

SB

214

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/16/08

FURTHER: Rules

Date of 5-Day Notice: 2/2/08
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/17/08

Resources Committee considered SENATE BILL NO. 214

SB 214 HUNTING BY MEMBERS OF THE MILITARY

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

and recommends:

- be replaced with SCS or CS SB 214 (RES)
- adopt previous SCS or CS Forthcoming ()
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:
<input type="checkbox"/> Same Title
<input checked="" type="checkbox"/> New Title
<hr/>
HOUSE BILL:
<input type="checkbox"/> Same Title
<input type="checkbox"/> Technical Title Change
<input type="checkbox"/> New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Incl	Zero	FN#
DFG	2/22	✓			1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Incl	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LASTNAME	DO PASS	DO NOT PASS	NO REC.	AMEND
	Wielechowski			✓	
	McInive	✓			
	Green	✓			
CHAIR:	Huggins	✓			

1. Gavel In & Call to order:

Note time – and members present

2. SB 214 Hunting By Members Of The Military

Jody Simpson, Staff to Senator Huggins

- ✚ Bring CS workdraft before committee for discussion.
- ✚ Read you statement “for the record.” (clipped to greed divider in notebook)

Here for questions: Kris Wright, ADF&G [she prepared fiscal note], Finance & Licensing Supervisor

Invited Offnets : Dept. of Law: Steven Daugherty & Kevin Saxby

- a. **Open Public Testimony [if no one on line or in room CLOSE public testimony]**

Move original or CS (including fiscal notes & any amendments) out of cmte.

2. CSHB 267 Wildlife Violator Compact

**Representative Craig Johnson, Sponsor
Jeanne Ostnes, Staff to Rep. Johnson**

Open testimony.

**Offnets: Al Cain, ADF&G
Capt. Burke Waldron, AK Dept. of Public Safety
Rod Arno, Ex Dir., Ak Outdoor Council**

**Offnet for Questions: Brian Kane, Leg Legal / Bill Drafter
Kevin Saxby, Dept. of Law**

Reminder: Tomorrow we're meeting back here from 5:30 to 7 p.m. to hear SB 284 Board of Fisheries: Membership. Wednesday we're back to our usual schedule @ 3:30 with a presentation by Enstar.

Meeting Adjourned @ _____

1. Gavel In & Call to order:

Note time – and members present

✓ **2. SB 214 Hunting By Members Of The Military**

heard of hebel

**Senator Huggins, Prime Sponsor
Jody Simpson, Staff**

Offnets will include:

**Kevin Saxby, Asst. Atty General, DOL
Bobby Fithian, Exec. Dir. Alaska Professional Hunters Association**

In Juneau:

Kris Wright, ADF&G [she prepared fiscal note]

a. Open Public Testimony

2. SB 246 Susitna Hydro Work Group & Report

**Senator Thomas, Prime Sponsor
Grier Hopkins, Staff to Senator Thomas**

a. Testimony by Invitation

Offnets:

Prepared remarks: Earle Ausman President, PolarConsult Alaska Inc.
Questions only: **Jim Hemsath, Deputy Director of Development, AEA**
Valorie Walker, Deputy Director of Finance, AEA

In Juneau:

Questions only: **Sara Fisher-Goad, Acting Executive Director, AEA**

SET TIME LIMIT

Reminder: Friday we'll explore and drill in to the process and requirements for large mine permit applications in Alaska

Meeting Adjourned @ _____

ALASKA STATE LEGISLATURE

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



State Capitol
Juneau AK 99801-1182
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Fax: 907-465-3265
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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.

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

CS FOR SENATE BILL NO. 214(RES)

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

BY THE SENATE RESOURCES COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATOR HUGGINS

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to hunting licenses and tags for nonresident members of the military**
2 **service and their dependents; and providing for an effective date."**

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

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

5 (d) Members of the military service on active duty who are permanently
6 stationed in the state, and their dependents, who do not qualify as residents under
7 AS 16.05.415, may obtain special nonresident military hunting [SMALL GAME] and
8 sport fishing licenses at the rates for resident hunting and sport fishing licenses. A
9 person who obtains a special nonresident military hunting license under this
10 subsection [, BUT] may not take a big game animal for which a tag is required
11 under (a)(16) of this section without previously purchasing a [REGULAR
12 NONRESIDENT HUNTING LICENSE AND A] numbered, nontransferable
13 appropriate tag, issued at the resident [ONE-HALF OF THE NONRESIDENT] rate,
14 under (a)(16) [(a)(15)] of this section.

1

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

SENATE BILL NO. 214

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY SENATOR HUGGINS

Introduced: 1/16/08

Referred: Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to big game hunting by nonresident members of the military service
2 and their dependents; and providing for an effective date."

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

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

5 (d) Members of the military service on active duty who are permanently
6 stationed in the state, and their dependents, who do not qualify as residents under
7 AS 16.05.415, may obtain special nonresident military hunting [SMALL GAME] and
8 sport fishing licenses at the rates for resident hunting and sport fishing licenses. A
9 person who obtains a special nonresident military hunting license under this
10 subsection [, BUT] may not take a big game animal for which a tag is required
11 under (a)(16) of this section without previously purchasing a [REGULAR
12 NONRESIDENT HUNTING LICENSE AND A] numbered, nontransferable
13 appropriate tag, issued at the resident [ONE-HALF OF THE NONRESIDENT] rate,
14 under (a)(16) [(a)(15)] of this section.

1 * Sec. 2. AS 16.05.407(a) is amended to read:

2 (a) It is unlawful for a nonresident to hunt, pursue, or take brown bear, grizzly
3 bear, mountain goat, or sheep in this state [,] unless the nonresident is

4 (1) a member of the military service on active duty who is
5 permanently stationed in the state or a dependent of a member of the military
6 service on active duty who is permanently stationed in the state; or

7 (2) personally accompanied by

8 (A) [(1)] a person who is licensed as

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

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

16 (B) [(2)] a resident over 19 years of age who is

17 (i) [(A)] the spouse of the nonresident; or

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

20 * Sec. 3. AS 16.05.407(b) is amended to read:

21 (b) Except for an applicant described in (a)(1) of this section, an [AN]
22 applicant for a nonresident big game tag for the taking of an animal specified in (a) of this
23 section shall first furnish to the state, on a form provided by the state, an affidavit showing
24 that the applicant will be personally accompanied while hunting by a person who is
25 qualified under the terms of (a)(2) [(a)] of this section. A person who falsifies the required
26 affidavit is guilty of perjury under AS 11.56.200.

27 * Sec. 4. This Act takes effect January 1, 2009.

25-LS1261C
Kane
3/5/08

CS FOR SENATE BILL NO. 214()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR HUGGINS

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to fishing and hunting licensing for nonresident members of the**
2 **military service; and providing for an effective date."**

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

4 *** Section 1. AS 16.05.415(c) is amended to read:**

5 (c) A person who is a member of the military service or the United States
6 Coast Guard is a resident for the purposes of AS 16.05.330 - 16.05.430 if the person

7 (1) is permanently stationed in the state on active duty; or

8 (2) does not qualify under (1) of this subsection but has been

9 stationed in the state for the 12 consecutive months immediately preceding the
10 application for a license. [THIS SUBSECTION DOES NOT APPLY TO A PERSON
11 WHO ESTABLISHES AND MAINTAINS RESIDENCY IN THE STATE UNDER
12 (a) AND (b) OF THIS SECTION.]

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

25-LS1201E

Kane

3/13/08

CS FOR SENATE BILL NO. 214()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): SENATOR HUGGINS

A BILL
FOR AN ACT ENTITLED

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

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

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

5 (d) Members of the military service on active duty who are permanently
6 stationed in the state, and their dependents, who do not qualify as residents under
7 AS 16.05.415, may obtain special nonresident military hunting [SMALL GAME] and
8 sport fishing licenses at the rates for resident hunting and sport fishing licenses. A
9 person who obtains a special nonresident military hunting license under this
10 subsection [, BUT] may not take a big game animal for which a tag is required
11 under (a)(16) of this section without previously purchasing a [REGULAR
12 NONRESIDENT HUNTING LICENSE AND A] numbered, nontransferable
13 appropriate tag, issued at the resident [ONE-HALF OF THE NONRESIDENT] rate,
14 under (a)(16) [(a)(15)] of this section.

1

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

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 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 Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGE IN REVENUES (1024)	(39.9)		(39.9)	(39.9)	(39.9)	(39.9)	(39.9)
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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 Phone 465-5999
 Division: Administrative Services Date/Time 02/22/08 4:30 p.m.
 Approved by: Denby Lloyd Date 2/22/2008
Department of Fish and Game

If the Alaska Legislature were to enact the proposed bill, it would be important to state on the record that

1. The purpose is as a benefit to military members rather than a management, conservation, or economic development purpose.
2. It might be argued that, because members of the military 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.
3. Military personnel are typically trained to more rigorous standards than the average person in physical fitness, fire arms, and survival skills. Therefore, the SRES Committee does not have concerns about waiving the 12-month waiting period.

*Statement for Sen. Huggins to
read into record*

LAW OFFICES

BIRCH, HORTON, BITTNER AND CHEROT

A PROFESSIONAL CORPORATION

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• D.C. BAR
 • D.C. AND ALASKA BAR
 • MARYLAND BAR
 • VIRGINIA BAR
 ALL OTHERS ALASKA BAR

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 (9th Cir. 2002). The Ninth Circuit has struck down nonresident guide requirements under the Commerce Clause. *See Id.*; *see also O'Brien* at 1152.

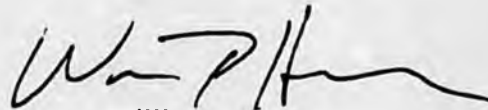
In 2005, Congress passed the Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act ("Reaffirmation Act"), which disclaimed Federal interest in regulating taking of fish and wildlife within individual states, leaving it to the

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 (8th 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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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 Grímason, 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. [Enlarge >](#)

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Jody Simpson

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

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 preserve 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.

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.¹ 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).² 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.

¹ 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.

² 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).³

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.⁴ 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.

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

³ 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.

⁴ 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 ¹	Bona Fide Residents Only		All Active-Duty ²		Notes
	Number of States	States	Number of States	States	
All military personnel pay resident fees			18	AZ, CA, CT, GA, IL, LA, ME, MD, MA, MN, MS, MO, MT, ND, NJ, NY, RI, TX	
Military personnel stationed <i>in state</i> pay resident fees ³			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. ⁴
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) \$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 iterim-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 §5/20-1	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 Residency Required?	Fee	Notes
North Dakota	N.D. Cent. Code §20.1-02-05	No	Same as 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. Cent. Code §20.1-03-04	Yes	None	Active-duty residents on furlough may fish and hunt small game without a license.
Ohio	ORC Ann. §1533.12(A)(1)	No	Same as resident	Applies to all active-duty personnel stationed in the state.
	ORC Ann. §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. §4-110 and §4-112	Yes	None	Applies to state residents stationed elsewhere but home on furlough
	30 Okl. St. §4-112A	No	N/A	Military personnel need not complete a hunter education course.
	29 Okl. St. §4-140	Yes	None	State residents stationed elsewhere but home on furlough need not obtain a "Wildlife Land Stamp."
Oregon	ORS §497.006	No	Same as resident	Applies to all active-duty personnel stationed in state and Oregon residents stationed elsewhere.
Pennsylvania	30 Pa.C.S. §2707.1-.2 and 35 Pa.C.S. §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. §2709	Yes	None	Resident of PA stationed out of state are not required to obtain fishing licenses while on furlough.
	34 Pa.C.S. §2702(b)	Yes	Same as resident	Active-duty personnel whose "home of record" is PA are considered residents for the purpose of hunting licenses.
	35 Pa.C.S. §2702(c)	No, 30-day waiting period	\$5	Applies to all active-duty personnel stationed in state.
	34 Pa.C.S. §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 Residency Required?	Fee	Notes
Pennsylvania	34 Pa.C.S. §2705	No	N/A	Active-duty members shall be issued licenses for certain hunts without regard to quota limitations.
	34 Pa.C.S. §2706(e)	Yes	Same as resident	Resident of PA stationed out of state are considered residents while on furlough.
	35 Pa.C.S. §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. §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 §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. §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. §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. §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. §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. §41-6-52	No	Same as resident	Applies to all active-duty personnel stationed in state.
Tennessee	T.C.A. §70-1-101	No	Same as resident	Applies to all active-duty personnel stationed in state.
	T.C.A. §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.

Notes: 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.

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

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.

Sources: LexisNexis and Westlaw databases of state statutes.

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 486-4100
FAX: (907) 486-2332

January 14, 2008

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

Dear Senator Huggins,

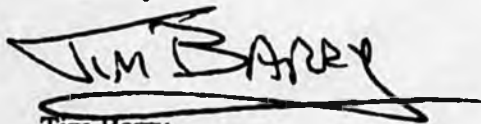
In a recent letter to Commissioner Lloyd, you informed him of your intention to introduce a bill in the 2008 legislative session to allow military personnel in Alaska to qualify for resident hunting and fishing licenses upon their report date, rather than having to be here for twelve months. Since then, 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	
DB	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	
				\$52,053.50					\$20,151.00

Difference	% Diff.
\$0.00	0%
\$0.00	0%
(\$10,740.00)	-71%
(\$225.00)	-100%
(\$675.00)	-90%
(\$6,075.00)	-100%
(\$5,362.50)	-100%
(\$4,125.00)	-100%
(\$150.00)	-100%
(\$4,400.00)	-100%
(\$150.00)	-100%
(\$31,902.50)	-61%

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
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(907) 376-4866 / (907) 373-4724 Fax
Jody_Simpson@legis.state.ak.us

2/18/2008

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF FISH AND GAME

DIVISION OF ADMINISTRATIVE SERVICES

P.O. BOX 115525
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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 1:53 PM
To: Jody Simpson
Subject: Sec. 16.05.415. Determination of residency

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.

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

2/18/2008

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].

Sec. 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.

Jody Simpson

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

Teleconference Order Form FAX TO 465-2864

2/26/08

Sponsor and or Committee Name			Date	
SB 214 - Military Licenses Senator Charles Huggins			2/27/08	
Start End Time	Chairing site	Juneau Room	Testimony	
3:30 - 5:30	JNU	Butro	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Invitational <input type="checkbox"/>	
Contact Person and	Phone Number	Other sites may add?	Testimony Limit	
Sharon Long	4907	Yes	Chair's discretion	

Subject of meeting and/or Bills on agenda

SB 214

BPM/S

SB 216

Sites - LIOs	Sites - Offnets	Phone #
Anchorage	<input checked="" type="checkbox"/> Bobby Fithian, Exec Dir	522-3221
Barrow		
Bethel		
Cordova	<input checked="" type="checkbox"/> Kevin Sichel, DOL (269-5350)	St. Asst. Atty Gen
Delta Junction		on ph to ans. ?'s
Dillingham		
Fairbanks	<input checked="" type="checkbox"/> Kris Wright, ADFAG in person	
Glennallen		
Homer		
Juneau	<input checked="" type="checkbox"/>	at Apr LIO - possible
Kenai		
Ketchikan		Rep Davidae - AK Vet Assn
Kodiak		chairman
Kotzebuc		
Matsu	<input checked="" type="checkbox"/>	
Nome		
Petersburg		
Seward		
Sitka		
Tok		
Valdez		
Wrangell		

Notes:

Kristin Wright - Finance/Licensing Specialist ADFAG
(in person)