

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

May 3, 2024

1:33 p.m.

MEMBERS PRESENT

Representative Tom McKay, Chair
Representative George Rauscher, Vice Chair
Representative Thomas Baker
Representative Kevin McCabe
Representative Dan Saddler
Representative Stanley Wright
Representative Jennie Armstrong
Representative Donna Mears

MEMBERS ABSENT

Representative Maxine Dibert

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 22

Proposing an amendment to the Constitution of the State of Alaska relating to subsistence use of replenishable natural resources by state residents; and providing for an effective date for the amendment.

- HEARD & HELD

SENATE BILL NO. 171

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HJR 22

SHORT TITLE: RESIDENT SUBSISTENCE USE OF FISH/GAME

SPONSOR(S): REPRESENTATIVE(S) BAKER

02/20/24	(H)	READ THE FIRST TIME - REFERRALS
02/20/24	(H)	RES, JUD
03/13/24	(H)	RES AT 1:00 PM BARNES 124
03/13/24	(H)	Heard & Held

03/13/24 (H) MINUTE (RES)
 03/20/24 (H) RES AT 1:00 PM BARNES 124
 03/20/24 (H) Heard & Held
 03/20/24 (H) MINUTE (RES)
 03/27/24 (H) RES AT 1:00 PM BARNES 124
 03/27/24 (H) Heard & Held
 03/27/24 (H) MINUTE (RES)
 04/17/24 (H) RES AT 1:00 PM BARNES 124
 04/17/24 (H) <Bill Hearing Canceled>
 04/26/24 (H) RES AT 1:00 PM BARNES 124
 04/26/24 (H) Heard & Held
 04/26/24 (H) MINUTE (RES)
 04/29/24 (H) RES AT 1:00 PM BARNES 124
 04/29/24 (H) -- MEETING CANCELED --
 05/01/24 (H) RES AT 1:00 PM BARNES 124
 05/01/24 (H) -- MEETING CANCELED --
 05/03/24 (H) RES AT 1:00 PM BARNES 124

BILL: SB 171

SHORT TITLE: RESIDENCY REQ: HUNTING, TRAPPING, FISHING

SPONSOR(s): SENATOR(s) BJORKMAN

01/16/24 (S) PREFILE RELEASED 1/8/24
 01/16/24 (S) READ THE FIRST TIME - REFERRALS
 01/16/24 (S) RES, FIN
 02/16/24 (S) RES AT 3:30 PM BUTROVICH 205
 02/16/24 (S) Heard & Held
 02/16/24 (S) MINUTE (RES)
 03/01/24 (S) RES AT 3:30 PM BUTROVICH 205
 03/01/24 (S) Heard & Held
 03/01/24 (S) MINUTE (RES)
 04/12/24 (S) FIN REFERRAL REMOVED
 04/12/24 (S) RES AT 3:30 PM BUTROVICH 205
 04/12/24 (S) Moved SB 171 Out of Committee
 04/12/24 (S) MINUTE (RES)
 04/15/24 (S) RES RPT 2DP 2NR 1AM
 04/15/24 (S) DP: GIESSEL, KAUFMAN
 04/15/24 (S) NR: CLAMAN, DUNBAR
 04/15/24 (S) AM: KAWASAKI
 04/22/24 (S) TRANSMITTED TO (H)
 04/22/24 (S) VERSION: SB 171
 04/24/24 (H) READ THE FIRST TIME - REFERRALS
 04/24/24 (H) RES, FSH
 04/29/24 (H) RES AT 1:00 PM BARNES 124
 04/29/24 (H) -- MEETING CANCELED --
 05/01/24 (H) RES AT 1:00 PM BARNES 124
 05/01/24 (H) -- MEETING CANCELED --

05/03/24

(H)

RES AT 1:00 PM BARNES 124

WITNESS REGISTER

LAURA ACHEE, Staff
Senator Jesse Bjorkman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of Senator Bjorkman, prime sponsor, presented SB 171.

PAUL JOHNSON, representing self
Elfin Cove, Alaska

POSITION STATEMENT: Gave invited testimony in support of SB 171.

AARON FRENZEL, Deputy Director
Division of Alaska Wildlife Troopers, Southern Detachment
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing of SB 171.

ACTION NARRATIVE

[1:33:27 PM](#)

CHAIR TOM MCKAY called the House Resources Standing Committee meeting to order at 1:33 p.m. Representatives Baker, Rauscher, Saddler, Wright, and McKay were present at the call to order. Representatives Armstrong, McCabe and Mears arrived as the meeting was in progress.

HJR 22-RESIDENT SUBSISTENCE USE OF FISH/GAME

[1:34:14 PM](#)

CHAIR MCKAY announced that the first order of business would be HOUSE JOINT RESOLUTION NO. 22, proposing an amendment to the Constitution of the State of Alaska relating to subsistence use of replenishable natural resources by state residents; and providing for an effective date for the amendment.

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REPRESENTATIVE RAUSCHER moved to adopt the proposed committee substitute (CS) for HJR 22, Version 33-LS1321\D, Bullard,

4/26/24 as a working document. There being no objection, Version D was before the committee.

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REPRESENTATIVE BAKER, as prime sponsor of HJR 22, stated that public testimony was canceled because the working document was not adopted previous to this meeting.

[HJR 22 was held over.]

SB 171-RESIDENCY REQ: HUNTING, TRAPPING, FISHING

[1:36:39 PM](#)

CHAIR MCKAY announced that the final order of business would be SENATE BILL NO. 171, "An Act changing the residency requirements for sport fishing, hunting, and trapping privileges; and providing for an effective date."

[1:37:19 PM](#)

LAURA ACHEE, Staff, Senator Jesse Bjorkman, Alaska State Legislature, on behalf of Senator Bjorkman, prime sponsor, introduced SB 171. She explained that the goal of SB 171 is to ensure that only Alaska residents benefit from increased bag limits and additional harvest opportunities for the state's resources. She said, "When people who do not live permanently in Alaska capitalize on fish and game laws meant for residents, they diminish harvest opportunities for year-round residents now and in the future." She noted that many long-time Alaskans have moved out of state only to return for a short time to harvest the state's resources. She said that SB 171 would solve this issue by aligning residency requirements for hunting and fishing licenses with the residency requirements for the permanent fund dividend (PFD).

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PAUL JOHNSON, representing self, provided invited testimony on SB 171. He shared his personal history in Alaska. He expressed the opinion that overharvesting the state's resources has been an issue in Alaska since before statehood and overtime the residency requirement loophole has become an increasing problem, effecting the resources and the communities, especially those that rely on the personal use of resources. He argued that the fishery resource should be considered the same level as the oil

resource, and the definition of residency for a resident harvest permit in Alaska should be aligned with the PFD definition. He expressed the concern that many people who abuse the current residency requirements are shipping their harvest out of state, and the value of this shipped resource "is not small." He suggested that this problem needs to be addressed sooner rather than later, as these resources are being given away.

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REPRESENTATIVE MCCABE asked how the proposed legislation would effect a hypothetical 80-year-old Alaska Native who must leave the state for health reasons; therefore, the individual would be restricted from harvesting by the residency requirements proposed under SB 171.

MS. ACHEE responded that SB 171 would not prevent the hypothetical 80-year-old Alaskan from hunting. She explained that the person would be issued a nonresident hunting license; however, the individual would not be allowed the bag limits that go along with a resident hunting license.

REPRESENTATIVE MCCABE stated that this hypothetical regards a state resident; therefore, he argued that SB 171 would prevent a resident from harvesting in their home of Alaska.

MS. ACHEE expressed the understanding that the proposed legislation addresses the finite fish and game resources in the state; furthermore, it would be addressing those who abuse Alaska's current "loose definition" of an Alaska resident to utilize higher bag limits. She said that in the hypothetical it would need to be agreed that the individual is an Alaskan; however, she added that the state resources should be preserved for those living in state and experiencing its significant higher costs, especially for those living in rural Alaska. She added that the Alaska Federation of Natives and the Tanana Chief's Conference both sent letters of support for SB 171.

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REPRESENTATIVE MCCABE expressed concern with the proposed system of residency requirements, as using the PFD requirements might punish Alaskans who must leave the state for six to eight months of the year.

MS. ACHEE responded that after hearing these same concerns, Senator Bjorkman's office spent ample time working with the

Department of Law (DOL), the Department of Public Safety (DPS), and the Alaska Department of Fish & Game (ADF&G) to determine if there could be a different solution for residency requirements, such as for airline pilots. However, as DOL has prosecuted these residency cases, she expressed the understanding that the only line "bright enough" for the court to agree to these prosecutions would be the PFD residency requirements.

REPRESENTATIVE MCCABE gave a hypothetical scenario where an individual lives in California for eight months and Southeast Alaska for three months. He expressed the understanding that the individual must obtain a California driver's license. He asked how this person would get a resident permit if the person does not have an Alaska driver's license.

MS. ACHEE explained that if the person in this scenario does not obtain a California license, the person is breaking California law. She noted that people are coming up from the Lower 48 to take advantage of this in Southeast Alaska, as it has significant bag limits on seafood.

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REPRESENTATIVE RAUSCHER gave the example of an individual who owns a home in Palmer, pays property taxes, has an Alaska driver's license, and has a registered car in the state. He questioned whether this individual is a resident.

MS. ACHEE affirmed that under SB 171, this person would qualify for an Alaska residency harvest license.

REPRESENTATIVE RAUSCHER asked whether this individual's harvest residency requirements would be effected if the person takes a job out of state and is gone most of the year.

MS. ACHEE responded that the individual would still be allowed to hunt, just not as an Alaskan resident. She stated that this situation has been discussed at length, but no solutions could be found.

REPRESENTATIVE RAUSCHER expressed the desire to work on an amendment that would address these situations.

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REPRESENTATIVE MEARS expressed the understanding that enforcement would not be addressed at the time of the issuance

of a license; rather, enforcement would be at the point of abuse.

MS. ACHEE expressed agreement, as SB 171 would work the same as the system would today. She explained that this is the reason that there is a zero fiscal note, because it would not change how the system is enforced.

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REPRESENTATIVE SADDLER suggested that enforcement could happen when the resource is at a processor, for example, but not in the field. He expressed support generally for the proposed legislation; however, he acknowledged that the residency requirements might be confusing. He noted the reports of abuse of fishing privileges in Southeast, and he asked if there has been any evidence of people who are abusing resident hunting and trapping privileges in Alaska.

MS. ACHEE responded that anecdotal evidence has been presented from residents who have observed abuse in other parts of the state, such as in Minto and in the Upper Tanana River region.

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REPRESENTATIVE MCCABE directed a question to the Alaska Wildlife Troopers (AWT) and asked how the previous hypothetical California scenario would be enforced. He reiterated the scenario where a person living in California for eight months still has and uses an Alaska license to obtain resident fishing and hunting licenses.

[2:02:22 PM](#)

AARON FRENZEL, Deputy Director, Alaska Wildlife Troopers, answered that AWT begins enforcement by looking for any suspicious activity and listening to tips from local residents, along with surveillances of harvest areas. He stated that airline reservations, boarder crossings, and ferry reservations would be inspected to determine an individual's whereabouts. He noted that if the PFD residency requirements were used, enforcement would examine how many days the individual is out of the state. He stated that per current regulations, the individual's primary domicile would be determined.

[2:03:25 PM](#)

REPRESENTATIVE MCCABE asked how, without probable cause, AWT would open an investigation for a nonresident who is suspected to be abusing resident privileges.

MR. FRENZEL responded that AWT typically does not have probable cause to write a citation upon initial contact of a suspect. He continued that to obtain probable cause, it would require an investigation to determine where the suspect is actually living.

MS. ACHEE added that the Permanent Fund Dividend Division does have staff whose job it is to investigate tips that a person might be collecting a PFD illegally. She expressed the understanding that it would be no different for AWT to do the same.

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REPRESENTATIVE RAUSCHER questioned the zero fiscal note.

MS. ACHEE said the fiscal note is zero because AWT is already enforcing nonresident abuse of resident harvest permits, and this would continue if the proposed legislation were to become law.

REPRESENTATIVE RAUSCHER expressed criticism of SB 171's strict adherence to the PFD's definition of residency. He suggested that there is a zero fiscal note because the Permanent Fund Division would be the enforcement.

MS. ACHEE clarified her earlier remarks, stating that enforcement would be DPS, as it already investigates these claims, not the Permanent Fund Dividend Division.

REPRESENTATIVE RAUSCHER stated that proving residency would require a large amount of work. He reiterated the question concerning the zero fiscal note.

MS. ACHEE clarified that the process for getting a license would not change, and this involves signing an affidavit attesting to the requirements in the statute. She stated that the investigation would happen on the back end, when either DPS or ADF&G have reason to believe the individual is not a resident.

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MR. FRENZEL stated that AWT would be the primary enforcement agency for violations of Alaska's residency laws as they pertain

to hunting and fishing. He pointed out that troopers spend a good amount of time on cases that come from community tips, observance of suspicious activities, and tips from the Permanent Fund Division investigators. He stated that AWT had not requested a change in the fiscal note because it already enforces these types of cases.

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REPRESENTATIVE RAUSCHER highlighted that even when residency determinations are challenged, the fiscal note would be zero.

MS. ACHEE reiterated that no one would be turned down on the initial request for a license, as the enforcement of residency requirements would come after there is a suspicion of foul play.

REPRESENTATIVE RAUSCHER asked if it is up to the person harvesting in Alaska to be aware of the regulations that surround the harvest.

MS. ACHEE responded that this is the current process, and it would remain the same if SB 171 were to become law.

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REPRESENTATIVE SADDLER commented that the best proof of residency would be to show a PFD receipt. He further discussed the problems with this, such as not all who qualify for the PFD apply. He noted that an individual cannot be required to apply for a PFD, and he questioned how the dividend could be become the standard for an Alaskan resident. He suggested that hunting and fishing license data could be cross referenced with the Permanent Fund Dividend Division, but this would require a fiscal note.

MS. ACHEE noted that it would be quicker and easier to prove residency by showing a PFD receipt; however, there are many reasons individuals who qualify would not receive a PFD.

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CHAIR MCKAY announced that SB 171 was held over.

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ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:14 p.m.