

**SCOMM**

**102:4**

# Alaska State Legislature

Co-Chair, House Resources  
Community & Regional Affairs  
Legislative Council  
Special Committee on Fisheries  
Special Committee on Oil and Gas



State Capitol  
Room 128  
Juneau, Alaska 99801  
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**Representative Scott Ogan**  
House District 27

## HB-25 SPONSOR STATEMENT

I have introduced HB-25 to make the residency law applying to the taking of fish and game resources a more workable, consistent, enforceable provision.

Like many other valuable state programs there is always the temptation by nonresidents to bend the rules, or circumvent the letter of the law. By changing the language in existing statute we can close some of the loop holes that have plagued law enforcement officials.

Last session this measure was supported by both the administration and overwhelmingly by the legislature.

I hope I can count on your support this session.

Thank you.

*Scott Ogan*

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB 25

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Residency requirements: fish and game licenses BRU: Administration  
 Component: Administration  
 Sponsor: Representative Ogan  
 Requester: House Fisheries COMPONENT SERIAL NO. 479

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

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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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						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

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

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

Prepared by: Kevin Brooks *Kevin Brooks*  
 Division: Administration  
 Approved by Commissioner: Bevon Bruce Jr  
 Agency: Department of Fish and Game

Phone: 465-5999  
 Date: 1/14/97  
 Date: 1/28/97

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Juneau, Alaska 99801-2105

## MEMORANDUM

February 1, 1997

**SUBJECT:** HB 25: An act relating to the issuance of hunting, trapping, and noncommercial fishing licenses, tags, and permits and to residency for fish and game purposes (HB 25)

**TO:** Representative Scott Ogan  
Attn: Dave Stancliff

**FROM:** George Utermohle *GU*  
Legislative Counsel

This memorandum is in response to your request for a description of what HB 25 does.

HB 25 addresses the issue of residency for fish and game purposes generally, as well as, addressing residency for hunting, trapping, and noncommercial fishing licenses in particular.

**Section 1** of the bill expresses in writing the generally understood requirement that a hunting, trapping, or noncommercial fishing license, tag, or permit may be issued only to a natural person. A natural person is a human being and not a nonhuman legal person such as a corporation, partnership, etc.

HB 25 contains two provisions relating to residency for fish and game purposes. The first provision is contained in sec. 2 of the bill and applies to the determination of residency for purposes of issuing hunting, trapping, and noncommercial fishing licenses. The second provision is contained in sec. 3 of the bill and sets out the definition of "resident" for other purposes under AS 16.

**Section 2** of the bill amends AS 16.05. by adding a new section establishing how residency is determined for hunting, trapping, and noncommercial fishing licenses. The basic requirements for a person to establish residency are physical presence in the state with the intent to remain in the state and to make a home in the state; maintaining a domicile in the state for the preceding 12 months; and not doing anything contrary to the assertion of residency such as claim residency in another state or country or obtain benefits in another state or country under a claim of residency in that state or country.

A resident does not lose his or her residency in the state by being absent from the state. In order to lose residency, the person must be absent from the state and claim residency in an

other state or country or the person must do something that is not consistent with the basic requirements for residency set out in this section.

Members of the military who have been stationed in the state for the preceding 12 months and their dependents who have lived in the state for the preceding 12 months are considered as residents. These military personnel and their dependents do not have to surrender their legal residency in their home state or benefits based on their residency in another state. This bill provides that members of the Coast Guard and their dependents shall be eligible for resident status. The Coast Guard is not clearly a branch of the military service, so the bill clarifies that members of the Coast Guard and their dependents are to receive the same benefit as members of the military service and their dependents.

An alien establishes residency in the state by maintaining a domicile in the state for the preceding 12 months and not claiming residency in another state or country or obtaining a residency benefit under a claim of residency in another state or country.

In those instances where a business may apply for a license, such as a taxidermy or fur dealers license, the residency of the business is determined by the location of the business' main office or headquarters. A nonresident person who has an interest in a resident business (such as a partnership or joint venture) in the state cannot qualify as a resident by virtue of that interest in a resident business.

**Section 3** of the bill amends AS 16.05.940(26) which is the general definition of "resident" for AS 16. One change that is made to this definition is the replacement of the undefined term "place of abode" with "domicile". Though the terms have substantially similar meanings in the common law, the term "domicile" is already defined in AS 16.05.940(11).<sup>1</sup>

The other changes made to the definition of "resident" in AS 16.05.940(26) provide that residency is to be determined in a manner comparable to that used in sec. 2 of the bill. For example, a person cannot maintain residency if the person claims residency in another state or obtain benefits in another state or country under a claim of residency; a natural person cannot claim residency based on an interest in a resident business entity; members of the Coast Guard and their dependents get the same privileges as members of the military service and their dependents.

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<sup>1</sup> For purposes of AS 16, "domicile" means 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; domicile may be proved by presenting evidence acceptable to the boards of fisheries and game. AS 16.05.940(11).

Representative Scott Ogan

February 1, 1997

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In AS 16.05.940, the definition of "resident" is not as detailed as that set out in sec. 2, because there is not an apparent need for a more detailed definition for AS 16. The residency issues that have arisen relate to eligibility for resident hunting, trapping, and noncommercial fishing licenses and those are addressed by sec. 2 of the bill.

If I may be of further assistance, please advise.

GU:lmb

97-023.lmb

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO: HB 25**

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: An Act relating to residency for Fish and BRU: Fish and Wildlife Protection  
Game purposes Component: Detachments  
 Sponsor: Representative Ogan  
 Requestor: H.F. 21 **COMPONENT SERIAL NO. 0490**

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ 0.0

**POSITIONS:**

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

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

This Bill will improve the Division's ability to meet program objectives and will have no significant affect on the Diivision's budget.

Prepared By: Lt. Joel L. Hard Phone: 269-5409  
 Division: Fish and Wildlife Protection Date: January 22, 1997  
 Approved by Commissioner: *Joel Smith* Date: 1/31/97  
 Agency: Ronald L. Otte, Department of Public Safety

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