

PROPOSAL 235

5 AAC 39.975. Definitions; and 5 AAC 75.995. Definitions.

Modify the definition of domicile and include in sport fishing regulations, as follows:

“**“domicile”** means the location of a person’s primary residence which allows the person to meet the eligibility requirements for the Alaska Permanent Fund Dividend as defined in AS 43.23.005 (a)(1-7); evidence of domicile includes:

- (A) a statement made to obtain a license to drive, hunt, fish, or engage in an activity regulated by a government entity;
- (B) an affidavit of the person, or of another person who may know of that person’s domicile;
- (C) the place of voter registration
- (D) the location of a residence owned, rented, or leased;
- (E) the location where household goods are stored;
- (F) the location of a business owned or operated;
- (G) the residence of a spouse or minor children or dependents;
- (H) a government to which a tax is paid;
- (I) evidence indicating whether the person has a claimed residence in another location for the purpose of obtaining benefits provided by the government in that location;”

AS 43.23.005. Eligibility.

- (a) An individual is eligible to receive one permanent fund dividend each year in an amount to be determined under AS 43.23.025 if the individual
- (1) applies to the department;
 - (2) is a state resident on the date of application;
 - (3) was a state resident during the entire qualifying year;
 - (4) has been physically present in the state for at least 72 consecutive hours at some time during the prior two years before the current dividend year;
 - (5) is
 - (A) a citizen of the United States;
 - (B) an alien lawfully admitted for permanent residence in the United States;
 - (C) an alien with refugee status under federal law; or
 - (D) an alien that has been granted asylum under federal law;
 - (6) was, at all times during the qualifying year, physically present in the state or, if absent, was absent only as allowed in AS 43.23.008; and
 - (7) was in compliance during the qualifying year with the military selective service registration requirements imposed under 50 U.S.C. App. 453 (Military Selective Service Act), if those requirements were applicable to the individual, or has come into compliance after being notified of the lack of compliance.

What is the issue you would like the board to address and why? Alaska has an increasing population of seasonal residents who come to Alaska only during the fishing season or hunting seasons to take advantage of the resources of Alaska. They reside most of the year in another state. Many of these seasonal residents have never been domiciled in Alaska for 12 consecutive months. Some tow or drive an RV to Alaska and lease an area to park their RV on during their temporary

stay in Alaska. Some have family and spouses who do not travel with them to Alaska during their visit.

The issue is some of these visitors to Alaska are obtaining Alaska resident hunting and fishing licenses and benefits. They are obtaining an Alaska driver's license and registering to vote in Alaska. They are registering their vehicles in Alaska which has some of the lowest vehicle registration fees in the USA. If they are claiming a resident of a qualified area of the state, they are also permanently registering their vehicle in Alaska and never have to pay a registration fee on that vehicle again.

In past practices of the Alaska Court System, if the person is charged with a false statement on a ADF&G resident license permit, the definition of domicile continually keeps being the deciding factor in court decisions. A person may leave suitcases in a room of a house in Alaska. The court system has determined that this is the start of a person's domicile and after 12 consecutive months, they are eligible for an ADF&G resident license or permit. If a person maintains a yearly space rent at an RV park, that space rent qualifies as a person's domicile. The Alaska Court System does not consider paying resident taxes in another state as a benefit.

So in short reference, a resident of the lower 48 can take vacation time from their job. They can tow their RV to Alaska to their RV park which they have a year lease on a space. They can hunt, sport fish, and subsistence fish for a short time as an Alaska resident. They then can return back to their year round residence with freezers full of Alaskan salmon, halibut, and moose meat to their spouse and family in the lower 48. They do intend to visit their year round leased RV space year after year and repeat the cycle.

Another scenario is a person could come up to a lodge for a vacation in Alaska. During their vacation, they buy a cabin and return almost yearly. They do not buy a resident fishing license in the state which they work and reside in that state for 11 months out of the year. They intend to return most years to the cabin in Alaska. They purchase a resident ADF&G sport fishing license and obtain an Alaska subsistence salmon permit. The person is eligible because they are domiciled in Alaska according to the current definition and the Alaska Court System. When charged for giving a false statement on an ADF&G resident license, the person is found not guilty by the Alaska Court System because the person has been domiciled in Alaska for 12 consecutive months and intends to return to Alaska.

Most residents in Alaska do not comprehend how common of a situation they have in their communities concerning seasonal residents obtaining ADF&G resident benefits. The East Prince of Wales Advisory Committee purchased the ADF&G licensing list for their represented communities. The licensing list showed that several seasonal residents are in fact purchasing resident ADF&G licenses or have a Permanent Identification Card. Some of these seasonal residents can't even correctly pronounce the name of the community they claim to reside in or spell the name correctly. Mostly all of these seasonal residents will use a mail forwarding service such as the UPS Store, a neighbor, or they have a USPS Postal Box with all mail forwarded to their residence in another state.

The definition of "Domicile" under 5 AAC 39.975 and creating a definition of "Domicile" 5 AAC

75.995 as well as other respective applicable administrative codes, needs to be changed to prevent non-residents from obtaining resident benefits. True residents of Alaska are very familiar with the Alaska Permanent Fund and the requirements to be eligible to receive a yearly dividend. Changing the ADF&G Administrative Code's definition of "Domicile" to include meeting the requirements of obtaining an Alaska Permanent Fund dividend will clarify any confusion.

Alaskans will still be able to retire and visit a warm place during the winter months when this definition change is adopted. Alaska will obtain additional funds not only from the increased non-resident license sales, but also from the 3 to 1 dollar matching federal funds through the Dingell-Johnson and Pittman-Robertson funds. Currently a resident sport license costs \$29. Alaska would also receive \$87 of federal matching funds. Total revenue to the state is \$116 for a sale of a resident sport fishing license. If a non-resident sport license is purchased at \$145, Alaska would also receive \$435 in matching federal funds. Total revenue to the state is \$580 for the sale of an annual non-resident sport fishing license.

This change of the definition of "Domicile" will ensure the fish and game resources are for Alaskans. Seasonal and often referred locally as "fake" residents will most likely not meet the definition requirements and have to purchase non-resident licenses in Alaska. The increased licenses revenue will benefit Alaska at a much needed time. The fish and game populations will be better protected for the residents of Alaska as a seasonal "fake" resident will no longer qualify for resident bag limits or subsistence rights.

PROPOSED BY: East Prince of Wales Fish and Game Advisory Committee (EF-F20-075)
