                                                                                                                                                                                                                           |

| Table 2: State Residency Requirements and Related Provisions Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel(cont.) |                                                     |                               |                  |                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State                                                                                                                                         | Statute                                             | Bona Fide Residency Required? | Fee              | Notes                                                                                                                                                                 |
| Texas                                                                                                                                         | V.T.C.A., Parks & Wildlife Code §42.001 and §50.011 | No                            | Same as resident | Applies to all active-duty personnel.                                                                                                                                 |
|                                                                                                                                               | V.T.C.A., Parks & Wildlife Code §42.012 and §46.004 | Yes                           | None             | Applies to licenses for active-duty members of the TX National Guard.                                                                                                 |
| Utah                                                                                                                                          | Utah Code Ann. §23-13-2(37)(a)                      | Yes                           | Same as resident | Active-duty residents who have left the state for military service are maintain their residency so long as they do not claim residency in another state.              |
|                                                                                                                                               | Utah Code Ann. §23-13-2(37)(c)                      | No                            | Same as resident | Applies to all active-duty personnel stationed in state so long as they do not claim residency in another state.                                                      |
|                                                                                                                                               | Utah Code Ann. §23-19-38.2                          | No                            | N/A              | Any active-duty personnel who are unable to use a license or tag due to a military deployment is entitled to a refund or future reinstatement of that license or tag. |
| Vermont                                                                                                                                       | 10 V.S.A. §4258                                     | No                            | Same as resident | Applies to all active-duty personnel stationed in state.                                                                                                              |
|                                                                                                                                               | 10 V.S.A. §4258                                     | Yes                           | None             | Residents serving active-duty for at least 120 days are entitled to free licenses.                                                                                    |
| Virginia                                                                                                                                      | Va. Code §29.1-319                                  | No                            | Same as resident | Applies to active-duty personnel stationed in state.                                                                                                                  |
| Washington                                                                                                                                    | None in Statute                                     |                               |                  |                                                                                                                                                                       |
| West Virginia                                                                                                                                 | W. Va. Code, §20-1-2                                | Yes                           | Same as resident | Active-duty personnel who were residents upon entering the service are considered residents.                                                                          |
|                                                                                                                                               | W. Va. Code, §20-2-28                               | Yes                           | None             | Active-duty residents need not obtain licenses while home on furlough.                                                                                                |

| Table 2: State Residency Requirements and Related Provisions Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel (cont.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                  |                               |                  |                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Statute                          | Bona Fide Residency Required? | Fee              | Notes                                                                                                                                                                                                    |
| Wisconsin                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | W.S.A. §29.173                   | Yes                           | N/A              | Active-duty residents on furlough may hunt both sexes of deer during open season.                                                                                                                        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | W.S.A. §29.183                   | No                            | N/A              | Active-duty members who have been chosen by lottery to participate in a hunt may defer the permit until after their out of state service is complete.                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | W.S.A. §29.194                   | No                            | Same as resident | Applies to all active-duty personnel stationed in state.                                                                                                                                                 |
| Wisconsin                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | W.S.A. §29.569                   | N/A                           | N/A              | Active-duty personnel stationed in WI and residents on furlough are not subject to a 3-day waiting period upon issuance of a resident archer hunting license.                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | W.S.A. §29.593                   | No                            | N/A              | Anyone who has completed armed services basic training need not attend a hunter education course.                                                                                                        |
| Wyoming                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | W.S.1977 §23-1-107(f)            | No, 90-day waiting period     | Same as resident | Applies to active-duty personnel stationed in state.                                                                                                                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | W.S.1977 §23-1-107(f)(i-iii)     | No                            | Same as resident | Active duty residents stationed out of state maintain their residency status as long as their homes of record and voter registrations remain in WY and they have not claimed residency in another state. |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | W.S.1977 §23-1-705 and §23-2-201 | Yes                           | None             | An active-duty resident on furlough from a combat zone is entitled to elk, deer, bird, small game, or daily fishing licenses free of charge for any area not subject to competitive public issuance.     |
| <p><b>Notes:</b> The laws listed are those that we located in states' fish and wildlife statutes using the search terms "military," "armed services," "armed forces," and "national guard." Our research did not generally include states' administrative regulations or policies. Although we believe our research to be thorough, there may be additional laws regarding hunting and fishing licensing residency provisions for active-duty military personnel that were not located by our efforts due to variations in wording and construction. Although our focus was primarily on residency requirements, we included other provisions for military personnel related to hunting and fishing licenses wherever we located them.</p> <p>"Active-duty" refers to military personnel currently serving under federal control.</p> <p>Unless otherwise noted, military personnel are required to conform with seasons, bag limits, and other regulations regardless of whether licenses or permits are required for hunting and/or fishing.</p> <p><b>Sources:</b> LexisNexis and Westlaw databases of state statutes.</p> |                                  |                               |                  |                                                                                                                                                                                                          |

# STATE OF ALASKA

SARAH PALIN, GOVERNOR

## DEPARTMENT OF FISH AND GAME

### OFFICE OF THE COMMISSIONER

P.O. BOX 115528  
JUNEAU, AK 99811-5528  
PHONE: (907) 465-4100  
FAX: (907) 465-2332

January 14, 2008

Senator Charlie Huggins  
Chairman, Senate Resources Committee  
State Capitol, Room 119  
Juneau, Alaska 99801

Dear Senator Huggins,

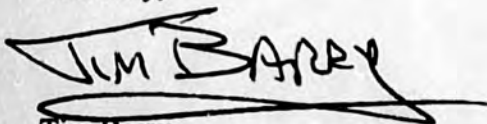
In a recent letter to Commissioner Lloyd, you informed him of your intention to introduce a bill in the 2008 legislative session to allow military personnel in Alaska to qualify for resident hunting and fishing licenses upon their report date, rather than having to be here for twelve months. Since then, the bill has been filed and assigned a number (Senate Bill 214). The Commissioner has asked me to respond to your letter.

Fish and Game staff have had an opportunity to review the legislation, and to consult with the Attorney General's office about it. I believe that the questions you asked in your letter have been answered, in communications between Fish and Game staffers and your aide, Jody Simpson. If you have any more questions or need further information from our agency, please contact me at any time, and I should be able to get you in touch with the right people here.

In your letter, you asked if Fish and Game would support such legislation. As I have informed Jody, our preliminary analysis of the bill indicates that it will have a fiscal impact on the department's budget (our initial estimate is that our fiscal note will be at least \$31,000 dollars a year). While of course we are very supportive of the dedication and service of our men and women in uniform, our only concern with SB 214 would be that we would need the lost revenue replaced. As long as the fiscal note can be covered, I have no reason to think our department would object to the bill as currently written.

It has always been a genuine pleasure and honor to work with you and your staff, and I look forward to a fruitful working relationship again this session. Feel free to contact me any time for any reason.

Sincerely,



Tim Barry  
Legislative Liaison

# CY2006 Military License and Tags Comparison

| CY06 Actuals |                                |        |          |             | Proposed Resident Rate Comparison |                   |         |             |
|--------------|--------------------------------|--------|----------|-------------|-----------------------------------|-------------------|---------|-------------|
| Class        | Description                    | # sold | Cost     | Gross       | Class                             | Description       | Cost    | Gross       |
| Hunting      |                                |        |          |             | Hunting                           |                   |         |             |
| 13           | NR Spcl Military Small Game    | 169    | \$25.00  | \$4,225.00  | 02                                | Res Hunt          | \$25.00 | \$4,225.00  |
| 14           | NR Spcl Military SF/Small Game | 237    | \$48.00  | \$11,376.00 | 04                                | Res SF/Hunt       | \$48.00 | \$11,376.00 |
| 08           | NR Hunt                        | 179    | \$85.00  | \$15,215.00 | 02                                | Res Hunt          | \$25.00 | \$4,475.00  |
| BF           | Military Bison                 | 1      | \$225.00 | \$225.00    | BF                                | Res Bison         | \$0.00  | \$0.00      |
| BG           | Military Brown/Grizzly Bear    | 3      | \$250.00 | \$750.00    | BG                                | Res Brown/Grizzly | \$25.00 | \$75.00     |
| BL           | Military Black Bear            | 54     | \$112.50 | \$6,075.00  | BL                                | Res Black Bear    | \$0.00  | \$0.00      |
| CC           | Military Caribou               | 33     | \$162.50 | \$5,362.50  | CC                                | Res Caribou       | \$0.00  | \$0.00      |
| DD           | Military Deer                  | 55     | \$75.00  | \$4,125.00  | DD                                | Res Deer          | \$0.00  | \$0.00      |
| EE           | Military Elk                   | 1      | \$150.00 | \$150.00    | EE                                | Res Elk           | \$0.00  | \$0.00      |
| MM           | Military Moose                 | 22     | \$200.00 | \$4,400.00  | MM                                | Res Moose         | \$0.00  | \$0.00      |
| WF           | Military Wolf                  | 10     | \$15.00  | \$150.00    | WF                                | Res Wolf          | \$0.00  | \$0.00      |
| 764          |                                |        |          | \$52,053.50 |                                   |                   |         | \$20,151.00 |

## Jody Simpson

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**From:** Jody Simpson  
**Sent:** Tuesday, February 26, 2008 11:36 AM  
**To:** Jody Simpson  
**Subject:** FW: New Legislation - Non-resident Active Military hunting and fishing licenses

-----Original Message-----

**From:** Wright, Kristin A (DFG)  
**Sent:** Monday, January 07, 2008 8:33 AM  
**To:** Barry, Timothy M (DFG)  
**Cc:** Larsen, Douglas N (DFG); Clarke, Ronald G (DFG); Nelson, Lance B (LAW)  
**Subject:** New Legislation - Non-resident Active Military hunting and fishing licenses

We always ask that any new licensing legislation start with the new calendar year. Licenses and forms are already printed and at the vendors. Trying to educate vendors about a new license is very hard when the stock they have shows they are to charge a certain fee. We are working with Fred Meyer and WalMart employees and to bring them up to speed mid-season doesn't work. Even though we can send new forms for the new license, it means someone in a store has to throw out the old stock. Very difficult. We have over 1600 vendors to deal with. Hope this helps explain the process better.

Kristin Wright  
Finance/Licensing Supervisor  
Division of Administrative Services  
Department of Fish and Game  
907-465-6091

-----Original Message-----

**From:** Jody Simpson [mailto:Jody\_Simpson@legis.state.ak.us]  
**Sent:** Thursday, January 03, 2008 10:10 AM  
**To:** Barry, Timothy M (DFG)  
**Subject:** New Legislation - Non-resident Active Military hunting and fishing licenses

Tim,

Senator Huggins has pre-filed a bill that will allow non-resident military personnel to obtain hunting and fishing licenses at a resident rate. Leg Legal included a January 1, 2009, effective date.

Is there a reason why the effective date would need to be delayed a year? Or could the legislation take effect sooner, e.g., July 2008, or even immediately upon adoption? How much lead time would the Department need to implement the legislation, change the text on the applications and in the reg books, etc. ? Are there other departmental issues that would need to be considered when determining an effective date?

Thanks, Tim.

jody

## Jody Simpson

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**From:** Wright, Kristin A (DFG) [kris.wright@alaska.gov]  
**Sent:** Thursday, January 31, 2008 3:52 PM  
**To:** Jody Simpson  
**Cc:** Barry, Timothy M (DFG)  
**Subject:** Military License

**Attachments:** 20080131\_163448\_0937.pdf



20080131\_163448\_  
0937.pdf (80 K...

Jody - attached is the front and back of the sport license. It is somewhat hard to read but the military boxes are in the lower right hand corner of the license in the shaded box. The shaded box indicates that something on the back of the license needs to be filled out before the license can be sold. The nonresident military individuals fill out the box on the back of the license which is in the middle of the right hand side.

Hope this helps explain the process a little better. If you have any questions, please let me know.

Kristin Wright  
Finance/Licensing Supervisor  
Division of Administrative Services  
Department of Fish and Game  
907-465-6091

LICENSING SECTION  
PO BOX 115525  
JUNEAU, AK 99811-5525

STATE OF ALASKA  
DEPARTMENT OF FISH AND GAME

|                                                       |  |                                                          |  |                                                    |  |                                                                                                          |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
|-------------------------------------------------------|--|----------------------------------------------------------|--|----------------------------------------------------|--|----------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>AA</b>                                             |  | <b>ALASKA SPORT FISHING, HUNTING, TRAPPING LICENSE</b>   |  | <b>LICENSE NOT VALID IF PUNCHED MORE THAN ONCE</b> |  | RES-Resident NR-Nonresident                                                                              |  | EXPIRES DECEMBER 31, <b>2008</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| RES. CLASS 1<br>Sport Fishing<br>\$24.00              |  | RES. CLASS 2<br>Hunting<br>\$25.00                       |  | RES. CLASS 3A<br>Hunting/Trapping<br>\$34.00       |  | RES. CLASS 3B<br>Trapping<br>\$15.00                                                                     |  | RES. CLASS 4<br>Hunting/Sport Fish<br>\$48.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| RES. CLASS 5<br>Hunting/Trapping<br>\$22.00           |  | RES. CLASS 6<br>Hunting/Trapping<br>\$22.00              |  | RES. CLASS 7<br>Hunting/Trapping<br>\$22.00        |  | RES. CLASS 8<br>Hunting/Trapping<br>\$22.00                                                              |  | RES. CLASS 9<br>Hunting/Trapping<br>\$22.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| APPLICANT'S NAME<br>First                             |  | Last                                                     |  | Middle                                             |  | Information Required - Please Print Clearly                                                              |  | 8000051                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| PERMANENT MAILING ADDRESS                             |  |                                                          |  |                                                    |  |                                                                                                          |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
| CITY STATE/PROVINCE ZIP CODE COUNTRY PHYSICAL ADDRESS |  |                                                          |  |                                                    |  |                                                                                                          |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
| SEX<br>FM                                             |  | US CITIZEN<br>YN                                         |  | BIRTHDATE(MM/DD/YYYY)                              |  | DRIVER'S LICENSE NUMBER                                                                                  |  | TELEPHONE NUMBER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| WEIGHT (LBS.)                                         |  | EYE COLOR                                                |  | HAIR COLOR                                         |  | HEIGHT (FT.) (IN)                                                                                        |  | ALASKA RESIDENT AS 16.05.418<br>A.S. 16.05.418: "resident" means:<br>- 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 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. 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 the license and I HEREBY CERTIFY THAT ALL OF THE INFORMATION IS TRUE AND CORRECT AND THAT I UNDERSTAND THIS INFORMATION IS SUBJECT TO PUBLIC DISCLOSURE. My right to obtain or exercise the privileges granted by a sportfishing, 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 \$10,000 or 1 year imprisonment, or both, per AS 11.56.210 and AS 16.05.420.) |  |
| X SIGNATURE OF LICENSEE                               |  |                                                          |  |                                                    |  |                                                                                                          |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
| CLASS ISSUED                                          |  | DATE ISSUED                                              |  | VENDOR NUMBER                                      |  | THE APPLICATION IS EFFECTIVE AS A LICENSE UPON THE SIGNATURE OF THE DULY AUTHORIZED FISH AND GAME VENDOR |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
| MM DD YYYY                                            |  | MM DD YYYY                                               |  | MM DD YYYY                                         |  | HOUR ENDING DATE                                                                                         |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
| NR CLASS 5A<br>14-DAY<br>\$80.00<br>Sport Fishing     |  | NR CLASS 6B<br>3-DAY<br>\$35.00<br>Sport Fishing         |  | NR CLASS 6C<br>1-DAY<br>\$20.00<br>Sport Fishing   |  | NR CLASS 6D<br>7-DAY<br>\$58.00<br>Sport Fishing                                                         |  | NR CLASS 7<br>14-DAY<br>\$80.00<br>Sport Fishing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| NR CLASS 8<br>\$230.00<br>Hunting/Trapping            |  | NR CLASS 9C<br>\$140.00<br>NR 8D & E<br>Hunting/Trapping |  | NR CLASS 10<br>\$250.00<br>Hunting/Trapping        |  | NR CLASS 11<br>\$300.00<br>Big Game Hunting                                                              |  | NR CLASS 12<br>\$15.00<br>Hunting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |

DEPT. COPY

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11-176(7/07)

Please complete Section A for Res Class 5A, Section B for dup. lic., Section C for NR Yukon lic, Section D for Mil. Lic only, and Section E. All applicants.

**AFFIDAVIT SUPPORTING LICENSE APPLICATION FOR SPORT FISHING, HUNTING, AND TRAPPING.**

**A. RESIDENT CLASS 5A-\$5.00 LICENSE**  
This license class applies only to residents of the State of Alaska who are non-military. It is not now nor has it ever been the intent of the Legislature to include military personnel in the Class 5A Hunting, Sport Fishing, and Trapping License.

**B. DUPLICATE LICENSE**  
I hereby report the loss of my current license/tag issued to me in accordance with the Fish and Game Code of Alaska as indicated below:

|                                    |                                   |                   |
|------------------------------------|-----------------------------------|-------------------|
| License/KS tag Class and Type      | Number of license/KS tag if known | Date of issuance  |
| Issued By (Name of License Vendor) |                                   | Place of issuance |

**C. NONRESIDENT YUKON RECIPROCAL SPORTFISHING LICENSE CLASS 11**  
YUKON RESIDENT SPORTFISHING LICENSE NUMBER: \_\_\_\_\_  
YUKON GOVERNMENT ISSUED I.D. NUMBER: \_\_\_\_\_

**D. NONRESIDENT MILITARY CLASSES 12, 13, 14 (MUST BE STATIONED IN ALASKA)**

|                                                                                                                                  |                                   |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| I am entitled to the special nonresident Military License for the following reason:                                              | Branch of Military Service        |
| <input type="checkbox"/> 1. I am a member of the military service on active duty permanently stationed in Alaska; or             | Rank and Serial Number            |
| <input type="checkbox"/> 2. I am a dependent of a member of the military service on active duty permanently stationed in Alaska. | Assigned Duty Station             |
| NOTE: Please read definition of resident on reverse side to determine residency status.                                          | If a Dependent, Show Relationship |

**E. I hereby certify under penalty of perjury that all of the above information is true and correct.**  
(NOTE: Making a false statement, or omitting a material fact, is subject to a maximum penalty of \$10,000 or 1 year imprisonment, or both, per AS 11.56.210 and AS 16.05.420.)

SIGNATURE OF LICENSEE \_\_\_\_\_ Date \_\_\_\_\_

Signature of Licensee \_\_\_\_\_ Date \_\_\_\_\_

Disclosure of Facility Surcharges per A.S. 16.05.340: The following amounts will provide for sport fishing facilities and has been applied to sport fishing licenses:  
Class 1: \$9; Class 4: \$9; Class 5: \$9; Class 6A: \$30; Class 6B: \$15; Class 6C: \$10; Class 6D: \$25;  
Class 7: \$45; Class 9: \$45; Class 11: \$9; Class 12: \$9; Class 14: \$9

**Jody Simpson**

**From:** Burnett, Jerry D (DOR) [jerry.burnett@alaska.gov]  
**Sent:** Tuesday, December 04, 2007 1:41 PM  
**To:** Sen. Charlie Huggins  
**Subject:** RE: Proposed Legislation regarding Residency Requirements for Hunting/Fishing licenses  
**Follow Up Flag:** Follow up  
**Flag Status:** Yellow

Jody,

The residency requirements for permanent fund dividends are very specific and contained in AS 43.23... They would not be affected by a change to the residency requirements for fish and game licenses found in AS 16.05.415. Potential jurors are selected randomly by a computer from the list of all adults who apply for the Alaska Permanent Fund Dividend. Since the change to fish and game license requirements would not affect the eligibility for PFD's it also would not have any effect on jury pools.

Since the proposed change would not affect any of our programs, the Department of Revenue would have no objection to the legislation.

Thank you very much for asking.

Jerry

---

**From:** Sen. Charlie Huggins [mailto:Senator\_Charlie\_Huggins@legis.state.ak.us]  
**Sent:** Monday, December 03, 2007 11:14 AM  
**To:** Burnett, Jerry D (DOR)  
**Subject:** Proposed Legislation regarding Residency Requirements for Hunting/Fishing licenses

Good morning, Jerry.

Debbie Grundmann suggested I contact you. Senator Huggins is considering sponsoring legislation that would, if passed, allow military personnel to receive a resident hunting and fishing license immediately upon being stationed here in Alaska instead of having to wait out the 12-month residency requirement.

Would you have any concerns about such legislation relative to other residency requirements in statute? For example, could a change in the license for military personnel affect the permanent fund dividend residency requirements? Are the residency requirements for Fish and Game licenses tied to any other residency requirements, e.g., jury duty?

Would your department support such proposed legislation?

Thank you.

Jody Simpson

Staff to Senator Charlie Huggins  
600 East Railroad Avenue  
Wasilla, Alaska 99654  
(907) 376-4866 / (907) 373-4724 Fax  
[Jody\\_Simpson@legis.state.ak.us](mailto:Jody_Simpson@legis.state.ak.us)

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

### DIVISION OF ADMINISTRATIVE SERVICES

SARAH PALIN, GOVERNOR

P.O. BOX 115525  
JUNEAU, AK 99802-5526  
PHONE: (907) 465-3276  
FAX: (907) 465-2440  
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.

[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/Alaska Wildlife Troopers.

**Jody Simpson**

**From:** Jody Simpson  
**Sent:** Thursday, January 31, 2008 2:05 PM  
**To:** Jody Simpson  
**Subject:** AS 16.05.330 - 16.05.430

**Sec. 16.05.330. Licenses, tags, and subsistence permits.**

(a) Except as otherwise permitted in this chapter, without having the appropriate license or tag in actual possession, a person may not engage in

- (1) sport fishing, including the taking of razor clams;
- (2) hunting, trapping, or fur dealing;
- (3) the farming of fish, fur, or game;
- (4) taxidermy; or
- (5) control of nuisance wild birds and nuisance wild small mammals for compensation.

(b) When obtaining the appropriate license or tag in (a) of this section, an applicant who asserts residency in the state shall provide the license vendor with the proof of residence that the department requires by regulation.

(c) The Board of Fisheries and the Board of Game may adopt regulations providing for the issuance and expiration of subsistence permits for areas, villages, communities, groups, or individuals as needed for authorizing, regulating, and monitoring the subsistence harvest of fish and game. The boards shall adopt these regulations when the subsistence preference requires a reduction in the harvest of a fish stock or game population by nonsubsistence users.

(d) A person may not receive a sport fishing, hunting, or trapping license or other permit or tag issued under AS 16.05.330 - 16.05.430, if the person's right to obtain, or exercise the privileges granted by, a sport fishing, hunting, or trapping license is suspended or revoked in another state. A person who applies for a sport fishing, hunting, or trapping license or other permit or tag issued under AS 16.05.330 - 16.05.430 shall sign a statement that the person's right to obtain, or exercise the privileges granted by, a sport fishing, hunting, or trapping license is not suspended or revoked in another state.

(e) [Repealed, Sec. 2 ch 39 SLA 2001].

**Sec. 16.05.331. Elk farming. [Renumbered as AS 16.40.050].**  
 Repealed or Renumbered

**Sec. 16.05.335. Complimentary licenses.**

The commissioner shall annually, at the request of the governor, provide the governor with not more than 50 complimentary fishing and hunting licenses and appropriate big game tags which the governor may distribute to distinguished visitors to the state for their use in any one season during their visits to the state. The complimentary license for sport fishing or hunting or both shall be inscribed by the governor with the inclusive dates for its authorized use. The governor shall advise the department on any complimentary issuances, which information shall be available to the public.

**Sec. 16.05.335. Complimentary licenses.**

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**Sec. 16.05.340. License, permit, and tag fees; surcharge; miscellaneous permits to take fish and game.**

(a) Fees for licenses, permits, and tags are as follows:

- (1) Resident sport fishing license ..... \$ 15  
 However, the fee is 25 cents for a resident who is blind.
- (2) Resident hunting license ..... 25
- (3) Resident hunting and trapping license ..... 39
- (4) Resident trapping license ..... 15
- (5) Resident hunting and sport fishing license ..... 39
- (6) Resident hunting, trapping, and sport fishing license ..... 53;

- (A) however, the fee is \$5 for an applicant who  
 (i) is receiving or has received assistance during the preceding six months under any state or federal welfare program to aid the indigent; or  
 (ii) has an annual family gross income of less than \$8,200 for the year preceding application;  
 (B) a person paying \$5 for a resident hunting, trapping, and sport fishing license must provide proof of eligibility under this paragraph when requested by the department.

(7) Nonresident sport fishing license - valid for the period inscribed on the license

- (A) For 14-day license ..... 50  
 (B) For seven-day license ..... 30  
 (C) For three-day license ..... 20  
 (D) For one-day license ..... 10  
 (8) Nonresident annual sport fishing license ..... 100  
 (9) Nonresident hunting license ..... 85  
 (10) [Repealed, Sec. 10 ch 74 SLA 1997].  
 (11) Nonresident hunting and trapping license ..... 250  
 (12) Fur dealers  
 (A) Resident fur dealer biennial license ..... 150  
 (B) Nonresident fur dealer biennial license ..... 500  
 (13) Taxidermists  
 (A) Resident taxidermy biennial license ..... 200  
 (B) Nonresident taxidermy biennial license ..... 500  
 (14) Aquatic farming triennial license ..... 400  
 (15) Nonresident big game tags

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued under this paragraph. The tag must be affixed to the animal immediately upon capture and must remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an animal of any other species for which the tag fee is of equal or less value.

- (A) Bear, black, each ..... 225  
 (B) Bear, brown or grizzly, each ..... 500  
 (C) Bison, each ..... 450  
 (D) Caribou, each ..... 325  
 (E) Deer, each ..... 150  
 (F) Elk, each ..... 300  
 (G) Goat, each ..... 300  
 (H) Moose, each ..... 400  
 (I) Sheep, each ..... 425  
 (J) Wolf, each ..... 30

A nonresident is not required to have a nonresident wolf tag to take a wolf in a game management unit if the Board of Game has adopted an intensive management program under AS 16.05.255 for all or a portion of the game management unit.

- (K) Wolverine, each ..... 175  
 (L) Musk oxen, each ..... 1,100

(16) Resident big game tags

- (A) Bear, brown or grizzly, each ..... 25

The Board of Game may, by regulation effective for not more than one year, eliminate the resident brown or grizzly bear tag and fee for all or a portion of a game management unit.

- (B) Musk oxen, each ..... 500

However, the Board of Game may by regulation reduce or eliminate the fee for a resident big game tag for musk oxen for an open season.

(17) Waterfowl conservation tag ..... 5

(A) A person may not engage in waterfowl hunting without having the current year's waterfowl tag in the person's actual possession, unless that person

- (i) qualifies for a \$5 license fee under (6) of this subsection;  
 (ii) is a resident under the age of 16;  
 (iii) is 60 years of age or older and is a resident;  
 (iv) is a disabled veteran eligible for a free license under AS 16.05.341.

(B) The Board of Game shall by regulation exempt the requirement of a waterfowl conservation tag for waterfowl hunting in areas of the state not likely to benefit from programs described in AS 16.05.130(b)(2) - (4).

(18) Game farming

(A) Game mammal or game reptile farming biennial license ..... 250

(B) Game bird farming biennial license ..... 50

(19) Nonresident small game hunting license ..... 20

(20) Nonresident alien hunting license ..... 300

A nonresident alien may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued under (21) of this subsection. The tag must be affixed to the animal immediately upon capture and must remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an animal of any other species for which the tag fee is of equal or less value.

(21) Nonresident alien big game tags

(A) Bear, black, each ..... 300

(B) Bear, brown or grizzly, each ..... 650

(C) Bison, each ..... 650

(D) Caribou, each ..... 425

(E) Deer, each ..... 200

(F) Elk, each ..... 400

(G) Goat, each ..... 400

(H) Moose, each ..... 500

(I) Musk oxen, each ..... 1,500

(J) Sheep, each ..... 550

(K) Wolf, each ..... 50

A nonresident alien is not required to have a nonresident alien wolf tag to take a wolf in a game management unit if the Board of Game has adopted an intensive management program under AS 16.05.255 for all or a portion of the game management unit.

(L) Wolverine, each ..... 250

(22) Chitina dip net fishing permit ..... no fee

The members of the family of a person who has obtained a Chitina dip net fishing permit are not required to have a Chitina dip net fishing permit while they are engaged in dip net fishing at Chitina if they are engaged in fishing in the presence of the person and the person has the Chitina dip net fishing permit in the person's physical possession. In this paragraph, 'family' means persons who are related by blood, marriage, or adoption and who live in the same household on a permanent basis.

(23) Resident anadromous king salmon tag ..... 10

A resident may not engage in sport fishing for anadromous king salmon without having the current year's anadromous king salmon tag in the resident's actual possession, unless that person

(A) qualifies for a 25 cent license fee under (1) of this subsection;

(B) is under the age of 16;

(C) is 60 years of age or older and has been a resident of the state for at least one year;

(D) is a disabled veteran eligible for a free license under AS 16.05.341; or

(E) qualifies for a \$5 license fee under (6) of this subsection.

(24) Nonresident anadromous king salmon tag - valid for the period inscribed on the tag

(A) for a one-day tag ... 10

(B) for a three-day tag ... 20

(C) for a seven-day tag ... 30

(D) for a 14-day tag ... 50

(E) for an annual tag ... 100;

A nonresident may not engage in sport fishing for anadromous king salmon without having a valid anadromous king salmon tag in the person's actual possession, unless that person is under the age of 16. Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.415, may obtain an annual nonresident military anadromous king salmon tag for \$20;

(25) Nuisance wild animal control license ... 100.

(26) Fishing services licenses

(A) Sport fishing operator license ... \$100

(B) Sport fishing guide license ... 50

## (C) Sport fishing operator and sport fishing guide combined license ... 100

(b) The commissioner may issue without cost a permit to collect fish and game, including fur animals, subject to limitations and provisions that are appropriate, for a scientific, propagative, or educational purpose. The commissioner also may issue without cost a permit for the noncommercial control of nuisance wild birds or nuisance wild small mammals. The commissioner also may issue a permit for the collection of bivalve spat for use in connection with an aquatic farm. In addition, the commissioner shall issue a permit for the collecting of wild fur animals for improving the genetic stock of fur farm animals. Permits issued under this subsection shall be in accordance with current sustained yield management practices for the species of wild game for which the permit is requested. The annual permit fee for an Alaska resident to collect wild fur animals for fur farming purposes is the same as the fee for resident trappers.

(c) The commissioner may issue a duplicate license or a duplicate tag as a replacement for a license or tag issued under (a) of this section. A fee of \$5 shall be charged for each duplicate license or tag; however, a fee of \$2 shall be charged for each duplicate of reduced fee license issued to an indigent or low income person under (a)(6) of this section. The duplicate license or tag may not be issued unless the commissioner or a delegate is satisfied that the original has been lost or destroyed.

(d) Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.415, may obtain special nonresident military small game and sport fishing licenses at the rates for resident hunting and sport fishing licenses, but may not take a big game animal without previously purchasing a regular nonresident hunting license and a numbered, nontransferable appropriate tag, issued at one-half of the nonresident rate, under (a)(15) of this section.

(e) [Repealed, Sec. 27 ch 71 SLA 1986].

(f) [Repealed, Sec. 4 ch 81 SLA 1992].

(g) A hunting, trapping, or fishing license, tag, or permit for which a fee is authorized under this section or for which the fee is waived or modified under AS 16.05.330 - 16.05.430 may be issued only to a natural person.

(h) Subject to regulations adopted by the Board of Game, a person who holds a nuisance wild animal control license may engage in the control of nuisance wild birds and nuisance wild small mammals for compensation.

(i) If the commissioner determines that residents of the state are entitled to obtain licenses for sport fishing, including sport fishing for anadromous king salmon, in Yukon, Canada, for the same fees that are charged to residents of Yukon for comparable sport fishing licenses, the commissioner may adopt regulations authorizing residents of Yukon to receive

(1) nonresident annual sport fishing licenses for the fees charged to residents under (a) and (j) of this section for a resident sport fishing license; and

(2) nonresident anadromous king salmon annual tags for the fee charged to residents under (a) of this section for a resident anadromous king salmon tag.

(j) In addition to the fees for a sport fishing license set out in (a) and (d) of this section, each person who purchases a sport fishing license shall pay a sport fishing facility surcharge as set out in this subsection for the purpose of providing funding for sport fishing facilities. A person who is eligible for a \$5 resident hunting, trapping, and sport fishing license under (a)(6) of this section or a free license under AS 16.05.341 is exempt from payment of the surcharge imposed under this subsection. The surcharge authorized by this subsection shall take effect on the date established by regulation by the commissioner. The authority of the department to collect the surcharge under this subsection terminates on December 31 of the calendar year in which the principal amount of the bonds issued under AS 37.15.765 - 37.15.799, together with the interest on them and any interest owing on unpaid installments of interest, and all other obligations with respect to the bonds, are fully met and discharged. The amount of the surcharge attached to each sport fishing license must be clearly disclosed on the sport fishing license. The amount of the sport fishing facility surcharge to be paid for each sport fishing license is as follows

- (1) resident sport fishing license ..... \$ 9
- (2) resident hunting and sport fishing license ..... 9
- (3) resident hunting, trapping, and sport fishing license ..... 9
- (4) nonresident 14-day sport fishing license ..... 30
- (5) nonresident seven-day sport fishing license ..... 25
- (6) nonresident three-day sport fishing license ..... 15
- (7) nonresident one-day sport fishing license ..... 10
- (8) nonresident annual sport fishing license ..... 45
- (9) special nonresident military small game and sport fishing license ..... 9

- (10) special nonresident military sport fishing license ..... 9

Sec. 16.05.341. Free license for disabled veterans.

A person may receive a resident hunting and sport fishing license under AS 16.05.340(a)(5) without charge if the

person

(1) has been discharged from military service under honorable conditions, is eligible for a loan under AS 18.56.101, and is certified by the United States Department of Veterans Affairs as having incurred a 50 percent or greater disability during military service; or

(2) served in the Alaska Territorial Guard, is eligible for a loan under AS 18.56.101, and incurred a 50 percent or greater disability while serving in the Alaska Territorial Guard.

Sec. 16.05.343. Auctions or raffles for big game harvest permits.

(a) The department may donate one bison harvest permit each year for a bison from the Delta bison herd for a competitive auction or raffle. The donation may be made only to a nonprofit corporation established to promote fish and game law enforcement, subject to the terms of a memorandum of understanding developed by the department.

(b) The department may donate four elk harvest permits each year for elk from the Etolin Island herd for competitive auctions or raffles. The donations may be made only to nonprofit corporations based in the state that are established to promote fish and game management of hunted species, translocation of species, and use of fish and game populations for hunting and fishing, subject to the terms of a memorandum of understanding developed by the department.

(c) The department, subject to regulations adopted by the commissioner, may issue, through a competitive auction or raffle, up to two harvest permits each year for each of the following big game species: Dall sheep, bison, musk ox, brown or grizzly bear, moose, caribou, and wolf. Notwithstanding AS 36.30, the department may authorize a qualified organization to conduct the auction or raffle on behalf of the department. If the department does authorize a qualified organization to conduct an auction or raffle for a big game species, the department shall make available to a qualified organization based in the state at least one harvest permit for that species. If the auction or raffle is conducted by a qualified organization, the organization may retain an amount from the gross proceeds of the auction or raffle equal to the administrative cost of the auction or raffle plus an amount not to exceed 10 percent of the net proceeds. The proceeds from the auction or raffle of a big game harvest permit may not be used to make a contribution to any candidate for political office or to any organization supporting or opposing ballot propositions or to pay expenses associated with lobbying the legislature or administration. All proceeds from the auction or raffle of the big game harvest permit less the amount that is retained by a qualified organization under this subsection shall be deposited in the fish and game fund under AS 16.05.100. A person who is issued a big game harvest permit under this subsection shall receive upon the person's request a complimentary hunting license and a big game tag for the big game species for which the big game harvest permit is issued. A hunting license issued under this subsection must bear the inscription "Governor's license" or a similar designation. A person who receives a big game harvest permit, hunting license, or big game tag under this subsection may exercise the privileges conveyed by the permit, license, or tag only in accordance with applicable law. In this subsection, "qualified organization" means a nonprofit corporation established to promote fish and game law enforcement or an organization that is established to promote management of hunted game species and use of game populations for hunting and that complies with applicable laws governing activities under this subsection.

(d) Auctions and raffles of harvest permits authorized under this section are not subject to AS 05.15.

Sec. 16.05.345. Musk oxen. [Repealed, Sec. 4 ch 57 SLA 1980].

Repealed or Renumbered

Sec. 16.05.346. Permit applications.

(a) If the Board of Game establishes an open season for musk oxen and has not reduced or eliminated the \$500 resident tag fee under AS 16.05.340(a)(16), the department shall conduct a drawing for permits to take the musk oxen. If the Board of Game establishes an open season for musk oxen for which the Board of Game has reduced or eliminated the resident tag fee, the department shall issue permits to take the musk oxen in the order in which applications are received by the department. A person is not eligible for more than one musk oxen permit a year. The department may not charge a fee for an application for a musk oxen permit for an open season in which the Board of Game has reduced or eliminated the resident tag fee under AS 16.05.340(a)(16). In all other cases the application fee for a musk oxen permit is \$10.

(b) The application fee for a drawing permit issued by the department for the hunting of bison is \$10.

(c) Except as provided in (a) and (b) of this section, the permit application fee for all species for which a limited drawing is conducted is \$5.

(d) [Repealed, Sec. 2 ch 39 SLA 2001].

ec. 16.05.350. Expiration of licenses, permits, and tags.

(a) Licenses, permits, and tags required under AS 16.05.330 - 16.05.430, except biennial licenses, triennial licenses, the nonresident sport fishing licenses, the resident trapping license, the nonresident

anadromous king salmon tags, the waterfowl conservation tag, and permits having a different specified expiration date, expire at the close of December 31 following issuance.

(b) Biennial licenses expire after December 31 of the year following the year of issuance.

(c) Triennial licenses expire after December 31 of the second year following the year of issuance.

(d) The resident trapping license expires at the close of September 30 of the year following the year in which the license is issued.

(e) The waterfowl conservation tag expires at the close of January 31 of the year following the year of issue of the tag.

Sec. 16.05.360. Commissioner charged with license issuance.

(a) The commissioner or an authorized deputy shall issue each license and tag to a qualified person under written application containing such reasonable information as required by the commissioner. The commissioner shall designate the license and tag form or type. The form or type must be sufficient to identify and locate the applicant and establish the applicant's status as to residency and citizenship. Each application shall be subscribed by the applicant.

(b) [Repealed, Sec. 2 ch 39 SLA 2001].

Sec. 16.05.370. Reports by licensees.

(a) The commissioner may require a report to be made by each licensee concerning the time, manner, and place of taking fish and game, the kinds and quantity taken, and other information helpful in administering the fish and game resources of the state.

(b) [Repealed, Sec. 18 ch 37 SLA 1989].

(c) [Repealed, Sec. 18 ch 37 SLA 1989].

Sec. 16.05.380. Commissioner may appoint agents.

The commissioner may appoint state employees or other persons to take applications, issue licenses, permits, and tags, and collect fees. The commissioner is not liable for defalcation or failure to account for the fees collected by any person so appointed, but the commissioner shall require a bond in an adequate sum, conditioned upon faithfully accounting for all money collected. However, the commissioner may waive the bond requirements of an instrumentality of the United States or its agents and employees when the instrumentality or its agents or employees sell licenses, permits, or tags primarily to persons in the armed forces. Each person, upon appointment by the commissioner, may administer oaths on applications for licenses, permits, and tags.

Sec. 16.05.390. Fees and compensation for issuance of licenses, permits, and tags.

(a) Except as provided in (e) of this section, an agent appointed by the commissioner under AS 16.05.380 to sell licenses, permits, and tags is entitled to

(1) retain five percent of the fee that is charged for a license, permit, or tag or 25 cents for each license, permit, or tag sold, whichever is greater; and

(2) compensation of \$50 per year or \$1 for each license, permit, or tag sold during the year, whichever is greater.

(b) Each agent appointed to sell licenses, permits, or tags under AS 16.05.380 shall, as directed by the commissioner, transmit the proceeds from the sales of licenses, permits, and tags, except the amount authorized to be retained under (a)(1) of this section, together with a report of the sales, to the commissioner for deposit in the fish and game fund or the general fund.

(c) On March 31, June 30, September 30, and December 31 of each year the commissioner shall calculate the compensation earned by an agent under (a)(2) of this section, minus the penalties assessed under (g) of this section. If the compensation due exceeds \$50, the commissioner shall pay the compensation not later than 30 days after the date for which the compensation was calculated. If the compensation due is \$50 or less, the commissioner shall pay the compensation not later than January 30 of the year following the year in which the compensation was earned. The commissioner shall pay compensation only for sales of licenses, permits, or tags for which the commissioner has received the report and proceeds required to be transmitted under (b) of this section.

(d) Compensation provided by this section shall be paid from appropriations made to the department.

(e) The provisions of (a) of this section do not apply to a state employee appointed by the commissioner under AS 16.05.380 to sell licenses, permits, and tags.

(f) Proceeds and reports under (b) of this section shall be transmitted to the commissioner by the last day of the month following the month in which the licenses, permits, and tags are sold, unless an alternative reporting schedule has been established by contract.

(g) The commissioner may assess a penalty against an agent who does not transmit proceeds within the time allowed under (f) of this section. The penalty is equal to one and one-half percent of the amount of proceeds due. The penalty may be assessed for each month or portion of a month that the proceeds are delinquent. A

penalty under this subsection shall be withheld from the agent's compensation under (a)(2) of this section.

**Sec. 16.05.395. Sport fishing vessel registration.**

For calendar year 2005 and subsequent calendar years, a person may not use a vessel to provide sport fishing services under AS 16.40.260 - 16.40.299 unless the vessel is registered with the department and proof of registration is attached to and clearly visible on the vessel while the vessel is used to provide sport fishing services. The department shall register vessels used to provide sport fishing services, and provide proof of registration, without charge. The department may adopt regulations as the department finds necessary to implement this section.

**Sec. 16.05.400. Persons exempt from license requirement.**

(a) A license is not required of a resident or nonresident person under the age of 16 years for sport fishing nor is a license required of a resident under the age of 16 for hunting or trapping.

(b) A sport fishing, hunting, or trapping license is not required of a resident who is 60 years of age or more. The commissioner shall issue a permanent identification card without charge to persons who qualify by age and residence and who complete the forms required by the commissioner for implementation of this subsection. A person who is issued a permanent identification card under this subsection shall have it in possession while sport fishing, hunting, or trapping.

**Sec. 16.05.403. Special licenses and permits.**

(a) A resident hunting license, a resident sport fishing license, a resident subsistence fishing permit, or a resident personal use fishing permit indicating that the purchaser is blind may be obtained from the department upon payment of the fee prescribed in AS 16.05.330 - 16.05.430 and upon presentation of either an affidavit of the applicant stating that the applicant cannot distinguish light from darkness or an affidavit signed by a licensed physician or a licensed optometrist stating that the applicant's central visual acuity does not exceed 20/200 in the better eye with correcting lenses or that the applicant's widest diameter of visual field subtends an angle no greater than 20 degrees.

(b) A resident who is a person with physical disabilities may obtain from the department upon payment of the fee prescribed in AS 16.05.330 - 16.05.430 and upon submission of satisfactory proof of physical disabilities a resident hunting license, a resident sport fishing license, a resident subsistence fishing permit, or a resident personal use fishing permit indicating that the purchaser is a person with physical disabilities.

(c) A resident who is 65 years of age or older may obtain from the department upon payment of the fee prescribed in AS 16.05.330 - 16.05.430 and upon submission of satisfactory proof of age a resident hunting license, a resident sport fishing license, a resident subsistence fishing permit, or a resident personal use fishing permit indicating that the purchaser is a person who is 65 years of age or older. This subsection does not limit the right of a resident person who is 65 years of age or older to claim an exemption from hunting or sport fishing license requirements under AS 16.05.400(b).

**Sec. 16.05.405. Taking fish and game by proxy.**

(a) Subject to regulations adopted by the Board of Fisheries or the Board of Game to implement this section, including regulations relating to or restricting seasons, areas, methods and means, and species, a resident may take fish or game harvested primarily for food on behalf of another person under this section.

(b) Notwithstanding AS 16.05.420(c), a resident holding a valid resident hunting license may take game on behalf of a person who is blind, a person with physical disabilities, or a person who is 65 years of age or older if the resident possesses on the resident's person

(1) a document signed by the person on whose behalf the game is taken, stating that the resident possesses the person's hunting license or permanent identification card in order to take game on behalf of that person; and

(2) the person's

(A) resident hunting license issued under AS 16.05.403 or permanent identification card issued under AS 16.05.400(b); and

(B) harvest ticket, tag, stamp, or other document required by law as a condition of taking the game being hunted.

(c) Notwithstanding AS 16.05.420(c), a resident holding a valid noncommercial fishing license may take fish on behalf of a person who is blind, a person with physical disabilities, or a person who is 65 years of age or older if the resident possesses on the resident's person

(1) a document signed by the person on whose behalf the fish is taken, stating that the resident possesses the person's sport fishing license, subsistence fishing permit, personal use fishing permit, or permanent identification card in order to take fish on behalf of that person;

(2) the person's

(A) resident sport fishing license issued under AS 16.05.403 or permanent identification card issued under

AS 16.05.400(b);

(B) resident subsistence fishing permit issued under AS 16.05.403; or

(C) resident personal use fishing permit issued under AS 16.05.403; and

(3) all other documents issued to the person that are required by law as a condition of taking the fish being pursued.

(d) A resident who takes fish or game on behalf of another person under this section may, subject to applicable regulations of the Board of Fisheries or the Board of Game, take the fish or game only under those conditions that would apply to the other person if the other person took the fish or game personally.

(e) A resident who takes, or attempts to take, fish or game on behalf of a person under this section may also simultaneously engage in fishing or hunting for the resident's use; however, the resident may not take or attempt to take fish or game by proxy for more than one person at a time. For the purposes of this subsection, a resident is engaged in taking, or attempting to take, fish or game by proxy while the resident has possession of

(1) another person's

(A) license, permit, or identification card and all other documents issued to the person that are required by law as a condition of taking the fish or game being pursued; and

(B) signed document under (b)(1) or (c)(1) of this section; or

(2) fish or game taken on behalf of another person.

(f) A resident who takes fish or game on behalf of another person under this section shall

(1) complete reports relating to the taking of the fish or game as required by the commissioner of fish and game under AS 16.05.370;

(2) deliver all parts of fish and game removed from the field to the person on whose behalf the fish or game was taken within a reasonable time after the fish or game is taken; and

(3) until the fish or game is delivered to the person on whose behalf the fish or game was taken, retain the person's

(A) license or permit and all other documents issued to the person that are required by law as a condition of taking the fish or game; and

(B) signed document required under (b)(1) or (c)(1) of this section.

Sec. 16.05.407. Nonresident hunting big game animals must be accompanied.

(a) It is unlawful for a nonresident to hunt, pursue, or take brown bear, grizzly bear, mountain goat, or sheep in this state, unless personally accompanied by

(1) a person who is licensed as

(A) a registered guide-outfitter or a master guide-outfitter under AS 08.54 and who is providing big game hunting services to the nonresident under a contract with the nonresident; or

(B) a class-A assistant guide or an assistant guide under AS 08.54 and who is employed by a registered guide-outfitter or a master guide-outfitter who has a contract to provide big game hunting services to the nonresident; or

(2) a resident over 19 years of age who is

(A) the spouse of the nonresident; or

(B) related to the nonresident, within and including the second degree of kindred, by marriage or blood.

(b) An applicant for a nonresident big game tag for the taking of an animal specified in (a) of this section shall first furnish to the state, on a form provided by the state, an affidavit showing that the applicant will be personally accompanied while hunting by a person who is qualified under the terms of (a) of this section. A person who falsifies the required affidavit is guilty of perjury under AS 11.56.200.

(c) [Repealed, Sec. 27 ch 71 SLA 1986].

(d) A nonresident who violates (a) of this section, or who fails to furnish an affidavit under (b) of this section, is guilty of a misdemeanor and upon conviction is punishable by imprisonment for not more than one year, or by a fine of not more than \$5,000, or by both.

(e) [Repealed, Sec. 18 ch 37 SLA 1989].

(f) An applicant for a nonresident hunt permit for the taking of an animal specified in (a) of this section shall, if requested by the department, first furnish to the department proof of prior authorization to use federal, state, or private land where the permit hunt will occur. The authorization shall be provided to the applicant by the registered guide-outfitter or master guide-outfitter with whom the applicant has contracted to guide the permit hunt.

Sec. 16.05.408. Nonresident alien hunter to be accompanied by guide.

(a) It is a class A misdemeanor for a nonresident alien to hunt, pursue, or take a big game animal as defined by the Board of Game unless personally accompanied by

(1) a registered guide-outfitter or a master guide-outfitter licensed under AS 08.54 who is providing big game hunting services to the nonresident alien under a contract with the nonresident alien; or

(2) a class-A assistant guide or an assistant guide licensed under AS 08.54 who is employed by a

registered guide-outfitter or a master guide-outfitter who has a contract to provide big game hunting services to the nonresident alien.

(b) A nonresident alien, when purchasing a big game tag for the taking of an animal specified in (a) of this section, shall first furnish to the state, on a form provided by the state, an affidavit showing that the nonresident alien will be accompanied in the hunt by a person who is qualified under the terms of (a) of this section. A nonresident alien shall have a copy of the affidavit in possession while in the field hunting. A person who falsifies the required affidavit is guilty of perjury under AS 11.56.200.

(c) Before obtaining a nonresident hunt permit for the taking of an animal specified in (a) of this section, a nonresident alien shall, if requested by the department, first furnish to the department proof of prior authorization to use federal or private land where the permit hunt will occur. The authorization shall be provided to the nonresident alien by the registered guide-outfitter or master guide-outfitter with whom the nonresident alien has contracted to guide the permit hunt.

#### Sec. 16.05.410. Revocation of license.

(a) Upon conviction of a person of a first violation of AS 16.05.330 - 16.05.430 or of a federal or state law or regulation for the protection of the sport fish and game of the state, the court may, in addition to the penalty imposed by law, revoke the person's license.

(b) Upon subsequent conviction of a person for a violation of AS 16.05.330 - 16.05.430 or of a federal or state law or regulation for the protection of the sport fish and game of the state, the court shall revoke the person's license.

(c) A person whose license has been revoked as provided in (b) of this section may not purchase another license of the same type for a period of not less than two years nor more than three years from the date of revocation as determined by the court.

(d) [Repealed, Sec. 2 ch 32 SLA 1968].

(e) [Repealed, Sec. 2 ch 32 SLA 1968].

(f) Except as provided in (g) of this section, the provisions of (a) - (c) of this section do not apply when the offense for which the person is convicted is a misdemeanor for which a forfeitable bail amount has been set under AS 16.05.165.

(g) When a person has been convicted during a two year period of two or more misdemeanor offenses for which a forfeitable bail amount has been set under AS 16.05.165, a peace officer may file a civil action in the district court to revoke the person's license. Once an action has been filed, the court shall set a time and date for a hearing on the proposed license revocation, and shall send notice of the hearing to the person. The hearing shall be before the court without a jury. At the hearing the court shall hear evidence regarding the nature and seriousness of the offenses for which the person was convicted, the time period involved, the potential effect of the person's actions upon the preservation of the resource, and other relevant circumstances. If the court finds by a preponderance of the evidence that the person's actions demonstrate a disregard for the preservation of the state's fish or wildlife resources, the court may revoke the person's license for a period of not less than one year nor more than three years from the date of revocation.

#### Sec. 16.05.415. Determination of residency.

(a) In AS 16.05.330 - 16.05.430, a person, except as provided in (c) - (f) of this section, 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;

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

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

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

(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.

(c) A person who is a member of the military service or the United States Coast Guard is a resident for the purposes of AS 16.05.330 - 16.05.430 if the person has been stationed in the state for the 12 consecutive months immediately preceding the application for a license. This subsection does not apply to a person who establishes and maintains residency in the state under (a) and (b) of this section.

(d) A person who is the dependent of a resident member of the military service or the United States Coast Guard under (a) or (c) of this section is a resident for the purposes of AS 16.05.330 - 16.05.430 if the person has lived in the state for the 12 consecutive months immediately preceding the application for a license. This subsection does not apply to a person who establishes and maintains residency in the state under (a) and (b) of

this section.

- (e) A person who is an alien is a resident for the purposes of AS 16.05.330 - 16.05.430 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;
  - (2) has maintained the person's domicile in the state for the 12 consecutive months immediately preceding the application for a license;
  - (3) is not claiming residency in another state, territory, or country; and
  - (4) is not obtaining benefits under a claim of residency in another state, territory, or country.
- (f) In AS 16.05.330 - 16.05.430, a person who is not a natural person, other than a sole proprietorship, establishes residency by maintaining its main office or headquarters in the state and providing proof, satisfactory to the commissioner, of that fact to the department or an agent of the department upon demand. A sole proprietorship has the same residency as the person, whether natural or otherwise, who is the proprietor of the entity. The commissioner may adopt regulations as necessary to implement this subsection.
- (g) A natural person who does not qualify as a resident under (a) - (e) of this section does not qualify as a resident by virtue of an interest in a resident business entity under (f) of this section.
- (h) In AS 16.05.330 - 16.05.430, a nonresident
  - (1) person is a person who does not qualify as a resident under (a) - (f) of this section; and
  - (2) alien is an alien person who does not qualify as a resident under (e) of this section.
- (i) In this section, "license" means a license, tag, permit, stamp, identification card, or other indicia of permission to engage in an activity subject to AS 16.05.330 - 16.05.430.

Sec. 16.05.420. License, tag, permit, and registration violations.

- (a) A false statement of a material fact in an application for a license, tag, permit, and sport fishing vessel registration issued under AS 16.05.330 - 16.05.430 voids the license, tag, permit, or registration for which the application is made.
- (b) A person may not make a false statement, or omit a material fact, in an application for a license, tag, permit, or sport fishing vessel registration issued under AS 16.05.330 - 16.05.430. A person who without any culpable mental state makes a false statement as to the person's identity or residency in an application for a license, tag, permit, or sport fishing vessel registration issued under AS 16.05.330 - 16.05.430 is guilty of a violation and upon conviction is punishable by a fine of not more than \$300. A person who knowingly violates this subsection is guilty of a class A misdemeanor.
- (c) A person to whom a license, tag, or sport fishing vessel registration has been issued under this chapter may not alter, change, loan, or transfer the license, tag, or sport fishing vessel registration. A person may not use a license, tag, or sport fishing vessel registration that has been issued under this chapter to another person.

Sec. 16.05.430. Penalties.

- (a) Except as provided in AS 16.05.407(b) and (d), 16.05.408(b), and 16.05.420(b), a person who violates AS 16.05.330 - 16.05.420 or a regulation adopted under AS 16.05.330 - 16.05.420 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both.
- (b) The proceeds of all fines shall be transmitted by the court to the proper state officer for deposit in the general fund of the state.

 State of Alaska → DMVA → Veterans Affairs

Search Veterans Affairs

## Office of Veterans Affairs

### State Benefits

This description of benefits for Alaska's Veterans and their spouses and dependants was developed by the Department of Military and Veterans Affairs to make veterans aware of the benefits the state offers and to illustrate that the benefits are from different state departments. The best way to determine if you qualify for a certain benefit is to reach the person or program throughout the contact information provided.

- **Employment Preference Rights**
- **Veterans Employment Services**
- **Affirmative Action Plan**
- **Recording Veterans Report of Separation Form**
- **Veterans Land Discount/Purchase Preference**
- **Property Tax Exemptions**
- **Disabled Veterans Parking Permits**
- **Veterans License Plates**
- **Veterans Housing and Residential Loans**
- **Hunting and Fishing Licenses**
- **State Camping Pass**
- **Alaska Marine Highway Pass**
- **Free Tuition for Spouse or Dependent of Armed Services Member**
- **Military Credit Towards State Retirement**
- **Birthday Cards from the Governor**
- **Governor's Advocacy Award**
- **High School Diplomas**
- **Military and Veterans Memorial Landmark Property**
- **Wartime Letters - The Legacy Project**

# **Alaska State Veteran's Benefits**

The state of Alaska provides several veteran benefits. This section offers a brief description of each of the following benefits.

- Housing Benefits
- Employment Benefits
- Education Benefits
- Other State Veteran Benefits

## **Alaska Veteran Housing Programs**

### **Veterans Land Discount/Purchase Preference**

The Veterans Land Discount program allows certain veterans to a 25% discount on the purchase price of state residential/recreational land. The discount may be used only once during the veteran's lifetime and may not be used in conjunction with the veterans preference.

Under the Veterans Land Sale Preference, before offering to the general public any unoccupied residential land by auction, a veteran has the exclusive opportunity purchase the land at a restricted sale at fair appraised market value. Parcels that are offered under this preference must be five acres or less, classified as settlement land and zoned for residential use only.

### **Property Tax Exemptions**

Real property owned and occupied as the primary residence and permanent place of abode by a qualified disabled veteran whose disability was incurred or aggravated in the line of duty and whose disability has been rated as 50 percent or more by the military service or the U.S. Department of Veterans Affairs, is exempt from taxation on the first \$150,000.00 of assessed valuation. Contact your local municipal tax assessor's office by March 15 for exemption for current year.

### **Veterans Housing and Residential Loans**

The Alaska Housing Finance Corporation (AHFC) administers the Veterans Mortgage Program which offers financing for qualified veterans at lower interest rates. Active duty service in the Armed Forces, Public Health Service, NOAA or service as a cadet at the US Military, Air Force, Coast Guard or Naval Academy may qualify. Loans are generally processed rapidly, require little or no down payment, and often include lower interest.

AHFC also offers a Veterans Interest Rate Preference, in which a veteran receives a one percent lower interest rate on the bank loan when purchasing a new home. Ask the bank handling the financing to implement this program for you. AHFC grants a preference to veterans for the rent or sale of a portion of its low cost housing projects units.

### **Alaska Veterans and Pioneers Home (AVPH)**

The AVPH at Palmer provides high-quality, long-term assisted-living care for Alaska residents who are honorably discharged veterans. The newly remodeled Home will serve 59 veteran pioneers (over 65) and 20 non-veteran pioneers. Residents receive comprehensive personal care specifically tailored to each individual. Veterans are eligible for a per diem payment from the Department of Veterans Affairs that is applied towards their cost of care.

## **Alaska Veteran Employment Programs**

### **Employment Preference Rights**

Workplace Alaska in the Division of Personnel in the Department of Administration is the on-line recruitment process for all the states classified service positions. Every vacancy in the classified service, except those requiring registration with Job Service, are posted on the homepage and are available for on-line application. Vacancies are advertised in the Sunday editions of the Fairbanks News Miner, Juneau Empire, and Anchorage Daily News along with recruitment phone lines.

Veterans who possess the necessary qualifications for a given state job classification and served on active duty and received an honorable or general discharge during the dates listed on the employment application, are eligible for a state employment hiring preference.

### **Veterans Employment Services**

The Veterans Services Section of the Employment Security Division of the Alaska Department of Labor and Workforce Development promotes employment, economic stability, and growth by operating a no-fee labor exchange that meets the needs of employers, job seekers, and veterans. The service provides job placement, job matching and referral, vocational counseling, and job search assistance.

### **Military Credit Towards State Retirement**

Certain members of the various state retirement programs may be eligible for additional credit for up to five years military service. Military service will increase your retirement service and monthly benefits. Although military service is not membership service, in certain cases it may count toward vesting and retirement eligibility. Visit site below, click on the retirement system of interest, scroll to Military Credit.

In the National Guard and Naval Militia Retirement System, anyone with at least 20 years of combined Alaska guard service, guard service in any other state, active military service and the reserves of them, of which at least 5 years must have been satisfactory service in any branch, may receive a small benefit upon separation from the Alaska army guard, air guard, or naval militia if you meet minimum eligibility provisions.

### **Affirmative Action Plan**

The State of Alaska 1998 Affirmative Action Plan affords all present and prospective state employees in the executive branch an equal opportunity for employment regardless of their veteran's status - among many other factors.

The state will ensure there are no impermissible or artificial barriers for veterans or disabled veterans to cross in applying for state jobs, provide on-the-job training and assistance in locating qualified disabled applicants, recruit and employ qualified persons with disabilities and Vietnam era vets for state jobs, and sets up an informal complaint procedure. The plan is administered by the Office of Equal Employment Opportunity in the Division of Personnel.

## **Alaska Education Benefits**

### **Free Tuition for Spouse or Dependent of Armed Services Member**

The spouse or dependent of an armed services member who died in the line of duty or who died as a result of injuries sustained while in the line of duty or who was listed by the Department of Defense as a Prisoner of War or as Missing in Action is entitled to a waiver of undergraduate tuition and fees the students must be in good standing in a state supported educational institution in Alaska.

### **High School Diplomas**

Operation Recognition, a nation-wide effort, recognizes that many World War II veterans went off to war and never returned to high school to get a diploma.

In Alaska, the Department of Education and Early Development may award diplomas to World War II vets living in Alaska, including Alaska Territorial Guard members, who served during the period of August 7, 1940 to July 5, 1947 and were honorably discharged or died in active service or were released from active duty because of a service-related disability. A family member may apply on behalf of a veteran who is deceased or incapacitated. Even ex-GIs with a Graduation Equivalency Diploma could apply.

## **Other Alaska State Veteran Benefits**

### **Recording Veterans Report of Separation Form**

A veteran may record, without fee, the original or a certified copy of his or her Armed Forces Report of Separation (DD-214 Form) at any State Recorder's office of the Department of Natural Resources.

The Recorder's office maintains 14 District offices throughout the state, overseeing 34 recording districts that record, index, and archive all of the documents that create the Official Public Record of the state of Alaska.

### **Disabled Veterans Parking Permits**

Disabled Parking Permits are also obtained from the DMV, available to persons at least 50 percent disabled or medically handicapped, including persons disabled in the line of duty while serving in the Alaska Territorial Guard. Applicants must show reception of at least 50 percent disability compensation from an affidavit signed by a physician licensed to practice in Alaska.

### **Veterans License Plates**

Veterans License Plates, with the word 'veteran' and the symbol of each branch of service, are available from the Division of Motor Vehicles upon submission of written proof of veteran status for a \$30 biennially fee. Alaska National Guard members may also purchase special plates for \$30. Pearl Harbor Survivors, former POWs, and Purple Heart recipients may receive a special plate at no charge. A Disabled Veteran can register one vehicle without charge and receive a specially designed registration plate that displays recognition of the disabled veteran. With proof, persons disabled in the line of duty, who are 50 percent disabled or medically handicapped as a consequence of military service, are eligible. The plate does not display the standard handicap symbol and does not carry with it special parking privileges; however the standard wheelchair logo may be available depending upon the level of disability as described below. Gold Star Family members may also register one vehicle without charge for license plates through the Division of Motor Vehicles.

### **Hunting and Fishing Licenses**

Resident hunting and sport fishing licenses are available at no charge to honorably discharged veterans with a 50 percent or greater service-connected disability and Alaska residency. Applicants must have lived in Alaska for 12 consecutive months immediately preceding the application.

### **State Camping Pass**

The legislature granted Disabled Alaskan Veterans (DAV) the right to receive one Alaska State Park Camping Pass free of charge. The DAV Camping Pass, which is valid in all developed Alaska State Park campgrounds, is good for two years.

To receive a free DAV camping pass, an eligible disabled veteran must present proof of a service connected disability and Alaska residency at either the Anchorage or Fairbanks DNR Public Information Centers (see below). Proof of residency can be in the form of an Alaskan Driver's License, Alaska Sport Fishing License, Alaska Voters Registration Card, or other documentation suitable to the department that proves Alaska residency.

### **Alaska Marine Highway Pass**

A one-year pass on the ferries of the Alaska Marine Highway is available for veterans having a service-related disability. This pass entitles the disabled passenger and an attendant (if required by a physician) to travel at 50% of the regular passenger fare, between Alaska ports only, on all vessels, year-round.

### **Governor's Veterans Advocacy Award**

Individuals who demonstrate an extraordinary personal concern, compassion, and commitment to veteran causes, veterans, and their families are eligible for the annual Governor's Veterans Advocacy Award. A winner could also have formed a new, innovative or creative volunteer program or project that benefits vets. Accomplishments must have been performed on a volunteer basis. Governor's Veterans Advocacy Award will be presented on Veterans Day, November 11th.

**Military and Veterans Memorial Landmark Property**

The Military and Veterans Landmark Property Program formally recognize memorials around the state built to honor the military and veterans of the armed forces. Information about the memorials is important to understanding the sacrifices made by veterans in Alaska and America, the role of the military, and the history of our nation's wars.

Information about memorials will be preserved by the State of Alaska as an important part of its history. A record of each approved Landmark Property will be maintained by the Department of Military and Veterans Affairs, including a list of properties to be kept, to facilitate visitation to memorials for those interested in doing so. The state will provide an attractive, numbered certificate, suitable for framing, at no cost.

**Wartime Letters - The Legacy Project**

The Legacy Project is a unique and meaningful way to honor all veterans by preserving letters written by soldiers on the front and letters written to them from home.

A national, volunteer non-profit agency, known as The Legacy Project, began collecting letters from any American wartime period to preserves these treasured documents and therefore heighten appreciation of them.

Letters can be ones personally written or received, or written by a relative. These may include eyewitness accounts of battles or acts of heroism, encounters with famous military leaders, love letters, or any other irreplaceable messages or little-known stories that will offer historians and future generations a better understanding of those who served and sacrificed for country.

**Birthday Cards from the Governor**

Birthday greetings from the Governor are available to veterans 80 years and older. Veterans or family or friends of veterans should contact the governor's office at least four weeks in advance and supply the name and address of the person to receive the card and appropriate proof of age.

LAW OFFICES

**BIRCH, HORTON, BITTNER AND CHEROT**

1155 CONNECTICUT AVENUE, N.W. • SUITE 1200 • WASHINGTON, D.C. 20036 • TELEPHONE (202) 659-5800 •

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OF COUNSEL  
JENNIFER C. ALEXANDER  
SHELLEY D. EBENAL  
KENNETH E. VASSAR

1127 WEST SEVENTH AVENUE  
ANCHORAGE, ALASKA 99501-3399  
(907) 276-1560  
FACSIMILE (907) 276-3880

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Pertains to  
original  
version  
of SB 214

February 7, 2008

Honorable Charlie Huggins  
Alaska Senate  
State Capitol  
Room 119  
Juneau, AK 99801

FEB 12 2008

Re: SB 214

Dear Senator Huggins:

On behalf of the Alaska Professional Hunters Association (APHA), we have reviewed SB 214 relating to special nonresident military hunting and sport fishing licenses for members of the military who do not qualify as residents under AS 16.05.415. We conclude that this bill represents a threat to the guide requirement in State law for non-resident hunting of bears and other big game species. This conclusion arises from analysis of the bill and review of applicable case law. However, an amendment to the bill which determined that military personnel (but not their dependents) who have been in the State for some extended period (e.g., one year or longer) might be treated as quasi-residents would redress some of these concerns. In addition, specific findings that military training provides sufficient assurance that these "quasi-residents" do not necessarily require the services of a licensed guide for safety and other purposes could be helpful. Such express findings would in effect recognize qualified military personnel as a special class deserving special treatment. Basing the proposed exception on such special considerations would make it less likely that it could be used to attack the guide requirements for other non-residents.

Alaska's guide requirement is predicated on considerations of hunter welfare and safety, resource management, and enforcement of hunting regulations. AS 16.05.407-408. Federal and state courts have upheld as legitimate and rational similar restrictions concerning nonresident hunters. See *O'Brien v. State*, 711 P.2d 1144, 1151 (Wyo. 1986) (upholding guide requirement for hunting big or trophy game as rational means of ensuring "proper game management, protection of hunter welfare and safety, or better enforcement of the game [and] fish laws"); *Clajon Production Corp. v. Petera*, 854 F.Supp 843 (D. Wyo. 1994) (upholding a resident license preference regulation that reserved a certain percentage of big game hunting licenses for state residents); *DeMasters v. State*, 656 F.Supp. 21 (D. Mont. 1986) (upholding Montana statute limiting the number

Honorable Charlie Huggins  
February 7, 2008  
Page 2

of yearly nonresident elk hunting licenses as an effective management tool for the purpose of wildlife conservation). The State has consistently maintained that the guide requirement is not motivated by economic protectionism.

Any action that says, in essence, that these considerations of public safety and resource management are not legitimate and compelling (and are waived) with respect to one group of nonresidents (military members and dependents of military members on active duty and permanently stationed in Alaska) but are compelling with regard to all other nonresidents, weakens the rational basis of the requirement. As a result, differential treatment of all non-resident military on active duty and stationed in the State (regardless of how long they have been in the State) and their dependents is likely to expose Alaska's guide requirement to federal constitutional equal protection challenge. While the right of nonresidents to hunt on equal footing with residents is not itself protected by the Privileges and Immunities Clause of the Constitution, *see Baldwin v. Fish and Game Commissioner of Montana*, 436 U.S. 371, 388 (1978), a court may look into the reason behind the distinction. Courts are generally likely to find distinctions related to public safety or resource management to be reasonable but distinctions based on economic protectionism are suspect.

SB 214 would establish such differential treatment. The measure would amend AS 16.05.407 to eliminate the guide requirement for both non-resident military members and their dependents hunting brown bear, grizzly bear, mountain goat, or sheep if those military members are on active duty and permanently stationed in Alaska.

This raises a significant issue. Exempting a specific group of persons from the nonresident guide requirement based on nothing more than their status as members of the military and dependents of military members raises questions about the basis for retaining guide requirements for other nonresidents. If the State intends to argue that the objectives of public safety and resource management related to big game hunting are the purposes of the guide requirement for nonresidents, exempting certain nonresidents for no reason other than their military status, with no particular showing that the exemption furthers resource management and safety, indicates that commercial or economic purposes are the remaining rationales for guide requirements for other nonresidents. Once guide requirements are rendered fundamentally commercial, these requirements become subject to attack under a commerce clause analysis. *See Conservation Force*, 301 F.3d 985 (9<sup>th</sup> Cir. 2002). The Ninth Circuit has struck down nonresident guide requirements under the Commerce Clause. *See Id.*; *see also O'Brien* at 1152.

In 2005, Congress passed the Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act ("Reaffirmation Act"), which disclaimed Federal interest in regulating taking of fish and wildlife within individual states, leaving it to the

Honorable Charlie Huggins

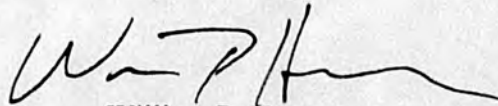
February 7, 2008

Page 3

states to regulate hunting. As a result, some Courts since have dismissed challenges to measures that are claimed to impose differential burdens on residents and nonresidents with regard to hunting. See, e.g., *Minnesota ex rel. Hatch v. Hoeven*, 456 F.3d 826, 831-32 (8<sup>th</sup> Cir. 2006) (holding as moot a Commerce Clause challenge to North Dakota regulations imposing a more restrictive hunting regime on nonresidents and finding that, since the Reaffirmation Act, it was no longer the case the Congress had not spoken, which was a requirement for the Commerce Clause to apply). Even with such beneficial precedent on the books, it is far from certain that a Court would find a Commerce Clause challenge to the guide requirement moot or meritless, as the case law interpreting the Reaffirmation Act is not yet highly developed. Furthermore, a Court viewing the guide requirement as an economic measure rather than a resource management and public safety measure would be more likely to strike it down on other grounds than the Commerce Clauses since, as noted above, a Court is generally less likely to find the guide requirement to be justified if it is motivated by economic protectionism rather than public safety or resource management.

We recognize and agree with the desire to avoid imposing undue burdens on our military members, and to acknowledge and honor them for their service. However, to preserve the constitutionality of Alaska's guide requirement for non-resident hunters, we would strongly counsel against authorizing any exception to the guide requirement for both nonresident military and their dependents. If exceptions are warranted, they must be clearly predicated on the unique status of military personnel, their training, and other factors.

Sincerely,



William P. Horn  
Counsel to Alaska Professional  
Hunters Association

cc: Bobby Fithian  
Joe Klutsch

**Jody Simpson**

**From:** Vikki and Doug Gross [dvgalaska@gci.net]  
**Sent:** Sunday, January 27, 2008 12:51 PM  
**To:** Sen. Charlie Huggins  
**Subject:** SB 214  
**Follow Up Flag:** Follow up  
**Flag Status:** Yellow

**Senator-**

While I support the members of our military, I feel that to grant them special priveleges for hunting Alaska big game as residents is going too far. They are volunteers in the military; they are not there because they were forced to be.

This bill would give them an unfair advantage over other non-resident hunters, and add additional pressure to already limited resources. The military supplies them with housing, and other perks civilians don't get, and this amounts to another giveaway of state resources to a special interest group.

Sincerely,  
Vikki Gross

1/28/2008

## **Jody Simpson**

---

**From:** Sen. Charlie Huggins  
**Sent:** Friday, January 25, 2008 5:13 PM  
**To:** Jody Simpson  
**Subject:** FW: New Pom:SB 214 Hunting By Members Of The Military

Karen Sawyer, Staff  
Office of Senator Charlie Huggins  
-----

907-465-3878 Main  
907-465-3265 Fax  
State Capitol, Room 119  
Juneau AK 99801

-----Original Message-----

**From:** Shay Wilson  
**Sent:** Friday, January 25, 2008 10:08 AM  
**To:** Sen. Charlie Huggins  
**Subject:** New Pom:SB 214 Hunting By Members Of The Military

Arthur Wettanen  
Po Box 509

Talkeetna 99676,  
733-2801

There should be a 30 day minimum waiting period to qualify for resident hunting rates by military.

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## Press Archive

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### Gov. Highlights Big Game Hunting to Troops

07-188 Governor Palin Highlights Hunting Opportunities to Returning Alaska Troops

September 6, 2007, Juneau, Alaska - Governor Sarah Palin today informed Alaska National Guardsmen and women serving in combat that big game hunting opportunities will be available when they return from combat zones this fall.

"I heard from many Alaskans serving overseas during my trip to Kuwait in July," said Governor Palin. "One of the most frequent questions was about the status of hunting seasons upon their return. While I can't grant our troops the chance to hunt in closed areas or in places with species restrictions, I do want to recognize them and help them hunt this late fall or winter when they get home."

Regulations adopted by the Board of Game affect hunters with Tier II subsistence permits and Alaska's drawing hunt permits. In a letter to the commanders of the Alaska Army and Air National Guard, the Governor also explained that service members unable to participate in hunts themselves may transfer Tier II subsistence permits to substitute Alaska hunters. The Alaska Department of Fish and Game will also re-issue permits for service members who were successful in obtaining lottery permit hunts but were unable to use them.

Service members are encouraged to contact their local ADF&G office to learn more about the hunting opportunities that may be available to them. Information may also be found at the ADF&G Division of Wildlife Conservation web site:

<http://www.wildlife.alaska.gov/index.cfm?adfg=hunting.main###>

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Governor Palin

find



**Photo archive:** Governor Sarah Palin and Lt. Governor Sean Parnell welcome the President of Iceland, H.E. Ólafur Ragnar Grímsson, to the Arctic Energy Summit at the Egan Center in Anchorage on Monday. The Summit, presented by the Institute of the North, kicked off a four-day visit to Alaska by the Icelandic head of state and leaders in his nation's geothermal and hydroelectric energy industries.

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SB 214 – Military Hunting

WITNESS LIST:

1. Kevin Saxby, Senior Assistant Attorney General  
State of Alaska, Department of Law  
Civil Division, Natural Resources Section

On line to answer questions  
269-5250

2. Kristin Wright, Finance/Licensing Supervisor  
State of Alaska, Department of Fish and Game  
Division of Administrative Services

Present to answer questions

# ALASKA STATE LEGISLATURE

Senate District H  
600 E. Railroad Avenue  
Wasilla AK 99654  
907-376-4866  
907-373-4724 :Fax



State Capitol  
Juneau AK 99801-1182  
907-465-3878  
Fax: 907-465-3265  
800-862-3878

## Charlie Huggins Senator

### MEMORANDUM

March 26, 2008

To: Representative Bob Roses  
House Military and Veterans' Affairs Committee

From: Senator Charlie Huggins *Jody Simpson for Senator Huggins*

Subject: Hearing Request for SB 214

---

This is a request that you schedule a hearing on SB 214, "An Act relating to big game hunting by nonresident members of the military service or the United States Coast Guard, and their dependents; and providing for an effective date." This bill is a top priority of mine, so if you could schedule a hearing on the bill early next week, I would greatly appreciate it.

I have attached a copy of the bill, a sponsor statement, a witness list, and some background information for your use.

If you have questions regarding the bill, please contact Jody Simpson in my office at ext. 2661.

Thank you.

Attachments