

## House/Senate Bill HB201/SB-171

2/1/24

Dear Senate Resources Committee,

As a 50-year Alaska resident I strongly oppose Bill 201/171 as it will have a major negative impact on us and other Alaska residents. This bill significantly changes residency benefits.

Currently to maintain residency in Alaska (AS 16.05.415) a resident must, in short, maintain a residence in Alaska, have the intent to return to Alaska, and not claim residency, or receive residency benefits, in another state. Bill 201/171 will deny bonified Alaska residents' access to Alaska's Fish and Game resources. Unlike current law, it attempts to establish a residency hierarchy based on how many days a resident is physically present in the State, then use that hierarchy to allocate Alaska's Fish and Game resource differently among legal residents.

In our case, I am a 50-year Alaska resident, and my wife is a 33-year resident, we have no intent on leaving Alaska or changing our residency. We own multiple residences in Alaska, one in Fairbanks and one in Wrangell. We have owned and operated numerous businesses in Alaska for many years and still operate Whippoorwill LLC. Alaska's Fish and Game resources have played an important and continuous role in our Alaska lifestyle. I am currently 72 years old and after a lifetime of work have recently retired (for the most part) and planned on spending our retirement enjoying Alaska's fish and game, traveling throughout the US and Canada, and avoiding Fairbanks's long and brutal winters.

Should Bill 201/171 become law, it will effectively put an end to our retirement plans by no longer allowing us to access Alaska's Fish and Game in the same manner that our lifestyle and 50 years of past use has allowed. Even though we legally qualify as Alaska residents, we will be restricted from our ability to obtain over the counter tags, dipnet salmon, utilize resident fishing limits, bear and sheep hunt on our own, etc. In short, without resident access to Fish and Game it will likely become impractical for us to maintain our Alaska residency. Thus, forcing us from the State we love, at a time when Alaska is struggling to maintain its resident population.

### LEGAL QUESTIONS

Bill 201/171 does not seek to change the requirements to maintain State residency, instead it changes resident access to fish and game resources. While I am not a legal expert this bill raises a couple of legal questions in my mind.

1. I understand that Alaska's Constitution may have provisions that guarantee residents equal access to State resources. If a person is a legal resident under State

law, is it within the Constitution to provide different levels of resource access to residence based on days spent within the State?

2. In any regard, is it lawful (under equal treatment) to create a residential hierarchy, based on the number of days a resident is present in the State, then provide unequal benefits levels to those residents?

In any respect, does the State of Alaska wish to promote a system by which it prioritizes its residents, then assign resident benefits differently based on that priority?

### ALASKA'S PROMISE TO ITS SENIORS

Upon turning 60 we were issued a Personal Identification Card which provides that the recipient has resident hunting and fishing privileges, provided they remain a resident under AS 16.05.940 and AS 16.05.415. We have made life decisions, allocated our resources, and made investments within the State so that we would uphold our obligation to remain a resident under those Statutes, while at the same time, have the resources and infrastructure in place to exercise those hunting and fishing privileges. Bill 201/171 will reverse that State commitment to us, and other resident seniors, by stripping us of resident hunting privileges even though we remain residence under the above Statutes.

### ENFORCEMENT

Bill 201/171 mirrors the required Permanent Fund (PDF) conditions (AS 43.23.008) to the resident hunting and fishing requirements. Currently it is a monumental effort to oversee and enforce the requirements of AS 43.23.008, requiring an annual application for the PDF, screening applicants, and follow up enforcement. We can now expect the same effort to oversee and enforce AS 43.23.008 as a resident hunting license requirement.

First it will no doubt be argued that the Bill is intended to make enforcing current State laws easier. This bill does not tweak existing law in a manner that makes enforcing those long-established law requirements easier. Instead, it adds significant new restrictions and changes the primary intent of those existing residency laws. Bill 201/171's intent is not to make enforcing current laws easier; it is to change current laws to suit the author's idea of what should constitute Alaska residency and/or the benefits they receive.

The PDF conditions apply to the preceding calendar year yet hunting and fishing license apply to the current (or future) year. It would be entirely possible for someone to qualify for the PDF then buy a hunting license for the following year and never step foot in the State other than to hunt or fish for that year. Or, a person may not qualify for the PDF one year, thus be ineligible for a resident hunting license the following year, then spend January through June of that following year in State, thus qualifying for the current year PDF, but still not qualify for a resident hunting license that year. In short, a person's resident hunting status could change year to year. If passed Bill 201/171 would make applying for

resident/nonresident game tags nearly impossible due to long draw lead times and uncertain residency status. Bill 201/171 creates a host of implementation and enforcement issues.

### A SLAP IN THE FACE

After 50 years of loyal Alaska residency, raising a family, providing jobs, and growing old in this State, Bill 201/171 would no longer treat us as equal residents. At our age it is essential that we remain both physically and mentally active year-round to maintain our physical and mental health. Remaining in Fairbanks during the winter makes that impractical at this stage of our lives. To jeopardize our wellbeing and residency benefits, by placing conditions on our movement in and out of the State, would be a slap in the face. This Bill is not about protecting Alaska's resources, it is about ranking the worthiness of a resident and the benefits they should receive. Our "Will" has a provision that our ashes be spread in the Brooks Range, I believe we meet the requirement, "intent to remain in Alaska indefinitely".

Ken and Anna Vorisek

