

SENATE CS FOR HOUSE BILL NO. 93(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES HIMSCHOOT, Hannan, Burke, Saddler, Josephson, Bynum

A BILL

FOR AN ACT ENTITLED

1 **"An Act changing the residency requirements for hunting, trapping, and sport fishing**
2 **privileges; relating to allowable absences for eligibility for a permanent fund dividend;**
3 **and providing for an effective date."**

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

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

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

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

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

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

14 (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. 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. AS 43.23.008(a) is amended to read:

(a) Subject to (b) and (d) of this section, an otherwise eligible individual who is absent from the state during the qualifying year remains eligible for a current year

1 permanent fund dividend if the individual was absent

2 (1) receiving secondary or postsecondary education on a full-time
3 basis; on a break or holiday from a secondary or postsecondary educational institution
4 during an academic year, not including summer break, if the individual is enrolled in
5 and attends the educational institution on a full-time basis before and after the break or
6 holiday; or in an orientation program required as a condition of the secondary or
7 postsecondary education and the individual immediately begins the education on a
8 full-time basis after the completion of the orientation;

9 (2) receiving vocational, professional, or other specific education on a
10 full-time basis for which, as determined by the Alaska Commission on Postsecondary
11 Education, a comparable program is not reasonably available in the state; on a break or
12 holiday from the vocational, professional, or other specific training, not including
13 summer break, if the individual is enrolled in and attends the training on a full-time
14 basis before and after the break or holiday; or in an orientation program required as a
15 condition of the vocational, professional, or other specific training and the individual
16 immediately begins the training on a full-time basis after the completion of the
17 orientation;

18 (3) serving on active duty as a member of the uniformed services of
19 the United States or accompanying, as that individual's spouse, minor dependent, or
20 disabled dependent, an individual who is

21 (A) serving on active duty as a member of the uniformed
22 services of the United States; and

23 (B) eligible for a current year dividend;

24 (4) serving under foreign or coastal articles of employment aboard an
25 oceangoing vessel of the United States Merchant Marine or attending a vocational
26 program that

27 (A) trains students for a career in the United States Merchant
28 Marine;

29 (B) provides seagoing service that meets the requirements of
30 the United States Coast Guard for United States Merchant Marine
31 credentialing; and

1 (C) is approved by the United States Coast Guard;

2 (5) receiving continuous medical treatment recommended by a
3 licensed physician or convalescing as recommended by the physician who treated the
4 illness if the treatment or convalescence is not based on a need for climatic change;

5 (6) providing care for a parent, spouse, sibling, child, or stepchild with
6 a critical life-threatening illness whose treatment plan, as recommended by the
7 attending physician, requires travel outside the state for treatment at a medical
8 specialty complex;

9 (7) providing care for the individual's terminally ill family member;

10 (8) settling the estate of the individual's deceased parent, spouse,
11 sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;

12 (9) serving as a member of the United States Congress;

13 (10) serving on the staff of a member from this state of the United
14 States Congress;

15 (11) serving as an employee of the state in a field office or other
16 location;

17 (12) accompanying a minor who is absent under (5) of this subsection;

18 (13) accompanying another eligible resident who is absent for a reason
19 permitted under (1), (2), (5) - (12), (16), or **(18)** [(17)] of this subsection as the spouse,
20 minor dependent, or disabled dependent of the eligible resident;

21 (14) serving as a volunteer in the federal peace corps program;

22 (15) because of training or competing as a member of the United States
23 Olympic Team or a United States national team for an Olympic sport;

24 (16) participating for educational purposes in a student fellowship
25 sponsored by the United States Department of Education or by the United States
26 Department of State;

27 (17) **serving as a pilot for a United States airline certified as an air**
28 **carrier by the Federal Aviation Administration;**

29 **(18)** for any reason consistent with the individual's intent to remain a
30 state resident, provided the absence or cumulative absences do not exceed

31 (A) 180 days in addition to any absence or cumulative absences

1 claimed

2 (i) under (3) of this subsection if the individual is not
3 claiming an absence under (1), (2), or ~~(4) - (17)~~ [(4) - (16)] of this
4 subsection; or

5 (ii) under (5) of this subsection if the individual is not
6 claiming an absence under (1) - (4) or ~~(6) - (17)~~ [(6) - (16)] of this
7 subsection;

8 (B) 120 days in addition to any absence or cumulative absences
9 claimed under (1) - (3) of this subsection if the individual is not claiming an
10 absence under ~~(4) - (17)~~ [(4) - (16)] of this subsection but is claiming an
11 absence under (1) or (2) of this subsection; or

12 (C) 45 days in addition to any absence or cumulative absences
13 claimed under ~~(1) - (17)~~ [(1) - (16)] of this subsection if the individual is
14 claiming an absence under ~~(4) - (17)~~ [(4) - (16)] of this subsection.

15 * **Sec. 6.** This Act takes effect January 1, 2028.