

Legislative Research Services

Alaska State Legislature
Legislative Affairs Agency
Division of Legal & Research Services



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December 12, 1996

MEMORANDUM

TO:

FROM: Paul Brandt
Legislative Analyst

RE: **Residency Requirements for Voters and Permanent Fund Dividend and Longevity Bonus Recipients**
Research Request 97.025

You asked for a review of the residency requirements for Alaskan voters and permanent fund and longevity bonus recipients. Specifically, you requested information about changes to the residency requirements since they were first enacted. After a brief summary, this memorandum defines residency, and then reviews the specific requirements for voters and permanent fund and longevity bonus recipients.

Summary

Alaska's constitution originally required voters to maintain a residency of one year in the state and 30 days in a specific voting district. In 1972, a superior court decision prompted legislators to amend the constitution, requiring voters to be 30-day residents of both the state and a voting district (*State v. Van Dort*, 1972). To reward longtime state residents, lawmakers included provisions in both the permanent fund dividend and longevity bonus programs that linked benefit payments to an individual's length of residency. In 1982, the U.S. supreme court found that linking payments to a duration of residency is unconstitutional (*Zobel v. Williams*, 1982). As a result of the *Zobel* decision, lawmakers changed the permanent fund dividend's residency requirements to allow payments to all Alaskans who had lived in the state for six months. In 1984, due to a court case questioning the constitutionality of the longevity bonus program's residency requirements (*Schafer v. Vest*, 1984), lawmakers removed provisions that tied benefit entitlement to a duration of residency. Legislators changed both programs in 1989, instituting a two-year residency. This residency requirement was subsequently found unconstitutional, and a one-year provision replaced it. The current residency requirement for both programs remains one year.

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Residency

Alaska Statute 01.10.055 defines residency as being physically present in Alaska with the intent to make a home and remain in the state indefinitely. A person proves intent by maintaining a principal abode in Alaska for 30 days, and by making no claims of residency in other states. According to Deborah Behr, Assistant Attorney General, AS 01.10.055 is the default definition of residency in Alaska's regulations, however, other statutes have expanded upon it as necessary. Attachment A includes a table, prepared in 1992, of statutory residency requirements.

Residency Requirements for Voters

Originally, Alaska's constitution required voters to be one-year residents in the state and 30-day residents in a specific voting district. In 1972, a superior court decision found that the state could not justify a residency requirement greater than 30 days.¹ Lawmakers amended the constitution to reflect the court's decision.² The superior court's judgment is consistent with a 1973 U.S. supreme court decision that supported a 50-day durational residency requirement, although the supreme court found this requirement pressed the limits of constitutionality.³ Currently, voters in Alaska must be 30-day residents of the state and of a specific voting district before participating in an election (AS 15.05.010).

Residency Requirements for Permanent Fund Dividend Recipients

Upon enactment in 1980, the permanent fund dividend program allowed payments to Alaskans who were 18 years or older and had lived in the state all or part of the benefit year. The state calculated each payment amount based on an individual's length of Alaska residency. In 1982, the U.S. supreme court found that calculating payments based on a graduated scale of residency is unconstitutional.⁴ Responding to the court's decision, lawmakers passed legislation that allowed equal payments to all individuals, including children, who were Alaska residents for at least six months before submitting applications.

In 1987, lawmakers made minor changes to this requirement, mandating that individuals be continuous residents for six months immediately preceding April 1st of the current dividend year.

¹*State v. Van Dort*, Sup. Ct. Op. No. 844 (File No. 1790) 502 P.2d 453 (1972).

²HJR 126, 1972

³*Burns V. Fortson*, 410 U.S. 686, 93 S. Ct. 1209, 35 L. Ed. 2d 633 (1973).

⁴*Zobel v. Williams*, 72 L. Ed. 2d 672 (1982).

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In 1989, legislators responded to concerns created by the transient nature of Alaska's many seasonal workers and strengthened the residency provisions, requiring individuals to be residents for 24 months before becoming eligible for payment.⁵ A superior court ruling in 1990 found the 24-month provision unconstitutional, and an alternate one-year requirement went into effect.⁶ The current residency requirement remains one year.

Additional residency requirements affect individuals who are temporarily outside the state but intend on returning. In 1980, absences were acceptable for several reasons including post-secondary education, military duty, medical treatment, and Congressional service. Lawmakers amended the provisions in 1988, allowing absences for high school students, and requiring residents temporarily living outside the state to be physically present in Alaska at least once every two years.⁷

Longevity Bonus Beneficiaries

A predecessor of the Alaska Longevity Bonus (ALB) can be traced back to 1915. In that year, the territorial legislature authorized a monthly allowance of \$12.50 for needy, elderly Alaskans who chose not to enter the newly created pioneers' homes.⁸ Lawmakers established the current ALB program in 1972, requiring beneficiaries to be residents on or before statehood, have a minimum of 25 years residency in Alaska, and be at least 65 years of age. Except for benefit increases, the program remained unchanged for twelve years.

In 1984, legislators responded to a pending lawsuit which questioned the constitutionality of ALB regulations by changing the residency requirement to one year and removing the pre-statehood provision.⁹ The state pursued this course of action because the original ALB legislation contained language that terminated the entire program if any of its provisions were invalidated.

In 1989, lawmakers changed the residency requirements to two years for ALB and the permanent fund dividend. As previously mentioned, the two-year residency requirement was found

⁵Chapter 107 SLA 1989.

⁶*Lindley, et al. v. Malone*, Superior Court, 3rd Jud. Dist. C.A. No. 90-2586 (1990).

⁷The period in which a person must be present begins two years before the date of application (on July 1st) and ends when the application is submitted (AS 43.23.005).

⁸Jon Tillinghast, "The Longevity Bonus Program: Options Under the *Vest* Settlement," prepared for the Senate Judiciary Committee, 1983.

⁹*Schafer v. Vest*, 680 P.2d 1169 (Alaska 1984)

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unconstitutional and replaced by a one-year provision. The one-year residency requirement remains unchanged.

I hope this information is helpful for your purposes. Please do not hesitate to call if you have any additional questions.

Attachment

ATTACHMENT A

**Statutory Residency Requirements in Alaska Statutes
(excerpted from LRA memorandum, "Residency Requirements in Alaska Statutes")**

Table 1

Alaska Constitutional Provisions and Statutes Requiring Alaska Residency for More Than Thirty Days

Citation	Short Title	Summary	Residency Duration
Constitution			
Article II Sec. 2	The Legislature – Members Qualifications	Must be a 3–year Alaska resident & a 1–year resident of the district.	3–years
Article III Sec. 2	The Executive – Governor's Qualifications	Must be a 7–year resident and a 7–year U.S. citizen.	7–years
Article III Sec. 7	The Executive – Lieutenant Governor's Qualifications	Qualifications same as those for governor.	7–years
Statutes			
AS 04.11.390	Alcoholic Beverage License	Must have resided in state for at least 1 year to receive license.	1 year
AS 08.04.020	Board of Public Accountancy	Members must be 1–year residents.	1 year
AS 08.48.031	Architects, Engineers & Land Surveyors	Each member of board of registration must be a resident for at least 3 years.	3 years
AS 08.72.040	Board of Examiners in Optometry	4 board members must be 3–year residents who are optometrists.	3 years
AS 14.43.080	Education Scholarship Loan & Grant Program	Tuition waived for relatives of POWs and MIAs who are residents.	1 year
AS 14.43.085	Education – Relatives of Certain Veterans	Residents eligible for benefits if a 1–year state resident with intent to stay.	1 year
AS 14.43.125*	Education Scholarship Loan & Grant Program	Univ. of Alaska scholarships for high school graduates who are residents.	2 years
AS 14.43.750	Family Education Loan	Residents must be physically present in state for 2 years.	2 years
AS 16.05.255	Big game	Personal use by residents takes precedence over nonresident hunting.	1 year
AS 16.05.256	Big game	Board of Game may limit the taking of big game by nonresidents.	1 year
AS 16.05.258*	Subsistence	May limit subsistence taking for benefit of local residents.	1 year
AS 16.05.340*	License and Tag Fees	Nonresidents pay higher fees.	1 year
AS 16.05.341	License and Tag Fees	Hunting and fishing fees waived for residents with disabilities.	1 year
AS 16.05.400	License and Tag Fees	Residents under 16 or over 60 do not need licenses.	1 year
AS 16.05.405	License and Tag Fees	A resident may hunt under for blind resident using that person's license.	1 year
AS 16.05.407	Guide or Outfitter Required	Nonresidents must be accompanied by a guide or relative who is a resident.	1 year
AS 16.05.480*	Commercial Fishing License	Nonresidents pay higher fees.	1 year
AS 16.05.902	Preference for Residents	Residents receive preference for exploration work done by the department.	1 year
AS 16.05.940*	Personal Use & Subsistence Fishing	Must have maintained permanent residence for 1 year (voting too).	1 year
AS 16.10.310*	Commercial Fisheries Loan Act	Provide loans to state residents.	1 year
AS 22.05.070*	Supreme Court Justice	Must be an Alaska resident for 5 years.	2 years
AS 22.07.040	Court of Appeals Justice	Must be an Alaska resident for 5 years.	5 years
AS 22.10.090	Superior Court Judges	Must be an Alaska resident for 5 years.	5 years
AS 22.15.160*	District Judges and Magistrates	Must be an Alaska resident for 5 years.	5 years
AS 26.15.130	Eligibility for Loans – Veterans	Must be an Alaska resident for 5 years.	5 years
AS 26.15.160	Eligibility for Loans – Territorial Guard	Must have been a resident for at least 1 year before enlistment.	1 year
AS 29.20.140*	Municipal Governing Body Residency Requirements	Must have been a resident for at least 1 year before enlistment.	1 year
AS 29.20.240	Municipal Residency Requirements for Mayor	Municipalities may have 3–year residency requirements for governing body.	3 years
AS 36.30.170*	Public Contracts – Alaska Bidders Preference	Municipalities may have 3–year residency requirement for mayor.	3 years
AS 38.05.057*	Public Land – Alaska Land Act	Alaska residents given 5 percent preference.	6 months
AS 38.09.030	Public Land – Homestead Act	Must be a resident of state to participate in lottery.	1 year
AS 39.05.065	Public Officers & Employees	Must be resident of state for 1 year to qualify for homestead.	1 year
AS 43.23.005*	Revenue & Taxation – Permanent Fund Dividend	Members of the Board of Education must be 3–year residents.	3 years
AS 43.35.030	Revenue & Taxation – Coin Operated Devices	Eligible for dividend if a resident for 12 months prior to April 1.	1 year
		Must be 1–year resident to operate coin–operated devices.	1 year

Table 1

Alaska Constitutional Provisions and Statutes Requiring Alaska Residency for More Than Thirty Days

Citation	Short Title	Summary	Residency Duration
AS 44.19.102	State Government – Commission Membership	25 – 60 Alaska residents to serve on the Rural Affairs Commission.	5 years
AS 44.19.167	State Government – Commission Membership	Alaska Women's Commission members must be residents of Alaska.	2 years
AS 44.19.257	State Government – Commission Membership	Science and Engineering Advisory Commission members must be residents.	2 years
AS 44.81.210	Commercial Fishing and Agriculture Bank	Loans are for residents, Alaska businesses or in some cases to nonresidents.	2 years
AS 44.81.250	Commercial Fishing and Agriculture Bank	Commission may sell foreclosed entry permits to Alaska residents.	2 years
AS 47.45.010*	Longevity Bonus	Resident 65 years old and older may receive bonus.	1 year
AS 47.55.020**	Pioneers' Home	May be admitted to the home if 65 years old or older and resident for 15 years.	15 years

* Annotations in these statutes reference court decisions, attorney general opinions and other relevant information.

** 15-year residency requirement currently being challenged in court.

Source: Alaska Constitution and State Statutes

Prepared by the Legislative Research Agency, December 1991 (92.053A).

Table 2

Alaska Constitutional Provisions and Statutes About Residency Qualifications for Boards, Commissions, Organizations and Public Office

Citation	Short Title	Summary	Residency Duration
Constitution			
Article II Sec. 2	The Legislature – Member's Qualifications	Must be a 3–year Alaska resident & a 1–year resident of the district.	3 years
Article III Sec. 2	The Executive – Governor's Qualifications	Must be a 7–year resident & a 7–year U.S. citizen.	7 years
Article III Sec. 7	The Executive – Governor's Qualifications	Qualifications same as those for governor.	7 years
Statutes			
AS 03.10.050	Alaska Agricultural Loan Act – Board Members	2 members of the board must be farmers and Alaska residents.	unspecified*
AS 05.40.020	Alaska Amateur Sports Authority	The 11 directors must be Alaska residents.	unspecified
AS 06.05.435	Alaska Banking Code – Financial Institutions	Majority of board of directors must be state residents.	unspecified
AS 06.15.040	Mutual Savings Bank Act	Majority of incorporators must be Alaska residents.	unspecified
AS 06.15.060	Mutual Savings Bank Act	Majority of trustees must be Alaska residents.	unspecified
AS 06.24.011	Trust Companies	Majority of people who form company must be bona fide residents of Alaska.	unspecified
AS 06.25.280	Trust Companies	Majority of board of directors must be bona fide residents.	unspecified
AS 06.30.140	Alaska Savings Associations Act	Two-thirds of board of directors must be residents of the state.	unspecified
AS 08.04.020	Board of Public Accountancy	Members must be 1–year residents.	1 year
AS 08.08.205**	Alaska Bar Association – Bar Examination	Court decision found former 30–day residency requirement unconstitutional.	unspecified
AS 08.48.031	Architects, Engineers & Land Surveyors	Each member of board of registration must be 3–year resident.	3 years
AS 08.62.010	Board of Marine Pilots	All board members must be state residents.	unspecified
AS 08.72.040	Board of Examiners in Optometry	4 board members must be 3–year residents who are optometrists.	3 years
AS 14.08.041	Education in the Unorganized Borough	Members of regional school boards must meet same requirements as AS 14.12.30 days	30 days
AS 14.12.080	Education – School Boards	School board members must meet same requirements as a voter in the district.	30 days
AS 10.10.010	Business and Industrial Development Corp. Act	3 or more state residents may create an industrial development corporation.	unspecified
AS 14.20.390	Professional Teachers Practices Act	A commission member must be a resident & 5–year teaching professional.	unspecified
AS 14.25.035	Teachers' Retirement Board	1 member must be a resident receiving benefits.	unspecified
AS 14.40.130	University of Alaska – Board of Regents	Each regent must be a resident.	unspecified
AS 14.44.015	Western Interstate Comm. for Higher Education	Commission compiled of 3 resident members from each state.	unspecified
AS 16.05.221	Boards of Fisheries and Game	Members must be state residents.	unspecified
AS 16.52.030	Fishery Industrial Technology Policy Council	Members must be state residents.	unspecified
AS 18.26.030	Alaska Medical Facility Authority	5 members must be state residents.	unspecified
AS 18.55.020	Alaska State Housing Authority	4 public members of the board of directors must be Alaska residents.	unspecified
AS 21.69.030	Stock and Mutual Insurers	Members must be state residents.	unspecified
AS 21.88.030	Health Care Providers Insurance	Majority of incorporators must be state residents.	unspecified
AS 22.05.070**	Supreme Court Justice	Members of the board of governors must be Alaska residents.	unspecified
AS 22.07.040	Court of Appeals Justice	Must be an Alaska resident for 5 years.	5 years
AS 22.10.090	Superior Court Judges	Must be an Alaska resident for 5 years.	5 years
AS 22.15.160**	District Judges and Magistrates	Must be an Alaska resident for 5 years.	5 years
AS 22.15.170	District Judges	Must be an Alaska resident for 5 years.	5 years
AS 23.55.030	Ombudsman Qualifications	Need not be a resident to fill a vacancy.	unspecified
AS 29.06.240	Alteration of Municipalities – Charter Commission	Must be a qualified voter and an Alaska resident.	unspecified
AS 29.20.140**	Municipal Governing Body Residency Requirements	Members must be qualified voters who are residents.	unspecified
		Municipalities may have 3–year residency requirements for governing body.	3 years

Table 2

Alaska Constitutional Provisions and Statutes About Residency Qualifications for Boards, Commissions, Organizations and Public Office

Citation	Short Title	Summary	Residency Duration
AS 29.20.240	Municipal Residency Requirements for Mayor	Municipalities may have 3-year residency requirement for mayor.	3 years
AS 29.40.020	Municipal Planning Commissions	Boroughs shall establish planning commissions of at least 5 residents.	unspecified
AS 29.45.200	Board of Equalization	Governing body must be composed of at least 3 appointed residents.	unspecified
AS 39.05.065	Public Officers & Employees	Members of the Board of Education must be 3-year residents.	3 years
AS 39.05.100	Public Officers & Employees	Board of Education members lose membership when they move out of state.	unspecified
AS 41.37.020	Citizens' Advisory Commission on Federal Areas	Members appointed by state legislature must be state residents.	unspecified
AS 42.40.020	Alaska Railroad Corporation - Board of Directors	5 members must be residents.	unspecified
AS 44.19.102	State Government - Commission Membership	25 - 60 Alaska residents to serve on the Rural Affairs Commission.	5 years
AS 44.19.112	State Government - Commission Membership	Residents to serve on Governor's Commission on Administrative Justice.	unspecified
AS 44.19.130	State Government - Commission Membership	Governor may appoint any resident to a board or commission.	unspecified
AS 44.19.167	State Government - Commission Membership	Alaska Women's Commission members must be residents of Alaska.	2 years
AS 44.19.257	State Government - Commission Membership	Science and Engineering Advisory Commission members must be residents.	2 years
AS 44.21.200	State Government - Older Alaskans Commission	Members must be residents of the state.	unspecified
AS 44.82.115	Alaska Gas Pipeline Financing Authority	A resident shall sit on board of Northwest Alaska Pipeline Company.	unspecified

* Unless otherwise provided in statute or regulation, a resident is someone who has been in the state for 30 days with intent to stay (AS 01.10.055).

** Annotations in these statutes reference court decisions, attorney general opinions and other relevant information.

Source: Alaska State Statutes and Alaska Constitution

Prepared by the Legislative Research Agency, December 1991 (92.053B).

Appendix 1

Alaska Constitutional Provisions and Statutes About Residency by Order of Occurrence

Citation	Short Title	Summary	Residency Duration
Constitution			
Article I Sec. 23	Declaration of Rights – Resident Preference	Preferences for residents permitted if permitted by the U.S. Constitution.	unspecified
Article II Sec. 2	The Legislature – Members Qualifications	Must be a 3–year Alaska resident & a 1–year district resident.	3 years
Article III Sec. 2	The Executive – Governor's Qualifications	Must be a 7–year resident & a 7–year U.S. citizen.	7 years
Article III Sec. 7	The Executive – Lieutenant Governor's Qualifications	Qualifications same as those for governor.	7 years
Article V Sec. 1	Suffrage and Election – Qualified Voters	Must be at least 18 years old and a resident for 30 days.	30 days
Article IX Sec. 2	Finance and Taxation – Nondiscrimination	Property of nonresident U.S. citizens shall not be taxed higher than residents.	unspecified
Statutes			
AS 01.10.055	General Provisions – Definition of a Resident	Unless otherwise provided, must be a 30–day resident with intent to stay.	30 days +
AS 03.10.020	Alaska Agricultural Loan Act	Department may make a loan to a state resident.	unspecified*
AS 03.10.050	Alaska Agricultural Loan Act	2 members of the board must be farmers and Alaska residents.	unspecified
AS 04.11.390	Alcoholic Beverage License	Must have resided in state for at least 1 year to receive license.	1 year
AS 05.40.020	Alaska Amateur Sports Authority	The 11 directors must be Alaska residents.	unspecified
AS 06.05.435	Alaska Banking Code – Financial Institutions	Majority of board of directors must be state residents.	unspecified
AS 06.15.040	Mutual Savings Bank Act	Majority of incorporators must be Alaska residents.	unspecified
AS 06.15.060	Mutual Savings Bank Act	Majority of trustees must be Alaska residents.	unspecified
AS 06.24.011	Trust Companies	Majority of people who form company must be bona fide residents of Alaska.	unspecified
AS 06.25.280	Trust Companies	Majority of board of directors must be bona fide residents.	unspecified
AS 06.30.140	Alaska Savings Associations Act	Two–thirds of board of directors must be residents of the state.	unspecified
AS 08.04.020	Board of Public Accountancy	Members must be 1–year residents.	1 year
AS 08.08.205**	Alaska Bar Association – Bar Examination	Court decision found former 30–day residency requirement unconstitutional.	unspecified
AS 08.24.340	Collection Agencies	Must report the length of residence of their employees.	unspecified
AS 08.24.370	Collection Agencies	Nonresident license fee twice that of resident fee.	unspecified
AS 08.48.031	Architects, Engineers & Land Surveyors	Each member of board of registration must be at least a 3–year resident.	3 years
AS 08.60.030	Junk Dealers and Junk Yards – Residence Defined	Repeated	unspecified
AS 08.62.010	Board of Marine Pilots	All board members must be state residents.	unspecified
AS 08.72.040	Board of Examiners in Optometry	4 board members must be 3–year residents who are optometrists.	3 years
AS 09.20.010	Code of Civil Procedure	Jurors must be residents of the state.	unspecified
AS 09.38.120	Code of Civil Procedure – Protection of Property	Residents entitled to certain provisions, nonresident follow laws of their state.	unspecified
AS 09.38.120	Code of Civil Procedure – Definition of a Resident	A resident is physically present with intent to maintain a permanent residence.	unspecified
AS 10.10.010	Business and Industrial Development Corp. Act	3 or more state residents may create an industrial development corporation.	unspecified
AS 14.08.041	Education in the Unorganized Borough	Members of regional school boards must meet same requirements as in AS.12.	30 days
AS 14.12.080	Education – School Boards	School board members must meet same requirements as a voter in the district.	30 days
AS 14.20.390	Professional Teachers Practices Act	A commission member must be a resident & 5–year teaching professional.	unspecified
AS 14.25.035	Teachers' Retirement Board	1 member must be a resident receiving benefits.	unspecified
AS 14.40.010**	University of Alaska – Article Notes	Court case about determining residency or nonresidency for admission.	unspecified
AS 14.40.130	University of Alaska – Board of Regents	Each regent must be a resident.	unspecified
AS 14.40.803	University of Alaska – Tuition Payment Fund	State to provide wide and affordable access to higher education for residents.	unspecified
AS 14.40.817	University of Alaska – Tuition Payment	Resident who has rights under the advance college tuition payment contract.	unspecified
AS 14.42.110	Postsecondary Education Commission	Purpose of commission to improve education opportunities for residents.	unspecified

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Alaska Constitutional Provisions and Statutes About Residency by Order of Occurrence

Citation	Short Title	Summary	Residency Duration
AS 14.43.080	Education Scholarship Loan & Grant Program	Tuition waived for relatives of POWs and MIAs.	1 year
AS 14.43.085	Education - Relatives of Certain Veterans	Residents eligible for benefits if a 1-year state resident with intent to stay.	1 year
AS 14.43.090**	Education Scholarship Loan & Grant Program	Court decision about validity of resident and nonresident fee differential.	unspecified
AS 14.43.120	Education Scholarship Loan & Grant Program	A resident is physically present in state with intent to remain permanently.	unspecified
AS 14.43.125**	Education Scholarship Loan & Grant Program	Univ. of Alaska scholarships for high school graduates who are residents.	2 years
AS 14.43.300	Memorial Scholarship Loan Fund	Recipient must be a state resident.	unspecified
AS 14.43.415	Educational Incentive Grant	Recipient must be a state resident.	unspecified
AS 14.43.500	Education Scholarship Loan & Grant Program	Resident means someone who has maintained domicile in Alaska	unspecified
AS 14.43.750	Family Education Loan	Resident must be physically present in state for 2 years.	2 years
AS 14.44.015	Western Interstate Comm. for Higher Education	Commission compiled of 3 resident members from each state.	unspecified
AS 15.05.010**	Qualification of Voters	Must be resident of election district for 30 days	30 days
AS 15.05.020	Qualification of Voters	Resident means habitation with the intent to remain.	unspecified
AS 15.07.090**	Elections - Voter Eligibility	No constitutional requirement of precinct residency.	unspecified
AS 15.15.198**	Elections - Voter Eligibility	No constitutional requirement of precinct residency.	unspecified
AS 15.25.030	Declaration of Candidacy - State Office	Candidates must provide date and length of residency.	unspecified
AS 15.25.043	Elections - Determination of Residency	A resident is physically present, maintains habitation & votes only in Alaska.	unspecified
AS 16.05.221	Boards of Fisheries and Game	Members must be state residents.	unspecified
AS 16.05.251**	Boards of Fisheries and Game - Regulations	Criteria for allocation of fisheries may consider residency or nonresidency.	unspecified
AS 16.05.255	Big game	Personal use by residents takes precedence over nonresident hunting.	1 year
AS 16.05.256	Big game	Board of Game may limit the taking of big game by nonresidents.	1 year
AS 16.05.258**	Subsistence	May limit subsistence taking for benefit of local residents.	1 year
AS 16.05.340**	License and Tag Fees	Nonresidents pay higher fees.	1 year
AS 16.05.341	License and Tag Fees	Hunting and fishing fees waived for residents with disabilities.	1 year
AS 16.05.400	License and Tag Fees	Residents under 16 or over 60 do not need licenses.	1 year
AS 16.05.405	License and Tag Fees	A resident may hunt for blind resident using that person's license.	1 year
AS 16.05.407	Guide or Outfitter Required	Nonresidents must be accompanied by a guide or relative who is a resident.	1 year
AS 16.05.480**	Commercial Fishing License	Nonresidents pay higher fees.	1 year
AS 16.05.902	Preference for Residents	Residents receive preference for exploration work done by the department.	1 year
AS 16.05.940**	Personal Use & Subsistence Fishing	Must have maintained permanent residence for 1 year (voting too).	1 year
AS 16.10.300	Fishery Policy	Develop a resident fishery by means of long-term low interest loans.	unspecified
AS 16.10.310**	Commercial Fisheries Loan Act	Provide loans to state residents.	2 years
AS 16.43.160**	Commercial Fisheries Entry Commission	Nonresident permit costs 3 times as much as resident permit.	unspecified
AS 16.52.030	Fishery Industrial Technology Policy Council	5 members must be state residents.	unspecified
AS 18.16.010**	Eligibility for abortions	Must be physically present in state for 30 days.	30 days
AS 18.26.030	Alaska Medical Facility Authority	4 public members of the board of directors must be Alaska residents.	unspecified
AS 18.55.020	Alaska State Housing Authority	Members must be state residents.	unspecified
AS 18.55.310	Alaska State Housing Authority	Housing projects for veterans and other state residents.	unspecified
AS 18.55.330	Alaska State Housing Authority	50% of dwelling units for veterans; state residents have priority for remainder.	unspecified
AS 18.80.120	State Commission for Human Rights	Complaint to be presented by director or designee who is a bona fide resident.	unspecified
AS 19.40.010	James Dalton Highway - Legislative Intent	Employment of Alaska residents should be encouraged.	unspecified
AS 21.27.090	Insurance - General Agent Qualifications	Must be a bona fide resident to get a resident license.	unspecified

Appendix 1

Alaska Constitutional Provisions and Statutes About Residency by Order of Occurrence

Citation	Short Title	Summary	Residency Duration
AS 36.10.006	Public Contracts – Employment Preference	Ensure residents do not remain unemployed while nonresidents are employed.	30 days
AS 36.10.007	Public Contracts – Employment Preference	State policy to grant employment preference to residents.	30 days
AS 36.10.030	Public Contracts – Employment Preference	Residents to be terminated last during reduction of work force.	30 days
AS 36.10.070	Public Contracts – Employment Preference	May hire nonresidents if Alaska workers are unavailable.	30 days
AS 36.10.075	Public Contracts – Employment Preference	Commissioner of Labor to develop regulations to encourage resident hire.	30 days
AS 36.10.100	Public Contracts – Employment Preference	Contractors violating provisions of this chapter must pay a penalty.	30 days
AS 36.10.130	Public Contracts – Employment Preference	AG & Commissioner of Labor must complete annual resident hire report.	30 days
AS 36.10.140	Public Contracts – Employment Preference	Eligibility for preference.	30 days
AS 36.10.150	Public Contracts – Employment Preference	Zones of underemployment may be created if nonresidents displace residents.	30 days
AS 36.10.160**	Public Contracts – Employment Preference	Residents given preference for 2 years in an economically distressed zone.	30 days
AS 36.10.170	Public Contracts – Employment Preference	25% of project employment allocated to minority residents given for 2 years.	30 days
AS 36.10.175	Public Contracts – Employment Preference	25% of project employment allocated to women residents given for 2 years.	30 days
AS 36.10.180	Public Contracts – Employment Preference	State contracts subject to resident preference.	30 days
AS 36.10.190	Public Contracts – Employment Preference	Employers must comply with minority reporting procedures.	30 days
AS 36.10.210	Public Contracts – Employment Preference	Civil penalty for falsely certifying nonresidents as residents.	30 days
AS 36.30.170**	Public Contracts – Alaska Bidders Preference	Alaska residents given 5 percent preference.	6 months
AS 36.95.010	Definition of Resident for Title 36	Same definition as AS 01.10.055.	30 days
AS 37.17.090	Alaska Science and Technology Foundation	Alaska residents receive preference for grants.	unspecified
AS 38.05.057**	Public Land – Alaska Land Act	Must be a resident of state to participate in lottery.	1 year
AS 38.05.069	Public Land – Alaska Land Act	Residents using land for agriculture receive first preference for sale of land.	unspecified
AS 38.05.082**	Public Land – Shore Fisheries Leases	AG opinion that section can be amended to give preference to residents.	unspecified
AS 38.05.098	Public Land – Alaska Land Act	Senior citizen residents exempt from lease rentals.	unspecified
AS 38.05.940	Public Land – Alaska Land Act	Veterans who are residents receive 25 percent discount.	unspecified
AS 38.08.030	Public Land – Homesites	Must be a resident to qualify for a homesite.	unspecified
AS 38.08.120	Public Land – Homesites – Definition of a Resident	Residency not claimed elsewhere & intent to maintain a permanent residence.	unspecified
AS 38.09.030	Public Land – Homestead Act	Must be resident of state for 1 year to qualify for homestead.	1 year
AS 38.09.900	Public Land – Homestead Act – Chapter Definition	Residency not claimed elsewhere & intent to maintain a permanent residence.	1 year
AS 38.35.100	Public Land – Right of Way Leasing Act – Pipelines	Applicant to comply with resident hire regulations & statutes.	unspecified
AS 38.35.120	Public Land – Right of Way Leasing Act	Noncompetitive leases – registered agent must be a permanent resident.	unspecified
AS 39.05.065	Public Officers & Employees	Members of the Board of Education must be 3–year residents.	3 years
AS 39.05.100	Public Officers & Employees	Board of Education members lose membership when they move out of state.	unspecified
AS 39.15.070	Public Officers & Employees	Bonds approved if surety company is resident of state or otherwise authorized.	unspecified
AS 39.25.155	State Personnel Act	State residents who do not meet job requirements may be hired seasonally.	unspecified
AS 39.25.196	Parks & Recreational Facilities – Concessions	Resident hire one of several criteria that may justify letting a contract.	unspecified
AS 41.37.020	Citizens' Advisory Commission on Federal Areas	Members appointed by state legislature must be state residents.	unspecified
AS 42.40.020	Alaska Railroad Corporation – Board of Directors	5 members must be residents.	unspecified
AS 43.20.013	Revenue & Taxation – Alaska Net Income Tax Act	Certain tax credits available for residents (suspended until 01/01/93).	unspecified
AS 43.20.033	Revenue & Taxation – Alaska Net Income Tax Act	Resident and nonresident taxable income (repealed).	unspecified
AS 43.23.000**	Revenue & Taxation – Permanent Fund Dividend	Court decision found certain portions of this title unconstitutional.	unspecified
AS 43.23.005**	Revenue & Taxation – Permanent Fund Dividend	Eligible for dividend if a resident for 12 months prior to April 1.	1 year
AS 43.23.015	Revenue & Taxation – Permanent Fund Dividend	Application form to contain a certification of residency.	1 year

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Citation	Short Title	Summary	Residency Duration
AS 43.23.095	Revenue & Taxation -- Definition of a Resident	Present with intent to remain or absent for approved reasons.	unspecified
AS 43.31.011	Revenue & Taxation -- Alaska Estate Tax	Tax on estates of persons who were residents at time of death.	unspecified
AS 43.31.021	Revenue & Taxation -- Alaska Estate Tax	Tax on nonresident property.	unspecified
AS 43.31.031	Revenue & Taxation -- Alaska Estate Tax	Taxes on estates of alien decedents.	unspecified
AS 43.31.410	Revenue & Taxation -- Alaska Estate Tax	Exemptions for certain nonresident decedents.	unspecified
AS 43.31.420	Revenue & Taxation -- Alaska Estate Tax	A resident is a natural person domiciled in the state.	unspecified
AS 43.35.030	Revenue & Taxation -- Coin Operated Devices	Must be 1-year resident to operate coin-operated devices.	1 year
AS 44.09.017	State Government -- Commemorative Medallions	Designs for commemorative coins will be by a state resident.	unspecified
AS 44.19.102	State Government -- Commission Membership	25 -- 60 Alaska residents to serve on the Rural Affairs Commission.	5 years
AS 44.19.112	State Government -- Commission Membership	Residents to serve on Governor's Commission on Administrative Justice.	unspecified
AS 44.19.130	State Government -- Commission Membership	Governor may appoint any resident to a board or commission.	unspecified
AS 44.19.167	State Government -- Commission Membership	Alaska Women's Commission members must be residents of Alaska.	2 years
AS 44.19.257	State Government -- Commission Membership	Science and Engineering Advisory Commission members must be residents.	2 years
AS 44.21.200	State Government -- Older Alaskans Commission	Members must be residents of the state.	unspecified
AS 44.21.240	State Government -- Older Alaskans Commission	An older Alaskan is a resident who is 60 years of age or older.	unspecified
AS 44.33.119	Department of Commerce and Economic Dev.	Purpose of certain statutes is to employ residents in the tourism industry.	unspecified
AS 44.33.290	Department of Commerce and Economic Dev.	State contracts awarded to residents in areas impacted by economic disaster.	unspecified
AS 44.50.020	Notaries Public	Must be at least 19 years old and a resident of the state.	unspecified
AS 44.62.300**	Judicial Review of Regulations	Court case found that registered voters & residents may challenge regulations.	unspecified
AS 44.81.210	Commercial Fishing and Agriculture Bank	Loans are for residents, Alaska businesses or in some cases to nonresidents.	2 years
AS 44.81.250	Commercial Fishing and Agriculture Bank	Commission may sell foreclosed entry permits to Alaska residents.	2 years
AS 44.82.100	Alaska Gas Pipeline Financing Authority	Impact plan must show that project will use resident work force & businesses.	unspecified
AS 44.82.115	Alaska Gas Pipeline Financing Authority	A resident shall sit on board of Northwest Alaska Pipeline Company.	unspecified
AS 44.83.045	Alaska Energy Authority	Public directors shall be residents and voters of the state.	unspecified
AS 44.85.030	Alaska Municipal Bond Bank Authority	Directors must be residents of the state.	unspecified
AS 44.88.310	Alaska Industrial Development & Export Authority	Exporting contractor eligible for funding if enough residents are employed.	unspecified
AS 44.88.535	Alaska Industrial Development & Export Authority	Authority may guarantee loans if majority interest held by residents.	unspecified
AS 44.99.011	Alaska Manpower Services Council	Council to emphasize importance of hiring residents.	unspecified
AS 45.55.060	Alaska Securities Act of 1959	Alaska residents prior to 1959 do not need to take examination.	since 1959
AS 45.65.030	Handicrafts & Works of Art	Handicrafts made by non-Native residents may use Alaska handicraft seals.	unspecified
AS 45.65.040	Handicrafts & Works of Art	A resident may apply for a permit to issue Alaska handicraft seals.	unspecified
AS 45.65.050	Handicrafts & Works of Art	Agent will inspect handicrafts and affix seal.	unspecified
AS 45.92.050	Fishery Product Revolving Loan Guarantee Fund	Department may guarantee loans to residents and Alaska businesses.	unspecified
AS 45.94.050	Forest Product Business Loan Guarantee Program	Department may guarantee loans to residents & businesses in forest industry.	unspecified
AS 45.95.070	Small Business Loans -- Eligibility	Recipients must be Alaska residents.	unspecified
AS 47.05.010	Public Assistance -- Eligibility	Department shall establish residence requirements for public assistance.	unspecified
AS 47.07.020	Public Assistance -- Medical Assistance	State residents eligible for Medicaid may receive assistance.	unspecified
AS 47.10.420	Out-of-Home Care Review Panel	Members of panel must be residents of judicial districts.	unspecified
AS 47.24.100	Protection of the Elderly	Elderly person means a resident of Alaska who is 65 years of age or older.	unspecified
AS 47.25.300**	Public Assistance	A needy person is a resident of the state not eligible for other agencies' aid.	unspecified
AS 47.25.430**	Public Assistance -- Definition of Needy Residents	Person living in state with intention to stay & not living in the state temporarily.	unspecified

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Citation	Short Title	Summary	Residency Duration
AS 21.69.030	Stock and Mutual Insurers	Majority of incorporators must be state residents.	unspecified
AS 21.79.900	Insurance – Definition of a Resident for AS 21.79	Resided in state when insurer was found to be insolvent.	unspecified
AS 21.88.030	Health Care Providers Insurance	Members of the board of governors must be Alaska residents.	unspecified
AS 22.05.070**	Supreme Court Justice	Must be an Alaska resident for 5 years.	5 years
AS 22.07.040	Court of Appeals Justice	Must be an Alaska resident for 5 years.	5 years
AS 22.10.090	Superior Court Judges	Must be an Alaska resident for 5 years.	5 years
AS 22.15.160**	District Judges and Magistrates	Must be an Alaska resident for 5 years.	5 years
AS 22.15.170	District Judges	Need not be a resident to fill a vacancy.	unspecified
AS 23.05.130	Preference for Alaska Residents	Alaska residents have a hiring preference.	unspecified
AS 23.15.080	Vocational Rehabilitation – Eligibility	Services provided to Alaska residents & others under specific agreements.	unspecified
AS 23.15.330	Vocational Rehabilitation – Vending License	License issued to blind or severely handicapped residents for public places.	unspecified
AS 23.20.110**	Alaska Employment Security Act	Public disclosure of Alaska resident employment information.	unspecified
AS 23.55.030	Ombudsman Qualifications	Must be a qualified voter and an Alaska resident.	unspecified
AS 25.24.080	Divorce	A state resident may bring action to declare a marriage void.	unspecified
AS 25.24.900	Divorce – Chapter Definition of a Resident	Military personnel continuously stationed at a base for 30 days.	30 days
AS 26.10.080	Death Gratuity – Veterans	\$750 given to spouse of a veteran who was a resident at time of death.	unspecified
AS 26.15.130	Eligibility for Loans – Veterans	Must have been a resident for at least 1 year before enlistment.	1 year
AS 26.15.160	Eligibility for Loans – Territorial Guard	Must have been a resident for at least 1 year before enlistment.	1 year
AS 27.09.020	Mining Loan Fund	Must have 5 years experience in mining & be a state resident.	unspecified
AS 28.05.010	Motor Vehicle License & Voter Registration	At time of license application, residents of voting age may register to vote.	30 days
AS 28.05.121	Motor Vehicle Licensing and Registration	Residents must comply with licensing and registration requirements.	unspecified
AS 28.05.301	Motor Vehicle Registration – Minors	Emancipated minor desiring title to a vehicle must be an Alaska resident.	unspecified
AS 28.05.411	Motor Vehicle Registration	Residents 65 or over are exempted from vehicle registration fee.	unspecified
AS 28.33.100	Commercial Drivers License	Must be a 30-day state resident to obtain a commercial drivers license.	30 days
AS 29.00.000**	Municipal Government	Court decision about preference to a contractor on the basis of residency hire.	unspecified
AS 29.05.110	Municipal Government Incorporation Election	Must be a 30-day resident of the area to vote for incorporation.	30 days
AS 29.06.240	Alteration of Municipalities – Charter Commission	Members must be qualified voters who are residents.	unspecified
AS 29.20.140**	Municipal Governing Body Residency Requirements	Municipalities may have 3-year residency requirements for governing body.	3 years
AS 29.20.240	Municipal Residency Requirements for Mayor	Municipalities may have 3-year residency requirement for mayor.	3 years
AS 29.26.050	Municipal Voter Qualifications	Must be a 30-day resident of municipality in order to vote.	30 days
AS 29.40.020	Municipal Planning Commissions	Boroughs shall establish planning commissions of at least 5 residents.	unspecified
AS 29.45.031	Municipal Property & Vehicle Tax Exemptions	Residents over a certain age exempt from property and vehicle taxes.	unspecified
AS 29.45.040	Municipal Property Tax Equivalency Payment	Residents over a certain age exempt from property and vehicle taxes.	unspecified
AS 29.45.200	Board of Equalization	Governing body must be composed of at least three appointed residents.	unspecified
AS 29.60.520	Municipal Impact Grants	Grants for provision of subsistence resources residents.	unspecified
AS 30.13.010	Regional Housing Authority	Residents of an area of the state may create a regional housing authority.	unspecified
AS 33.36.010	Transfer of Prisoners – Policy	Alaska residents will not be transferred outside if Alaska facilities are suitable.	unspecified
AS 35.15.040**	Procedures for Awarding Contracts	Court decision regarding preference to employ residents by contractors.	unspecified
AS 35.27.020	Art Requirements for Public Buildings	Selection of artists who are Alaska residents is encouraged.	unspecified
AS 36.10.000**	Public Contracts – Employment Preference	Preference for employment of Alaska residents.	unspecified
AS 36.10.005	Public Contracts – Employment Preference	Public interest to create capital projects to reduce unemployment of residents.	30 days

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Citation	Short Title	Summary	Residency Duration
AS 47.25.590	Public Assistance	State to cooperate with federal government to provide assistance to residents.	unspecified
AS 47.30.875	Mental Health	Nonresident patients may be returned to resident state.	unspecified
AS 47.37.190	Alcoholism & Intoxication Treatment Act	Superior court may place someone in a facility with help of a jury of 6 residents.	unspecified
AS 47.45.010**	Longevity Bonus	Resident 65 years old and older may receive bonus.	1 year
AS 47.45.070	Longevity Bonus	Residents incarcerated outside but sentenced instate may apply when freed.	unspecified
AS 47.45.130	Longevity Bonus	Bonus stops when residency stops.	unspecified
AS 47.45.150	Longevity Bonus -- Definition	Physically present in state for 1 year with intent to make a home in Alaska.	1 year
AS 47.55.020***	Pioneers' Home	May be admitted to the home if 65 years old or older and resident for 15 years.	15 years
AS 47.65.100	Adult Day Care and Family Respite Care	Older residents or similarly disabled residents eligible for care.	unspecified
AS 47.65.290	Older Alaskan -- Definition	Over 60 years of age and a resident of the state.	unspecified
AS 47.80.110	Persons With Handicaps	System of services and facilities for residents of the state.	unspecified

* Unless otherwise provided in statute or regulation, a resident is someone who has been in the state for 30 days with intent to stay (AS 01.10.055)

** Annotations in these statutes reference court decisions, attorney general opinions and other relevant information.

*** 15-year residency requirement currently being challenged in court.

Source: Alaska State Statutes and Alaska Constitution

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