

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;

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

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

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

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

8 (e) A person who is an alien is a resident for the purposes of AS 16.05.330 -
 9 16.05.430 if the person

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

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

14 (3) **has been physically present in the state at all times during the**
 15 **12 consecutive months under (2) of this subsection or, if absent, was absent only**
 16 **as allowed in AS 43.23.008;**

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

18 (5) [(4)] is not obtaining benefits under a claim of residency in another
 19 state, territory, or country.

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

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

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

30 TRANSITION: REGULATIONS. The Department of Fish and Game may adopt
 31 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.