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Nauman  
3/19/20

**CS FOR HOUSE BILL NO. 190(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVE TALERICO**

**A BILL**

**FOR AN ACT ENTITLED**

**"An Act relating to allowable absences for a permanent fund dividend."**

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

**\* Section 1.** AS 43.23.005(a) is amended to read:

(a) An individual is eligible to receive one permanent fund dividend each year in an amount to be determined under AS 43.23.025 if the individual

(1) applies to the department;

(2) is a state resident on the date of application;

(3) was a state resident during the entire qualifying year;

(4) has been physically present in the state for at least seven [72] consecutive days [HOURS] at some time during the prior two years before the current dividend year;

(5) is

(A) a citizen of the United States;

(B) an alien lawfully admitted for permanent residence in the United States;

(C) an alien with refugee status under federal law; or

(D) an alien that has been granted asylum under federal law;

(6) was, at all times during the qualifying year, physically present in the state or, if absent, was absent only as allowed in AS 43.23.008; and

(7) was in compliance during the qualifying year with the military selective service registration requirements imposed under 50 U.S.C. App. 453 (Military Selective Service Act), if those requirements were applicable to the individual, or has come into compliance after being notified of the lack of compliance.

\* **Sec. 2.** AS 43.23.005 is amended by adding a new subsection to read:

(i) Notwithstanding (a) - (c) of this section, an individual who was absent from the state for more than 120 days during the qualifying year is not eligible for a dividend. The limitation in this subsection does not apply to an absence for a reason listed in AS 43.23.008(a).

\* **Sec. 3.** AS 43.23.008(a) is amended to read:

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

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

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

(3) serving on active duty as a member of the armed forces of the United States or accompanying, as that individual's spouse, minor dependent, or disabled dependent, an individual who is

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

(B) eligible for a current year dividend;

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

(5) receiving continuous medical treatment recommended by a

1 licensed physician or convalescing as recommended by the physician who treated the  
2 illness if the treatment or convalescence is not based on a need for climatic change;

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

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

8 (8) settling the estate of the individual's deceased parent, spouse,  
9 sibling, child, or stepchild, provided the absence does not exceed **120** [220]  
10 cumulative days;

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

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

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

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

17 (13) accompanying another eligible resident who is absent for a reason  
18 permitted under (1), (2), (5) - (12), **or (16) - (18)** [(16), OR (17)] of this subsection as  
19 the spouse, minor dependent, or disabled dependent of the eligible resident;

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

21 (15) because of training or competing as a member of the United States  
22 Olympic Team or a United States national team for an Olympic sport;

23 (16) participating for educational purposes in a student fellowship  
24 sponsored by the United States Department of Education or by the United States  
25 Department of State;

26 (17) **participating in a maritime registered apprenticeship**  
27 **program under 29 U.S.C. 50;**

28 **(18)** for any reason consistent with the individual's intent to remain a  
29 state resident, provided the absence or cumulative absences do not exceed

30 (A) **120** [180] days in addition to any absence or cumulative  
31 absences claimed under

(i) (3), (5), or (6) of this subsection if the individual is not claiming an absence under (1), (2), (4), or (7) - (17) [(4) - (16)] of this subsection;

(ii) (13) of this subsection if the individual is accompanying another eligible resident who is absent for a reason permitted under (5) or (6) of this subsection as the spouse, minor dependent, or disabled dependent of the eligible resident and is not claiming an absence under (1) - (12) or (14) - (17) of this subsection;

(iii) [(B) 120 DAYS IN ADDITION TO ANY ABSENCE OR CUMULATIVE ABSENCES CLAIMED UNDER] (1) - (3) of this subsection if the individual is not claiming an absence under (4) - (17) [(4) - (16)] of this subsection but is claiming an absence under (1) or (2) of this subsection; or

(B) [(C)] 45 days in addition to any absence or cumulative absences claimed under (1) - (17) [(1) - (16)] of this subsection if the individual is claiming an absence under (4) or (7) - (17) [(4) - (16)] of this subsection.

\* **Sec. 4.** AS 43.23.008(d) is amended to read:

(d) After an individual has been absent from the state for more than 120 [180] days in each of the five preceding qualifying years, the department shall presume that the individual is no longer a state resident. The individual may rebut this presumption by providing clear and convincing evidence to the department that

(1) the individual was physically present in the state for at least 90 [30] cumulative days during the past five years; and

(2) the individual is a state resident as defined in AS 43.23.295.

\* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. Sections 1 - 4 of this Act apply to qualification for a permanent fund dividend paid in 2021 and thereafter.