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# DIVISION OF LEGAL SERVICES

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### MEMORANDUM

February 4, 1992

**SUBJECT:** Residency Requirements for municipal officials and REAA Board Members (SB 328)

**TO:** Senator Paul Fischer

**FROM:** Tamara Brandt Cook  
Director *TBC*

Here is the sectional analysis that you requested.

Sec. 1. An additional requirement is added to the provision setting out qualifications of school board members: that the person must have been a resident of the school district for at least one year before holding office. Note that under AS 14.08.041(b), not amended in this bill, a regional school board member must have the same qualifications as a municipal school district member, so the change in this section affects both REAAs and municipal school districts.

Sec. 2. The residency requirements for elected municipal officials is added as a home rule limitation, so home rule as well as general law municipalities are subject to the restrictions.

Sec. 3. Existing law states that a voter is eligible to be a member of the assembly or council. A cross reference is added to alert the reader to two additional requirements for holding those offices: the first reflects an existing provision permitting a municipality to establish district residency requirements; the second reflects the durational residency requirement added in sec. 5 of this bill.

Sec. 4. Like the section above, a cross reference is added to alert the reader to the durational residency requirement established in sec. 5, this time in the context of the office of mayor.

Sec. 5. A new requirement is added that a candidate for an elected municipal office must have been a resident of the municipality for at least one year before the election is held for that office. Likewise, a person appointed to complete the term of an elected official must have been a resident for at least one year before the

Senator Paul Fischer

February 4, 1992

Page 2

appointment. A municipality is permitted to increase the durational residency requirement by up to one year for the office of mayor or member of the assembly or council. This durational residency requirement does not apply to members of the charter commission charged with preparing a unification charter. With respect to that office, AS 29.06.260 already imposes a one year residency requirement.

Sec. 6. This temporary law provision permits individuals in office on the effective date of the bill to finish their terms.

Sec. 7. Three existing provisions of law dealing with residency requirements are repealed because all elected officials will be, under this bill, subject to the residency requirements imposed under sec. 5.

TBC:gc  
92-099.glc

AMENDMENT

OFFERED IN THE SENATE

TO: SB 328

BY SENATOR FISCHER

Page 2, line 12:

Delete "one year"

Insert "two years"

**Table 1**  
**Alaska Constitutional Provisions and Statutes Requiring Alaska Residency for More Than Thirty Days**

Citation	Short Title	Summary	Residency Duration
<b>Constitution</b>			
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
<b>Statutes</b>			
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.	2 years
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 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 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 36.30.170*	Public Contracts – Alaska Bidders Preference	Alaska residents given 5 percent preference.	6 months
AS 38.05.057*	Public Land – Alaska Land Act	Must be a resident of state to participate in lottery.	1 year
AS 38.09.030	Public Land – Homestead Act	Must be resident of state for 1 year to qualify for homestead.	1 year
AS 39.05.065	Public Officers & Employees	Members of the Board of Education must be 3–year residents.	3 years
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 43.35.030	Revenue & Taxation – Coin Operated Devices	Must be 1–year resident to operate coin–operated devices.	1 year

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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).