

Representative Rebecca Himschoot

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HOUSE BILL 93

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

ALLOWABLE ABSENCES IN ALASKA STATUTE – AS 43.23.008

(Office of Representative Himschoot - Updated 3.23.26)

Allowable Absences - AS 43.23.008(a)¹	Allowed to Accompany	Extra Days²
(1) receiving secondary or postsecondary education on a full-time basis ; on a break or holiday from a secondary or postsecondary educational institution during an academic year, not including summer break, if the individual is enrolled in and attends the educational institution on a full-time basis before and after the break or holiday; or in an orientation program required as a condition of the secondary or postsecondary education and the individual immediately begins the education on a full-time basis after the completion of the orientation;	spouse, minor dependent, or disabled dependent	120 ³

¹ Must be consistent with AS 43.23.008(b) –(f) and other eligibility requirements, but generally unlimited number of days each year, unless otherwise noted.

² Number of days someone can be out of state in addition to the allowable absence.

³ If the individual is not claiming an absence under (4) - (16) of this subsection but is claiming an absence under (1) or (2) of this subsection.

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ALLOWABLE ABSENCES IN ALASKA STATUTE – AS 43.23.008

(Office of Representative Himschoot - Updated 3.23.26)

Allowable Absences - AS 43.23.008(a) ¹	Allowed to Accompany	Extra Days ²
<p>(2) receiving vocational, professional, or other specific education on a full-time basis for which, as determined by the Alaska Commission on Postsecondary Education, a comparable program is not reasonably available in the state; on a break or holiday from the vocational, professional, or other specific training, not including summer break, if the individual is enrolled in and attends the training on a full-time basis before and after the break or holiday; or in an orientation program required as a condition of the vocational, professional, or other specific training and the individual immediately begins the training on a full-time basis after the completion of the orientation;</p>	<p>spouse, minor dependent, or disabled dependent</p>	<p>120³</p>
<p>(3) serving on active duty as a member of the uniform services of the United States or accompanying, as that individual's spouse, minor dependent, or disabled dependent, an individual who is</p> <p>(A) serving on active duty as a member of the uniformed services of the United States; and</p> <p>(B) eligible for a current year dividend;</p>		<p>180⁴</p>

¹ Must be consistent with AS 43.23.008(b) –(f) and other eligibility requirements, but generally unlimited number of days each year, unless otherwise noted.

² Number of days someone can be out of state in addition to the allowable absence.

³ If the individual is not claiming an absence under (4) - (16) of this subsection but is claiming an absence under (1) or (2) of this subsection.

⁴ If the individual does not claim another allowable absence.

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(Office of Representative Himschoot - Updated 3.23.26)

Allowable Absences - AS 43.23.008(a) ¹	Allowed to Accompany	Extra Days ²
<p>(4) serving under foreign or coastal articles of employment aboard an oceangoing vessel of the United States merchant marine; or attending a vocational program that</p> <p>(A) trains students for a career in the United States merchant marine;</p> <p>(B) provides seagoing service that meets the requirements of the United States Coast Guard for United States merchant marine credentialing; and</p> <p>(C) is approved by the United States Coast Guard;</p>		45 ³
<p>(5) receiving continuous medical treatment recommended by a licensed physician or convalescing as recommended by the physician who treated the illness if the treatment or convalescence is not based on a need for climatic change;</p>		180 ⁴ or 45 ³
<p>(6) providing care for a parent, spouse, sibling, child, or stepchild with a critical life-threatening illness whose treatment plan, as recommended by the attending physician, requires travel outside the state for treatment at a medical specialty complex;</p>	spouse, minor dependent, or disabled dependent	45 ³
<p>(7) providing care for the individual's terminally ill family member;</p>	spouse, minor dependent, or disabled dependent	45 ³

¹ Must be consistent with AS 43.23.008(b) –(f) and other eligibility requirements, but generally unlimited number of days each year, unless otherwise noted.

² Number of days someone can be out of state in addition to the allowable absence.

³In addition to any absence or cumulative absences claimed under (1) – (16) of this subsection if the individual is claiming an absence under (4) – (16) of this subsection.

⁴ If the individual is not claiming another allowable absence.

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(Office of Representative Himschoot - Updated 3.23.26)

Allowable Absences - AS 43.23.008(a) ¹	Allowed to Accompany	Extra Days ²
(8) settling the estate of the individual's deceased parent, spouse, sibling, child, or stepchild , provided the absence does not exceed 220 cumulative days;	spouse, minor dependent, or disabled dependent	45 ³
(9) servicing as a member of the United States Congress;	spouse, minor dependent, or disabled dependent	45 ³
(10) servicing on the staff of a member from this state of the United States Congress;	spouse, minor dependent, or disabled dependent	45 ³
(11) servicing as an employee of the state in a field office or other location;	spouse, minor dependent, or disabled dependent	45 ³
(12) accompanying a minor who is absent under (5) of this subsection;	spouse, minor dependent, or disabled dependent	45 ³
(13) accompanying another eligible resident who is absent for a reason permitted under (1), (2), (5) - (12), (16), or (17) of this subsection as the spouse, minor dependent, or disabled dependent of the eligible resident;		45 ³
(14) servicing as a volunteer in the federal peace corps program;		45 ³

¹ Must be consistent with AS 43.23.008(b) –(f) and other eligibility requirements, but generally unlimited number of days each year unless otherwise noted.

² Number of days someone can be out of state in addition to the allowable absence.

³ In addition to any absence or cumulative absences claimed under (1) — (16) of this subsection if the individual is claiming an absence under (4) — (16) of this subsection.

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ALLOWABLE ABSENCES IN ALASKA STATUTE – AS 43.23.008

(Office of Representative Himschoot - Updated 3.23.26)

Allowable Absences - AS 43.23.008(a)¹	Allowed to Accompany	Extra Days²
(15) because of training or competing as a member of the United States Olympic Team or a United States national team for an Olympic sport;		45 ³
(16) participating for educational purposes in a student fellowship sponsored by the United States Department of Education or by the United States Department of State;	spouse, minor dependent, or disabled dependent	45 ³
<p>(17) for any reason consistent with the individual's intent to remain a state resident, provided the absence or cumulative absences do not exceed</p> <p style="padding-left: 40px;">(A) 180 days in addition to any absence or cumulative absences claimed</p> <p style="padding-left: 80px;">(i) under (3) of this subsection if the individual is not claiming an absence under (1), (2), or (4) – (16) of this subsection; or</p> <p style="padding-left: 80px;">(ii) under (5) of this subsection if the individual is not claiming an absence under (1) – (4) or (6) – (16) of this subsection</p> <p style="padding-left: 40px;">(B) 120 days in addition to any absence or cumulative absences claimed under (1) – (3) of this subsection if the individual is not claiming an absence under (4) – (16) of this subsection but is claiming an absence under (1) or (2) of this subsection; or</p> <p style="padding-left: 40px;">(C) 45 days in addition to any absence or cumulative absences claimed under (1) – (16) of this subsection if the individual is claiming an absence under (4) – (16) of this subsection.</p>	spouse, minor dependent, or disabled dependent	

¹ Must be consistent with AS 43.23.008(b) –(f) and other eligibility requirements, but generally unlimited number of days each year, unless otherwise noted.

² Number of days someone can be out of state in addition to the allowable absence.

³ In addition to any absence or cumulative absences claimed under (1) – (16) of this subsection if the individual is claiming an absence under (4) – (16) of this subsection.

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(Office of Representative Himschoot - Updated 3.23.26)

Additional Provisions - AS 43.23.008 (b) – (f)

- (b) An individual may not claim an allowable absence under (a)(1) — (16) of this section unless the individual was a resident of the state for at least six consecutive months immediately before leaving the state.
- (c) [Repealed, § 3 ch 33 SLA 2013.]
- (d) After an individual has been absent from the state for more than 180 days in each of the five preceding qualifying years, the department shall presume that the individual is no longer a state resident. The individual may rebut this presumption by providing clear and convincing evidence to the department that
 - (1) the individual was physically present in the state for at least 30 cumulative days during the past five years; and
 - (2) the individual is a state resident as defined in [AS 43.23.295](#).
- (e) To determine whether an individual intends to return and remain in the state indefinitely, the department shall consider all relevant factors, including
 - (1) the length of time the individual was absent from the state compared to the length of time the individual was physically present in the state;
 - (2) the frequency and duration of voluntary return trips to the state during the past five years;
 - (3) whether the individual's intent to return to and remain in the state is conditioned on future events beyond the individual's control;
 - (4) the ties the individual has established with the state or another jurisdiction, as demonstrated by
 - (A) maintenance of a home;
 - (B) payment of resident taxes;
 - (C) registration of a vehicle;
 - (D) registration to vote and voting history;
 - (E) acquisition of a driver's license, business license, or professional license; and
 - (F) receipt of benefits under a claim of residency in the state or another jurisdiction
 - (5) the priority that the individual gave the state on an employment assignment preference list, including a list used by military personnel.
- (f) In this section,
 - (1) "family member" means a person who is
 - (A) legally related to the individual through marriage or guardianship; or
 - (B) the individual's sibling, parent, grandparent, son, daughter, grandson, granddaughter, uncle, aunt, niece, nephew, or first cousin;

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- (2) "uniformed service" means the United States Army, Navy, Air Force, Marine Corps, Coast Guard, and Space Force, the National Oceanic and Atmospheric Administration Commissioned Officer Corps, and the Commissioned Corps of the United States Public Health Service.