

HOUSE BILL NO. 176

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MILLER, Thompson

Introduced: 3/7/11

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an allowable absence for members of the Civilian Expeditionary**
2 **Workforce of the United States Department of Defense for purposes of determining**
3 **eligibility for permanent fund dividends; and providing for an effective date."**

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

5 *** Section 1.** AS 43.23.008(a) is amended to read:

6 (a) Subject to (b) and (c) of this section, an otherwise eligible individual who
7 is absent from the state during the qualifying year remains eligible for a current year
8 permanent fund dividend if the individual was absent

9 (1) receiving secondary or postsecondary education on a full-time
10 basis;

11 (2) receiving vocational, professional, or other specific education on a
12 full-time basis for which, as determined by the Alaska Commission on Postsecondary
13 Education, a comparable program is not reasonably available in the state;

14 (3) **servicing in a combat zone, qualified hazardous duty area, or a**

1 **danger pay post as a member of the Civilian Expeditionary Workforce while**
 2 **under orders to deploy,** serving on active duty as a member of the armed forces of
 3 the United States, or accompanying, as that individual's spouse, minor dependent, or
 4 disabled dependent, an individual who is

5 (A) serving on active duty as a member of the armed forces of
 6 the United States; and

7 (B) eligible for a current year dividend;

8 (4) serving under foreign or coastal articles of employment aboard an
 9 oceangoing vessel of the United States merchant marine;

10 (5) receiving continuous medical treatment recommended by a
 11 licensed physician or convalescing as recommended by the physician who treated the
 12 illness if the treatment or convalescence is not based on a need for climatic change;

13 (6) providing care for a parent, spouse, sibling, child, or stepchild with
 14 a critical life-threatening illness whose treatment plan, as recommended by the
 15 attending physician, requires travel outside the state for treatment at a medical
 16 specialty complex;

17 (7) providing care for the individual's terminally ill family member;

18 (8) settling the estate of the individual's deceased parent, spouse,
 19 sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;

20 (9) serving as a member of the United States Congress;

21 (10) serving on the staff of a member from this state of the United
 22 States Congress;

23 (11) serving as an employee of the state in a field office or other
 24 location;

25 (12) accompanying a minor who is absent under (5) of this subsection;

26 (13) accompanying another eligible resident who is absent for a reason
 27 permitted under (1), (2), (5) - (12), (16), or (17) of this subsection as the spouse, minor
 28 dependent, or disabled dependent of the eligible resident;

29 (14) serving as a volunteer in the federal peace corps program;

30 (15) because of training or competing as a member of the United States
 31 Olympic Team;

1 (16) participating for educational purposes in a student fellowship
 2 sponsored by the United States Department of Education or by the United States
 3 Department of State;

4 (17) for any reason consistent with the individual's intent to remain a
 5 state resident, provided the absence or cumulative absences do not exceed

6 (A) 180 days in addition to any absence or cumulative absences
 7 claimed under (3) of this subsection if the individual is not claiming an absence
 8 under (1), (2), or (4) - (16) of this subsection;

9 (B) 120 days in addition to any absence or cumulative absences
 10 claimed under (1) - (3) of this subsection if the individual is not claiming an
 11 absence under (4) - (16) of this subsection but is claiming an absence under (1)
 12 or (2) of this subsection; or

13 (C) 45 days in addition to any absence or cumulative absences
 14 claimed under (1) - (16) of this subsection if the individual is claiming an
 15 absence under (4) - (16) of this subsection.

16 * **Sec. 2.** AS 43.23.008 is amended by adding a new subsection to read:

17 (e) For purposes of (a)(3) of this section,

18 (1) "Civilian Expeditionary Workforce" means the program created in
 19 United States Department of Defense Directive 1404.10 (January 23, 2009);

20 (2) "combat zone" has the meaning given in 26 U.S.C. 112(c)(2)
 21 (Internal Revenue Code);

22 (3) "danger pay post" means a post so designated by the United States
 23 Secretary of State in the Department of State Standardized Regulations for purposes of
 24 danger pay under 5 U.S.C. 5928;

25 (4) "orders to deploy" means a letter of authorization or travel paper
 26 issued by the United States Department of Defense or a branch of the armed forces of
 27 the United States that requires the recipient to report for duty in a combat zone,
 28 qualified hazardous duty zone, or danger pay post;

29 (5) "qualified hazardous duty area" means an area that during the
 30 applicant's deployment is treated as if it were a combat zone for purposes of a federal
 31 tax exemption under 26 U.S.C. 112 (Internal Revenue Code).

1 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 **APPLICABILITY.** Notwithstanding permanent fund dividend application procedures
4 or deadlines, a person who qualifies for a 2010 or 2011 permanent fund dividend because of
5 the amendment to AS 43.23.008(a)(3) made in sec. 1 of this Act and the addition of
6 AS 43.23.008(e) in sec. 2 of this Act may apply for the dividend by December 31, 2011. The
7 Department of Revenue shall prepare a form for application under this section.

8 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 **RETROACTIVITY.** Sections 1 and 2 of this Act are retroactive to January 1, 2009.

11 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).