

City of Coffman Cove
Special City Council Meeting
Thursday February 2nd 2024, at 6:00 pm @ City Hall

Zoom Log-In Information:

<https://us06web.zoom.us/j/5748521201?pwd=LzQ2YXdzaWM5VWNleHNLL2tQeU56UT09>

Meeting ID: 574 852 1201 Passcode: 041318

Call to Order:

Roll Call:

Pledge of Allegiance:

Public Comment:

Approval of Agenda:

Persons to be Heard:

Correspondence/Information:

Resolutions & Ordinances:

Resolution 24 09 HB 201

Unfinished Business:

New Business:

1. Appoint Vice Mayor

Public/Council Comment:

Adjourn:

CITY OF COFFMAN COVE, ALASKA

RESOLUTION 24 09

A RESOLUTION BY THE COFFMAN COVE CITY COUNCIL SUPPORTING PASSAGE OF HB 201 AN ACT CHANGING THE RESIDENCY REQUIREMENTS FOR HUNTING, TRAPPING, AND SPORT FISHING PRIVILEGES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council is the governing body for the City of Coffman Cove; and

WHEREAS, House Bill 201 RESIDENCY REQ: HUNTING, TRAPPING, FISHING amends AS 16.05.415(a)(3) and (e)(3) to read: *“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”*; and

WHEREAS, AS 43.23.008 Allowable absences lists the conditions under which an Alaska resident may be physically absent from the state but still qualify for a Permanent Fund Dividend; and

WHEREAS, Article VIII, Section 2 of the Alaska Constitution requires that *“The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people”*; and,

WHEREAS, it is in the best interests of the State of Alaska and its people to ensure that those who enjoy the lower cost and increased bag limits associated with a resident license are, in fact, full-time residents of the State of Alaska; and

WHEREAS, AS 16.05.415 Determination of residency is currently too broad, vague and subject to judicial interpretation to be equitably enforceable under either the Equal Protection Clause of the 14th Amendment to the United States Constitution or Article I Section 1 Inherent Rights declaration of the Alaska Constitution; and

WHEREAS, AS 43.23.008 Allowable absences has withstood judicial review;

BE IT RESOLVED

The Coffman Cove City Council hereby supports passage of HB 201.

PASSED AND APPROVED by the Coffman Cove Council this 2nd day of February 2024.

Mayor / Vice Mayor

ATTEST:

City Clerk

HOUSE BILL NO. 201

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES HIMSCHOOT, Hannan

Introduced: 5/11/23

Referred: Resources, Judiciary

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

13 (2) has maintained the person's domicile in the state for the 12
14 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. The uncoded law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Fish and Game may adopt regulations necessary to implement the changes made by this Act. The regulations take effect

1 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the
2 relevant provision of this Act implemented by the regulation.

3 * **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).

4 * **Sec. 7.** Except as provided in sec. 6 of this Act, this Act takes effect January 1, 2025.