



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

From: Assembly Members Ystad and Saline

Date: December 28, 2023

Subject: Passage of House Bill 201

Background

Representative Rebecca Himschoot is sponsoring House Bill 201 that considers aligning current residency requirements for hunting, fishing, and trapping, with Alaska's PFD residency requirements. House Bill 201 RESIDENCY REQ: HUNTING, TRAPPING, FISHING aligns requirements for an individual to receive a resident hunting, trapping, or sport fishing license with the requirement to receive a Permanent Fund Dividend (AS 43.23). This will have the effect of limiting the amount of time and reasons one can be absent from the state and still qualify for a resident license while at the same time making residency requirements easier to enforce. With the increased pressure on our limited fish and game resources, it is important to ensure that those who enjoy the lower cost and increased bag limits associated with a resident license are, in fact, full-time residents of the State of Alaska. The current definition of residency is too broad and difficult to enforce. Currently, individuals can qualify for a resident license and be indefinitely absent so long as they meet the low threshold of intending to remain in Alaska, maintaining a domicile in Alaska, and not establishing residency elsewhere. Someone who is away from Alaska for most of the year but still currently qualifies as a resident has the same access to our finite fish and game resources as someone who lives in the state 12 months of the year.

Analysis

Regrettably, some of Alaska's fish and game resources are not as robust as they once were. When there are fewer fish and game resources to go around it is that much more important to maintain sufficient resources for those who are full-time residents of the state and reduced access for those who harvest fish and game in Alaska and then take the resource out of state. Allowing greater access to fish and game resources for year-round residents of Alaska who invest in their communities in all seasons will ensure that individuals and communities who depend most on the resource will have access.

HB 201 does not prohibit out-of-state hunters or fishermen from coming to Alaska to participate in the state's well-managed hunts and fisheries. Guided hunting and fishing industries are an important part of Alaska's economy. Under this legislation, visitors will still be able to obtain non-resident permits without additional restrictions. HB 201 ensures that those who qualify for a resident hunting, trapping, or sportfishing license are in fact year-round residents of Alaska and are deserving of the increased bag limits and reduced costs that are the privilege of state residents.

Fiscal Note

No additional costs anticipated.

Recommendation

Sponsors recommend passage of this resolution supporting House Bill 201, which will help ensure ample opportunities for full-time Alaskan residents to harvest fish and game well into the future.

Encl: House Bill 201
Resolution 2024-01

33-LS0630\U

HOUSE BILL NO. 201

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES HIMSCHOOT, Hannan

Introduced: 5/11/23

Referred: Resources, Judiciary

A BILL**FOR AN ACT ENTITLED**

1 "An Act changing the residency requirements for hunting, trapping, and sport fishing
2 privileges; and providing for an effective date."

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

4 * **Section 1.** AS 16.05.400 is amended by adding a new subsection to read:

5 (c) A person issued a permanent identification card under (b) of this section
6 may sport fish, hunt, or trap only if the person continues to meet the residency
7 requirements of AS 16.05.415.

8 * **Sec. 2.** AS 16.05.415(a) is amended to read:

9 (a) In AS 16.05.330 - 16.05.430, a person, except as provided in (c) - (f) of
10 this section, is a resident if the person

11 (1) is physically present in the state with the intent to remain in the
12 state indefinitely and to make a home in the state;

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

(3) **has been physically present in the state at all times during the 12 consecutive months under (2) of this subsection or, if absent, was absent only as allowed in AS 43.23.008;**

(4) is not claiming residency in another state, territory, or country; and
(5) [(4)] is not obtaining benefits under a claim of residency in another state, territory, or country.

* Sec. 3. AS 16.05.415(e) is amended to read:

(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) **has been physically present in the state at all times during the 12 consecutive months under (2) of this subsection or, if absent, was absent only as allowed in AS 43.23.008;**

(4) is not claiming residency in another state, territory, or country; and
(5) [(4)] is not obtaining benefits under a claim of residency in another state, territory, or country.

* Sec. 4. AS 16.05.415 is amended by adding a new subsection to read:

(j) The commissioner shall adopt regulations under AS 44.62 (Administrative Procedure Act) for determining the eligibility of an individual for licensure as a resident under this section. The commissioner may require an individual to provide proof of eligibility, and the commissioner may use other information available from other state departments or agencies to determine the eligibility of an individual. The commissioner shall consider all relevant circumstances in determining the eligibility of an individual.

* Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Fish and Game may adopt regulations necessary to implement the changes made by this Act. The regulations take effect

- 1 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the
2 relevant provision of this Act implemented by the regulation.
- 3 * **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).
- 4 * **Sec. 7.** Except as provided in sec. 6 of this Act, this Act takes effect January 1, 2025.

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2024-01

**A RESOLUTION OF THE CITY AND BOROUGH OF SITKA SUPPORTING
HOUSE BILL (HB) 201: AN ACT CHANGING THE RESIDENCY
REQUIREMENTS FOR HUNTING, TRAPPING, AND SPORT FISHING PRIVILEGES**

WHEREAS, HB 201 aligns requirements for an individual to receive a resident hunting, trapping, or sport fishing license with the requirement to receive a Permanent Fund Dividend (AS 43.23); and

WHEREAS, passage of HB 201 will limit the amount of time and reasons one can be absent from the state and still qualify for a resident license while at the same time making residency requirements easier to enforce; and

WHEREAS, HB 201 ensures that Alaskans who qualify for a resident hunting, trapping, or sportfishing license are in fact year-round residents of Alaska who deserve the increased bag limits and reduced costs that are the privilege of state residents.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the City and Borough of Sitka supports the passage of House Bill 201 by the Alaska State Legislature.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 9th day of January, 2024.

Kevin Mosher, Deputy Mayor

ATTEST:

Sara Peterson, MMC
Municipal Clerk

1st and final reading: 1/9/24

Sponsor: Administrator