

# Permanent Fund Dividend Allowable Absences

# Allowable Absence 1982

- Sec. 43.23.095. DEFINITIONS.
- (7) "state resident" means an individual who is physically present in the state with the intent to remain permanently in the state or, if the individual is not physically present in the state, intends to return to the state and is absent only for any of the following reasons:
  - (A) vocational, professional, or other specific education for which a comparable program was not reasonably available in the state;
  - (B) secondary or postsecondary education;
  - (C) military service;
  - (D) medical treatment;
  - (E) service in Congress; or
  - **(F) other reasons which the commissioner may establish by regulation;**

# Allowable Absence 1997

- Sec. 43.23.095. Definitions.
- **(8)** "state resident" means an individual who is physically present in the state with the intent to remain permanently in the state under the requirements of **AS 01.10.055** or, if the individual is not physically present in the state, intends to return to the state and remain permanently in the state under the requirements of **AS 01.10.055**, and is absent only for any of the following reasons:
  - (A) vocational, professional, or other specific education for which a comparable program was not reasonably available in the state;
  - (B) secondary or postsecondary education;
  - (C) military service;
  - (D) medical treatment;
  - (E) service in Congress;
  - (F) other reasons which the commissioner may establish by regulation;
  - **(G) service in the Peace Corps;**
  - **(H) to care for the individual's terminally ill parent, spouse, sibling, child, or stepchild;**
  - **(I) for up to 220 days to settle the estate of the individual's deceased parent, spouse, sibling, child, or stepchild; or**
  - **(J) to care for a parent, spouse, sibling, child, or stepchild with a critical life-threatening illness whose treatment plan, as recommended by the attending physician, requires travel outside the state for treatment at a medical specialty complex;**

# Allowable Absence 1997

- Sec. 01.10.055. Residency.
- (a) A person establishes residency in the state by being physically present in the state with the intent to remain in the state indefinitely and to make a home in the state.
- (b) A person demonstrates the intent required under (a) of this section
  - (1) by maintaining a principal place of abode in the state for at least 30 days or for a longer period if a longer period is required by law or regulation; and
  - (2) by providing other proof of intent as may be required by law or regulation, which may include proof that the person is not claiming residency outside the state or obtaining benefits under a claim of residency outside the state.
- (c) A person who establishes residency in the state remains a resident during an absence from the state unless during the absence the person establishes or claims residency in another state, territory or country, or performs other acts or is absent under circumstances that are inconsistent with the intent required under (a) of this section to remain a resident of this state.

# Allowable Absence 1998

- **Sec. 43.23.095. Definitions.**
- (7) "state resident" means an individual who is physically present in the state with the intent to remain indefinitely in the state under the requirements of AS 01.10.055 or, if the individual is not physically present in the state, intends to return to the state and remain indefinitely in the state under the requirements of AS 01.10.055;

# Allowable Absence 1998

## **Sec. 43.23.008. Allowable absences.**

- (a) Subject to (b) and (c) 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;

# Allowable Absence 1998

Sec. 43.23.008. Allowable absences. *(continued)*

- (4) receiving continuous medical treatment recommended by a licensed physician or convalescing as recommended by the physician that treated the illness if the treatment or convalescence is not based on a need for climatic change;
- (5) providing care for a parent, spouse, sibling, child, or stepchild with a critical life-threatening illness whose treatment plan, as recommended by the attending physician, requires travel outside the state for treatment at a medical specialty complex;
- (6) providing care for the individual's terminally ill parent, spouse, sibling, child, or stepchild;
- (7) settling the estate of the individual's deceased parent, spouse, sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;

# Allowable Absence 1998

- Sec. 43.23.008. Allowable absences. *(continued)*
- (8) serving as a member of the United States Congress;
- **(9) serving on the staff of a member from this state of the United States Congress;**
- **(10) serving as an employee of the state in a field office or other location;**
- **(11) accompanying a minor who is absent under (4) of this subsection;**
- **(12) accompanying another eligible resident who is absent for a reason permitted under this subsection as the spouse, minor dependent, or disabled dependent of the eligible resident;**



# Allowable Absence 1998

Sec. 43.23.008. Allowable absences. *(continued)*

- **(13) for any reason consistent with the individual's intent to remain a state resident, provided the absence or cumulative absences do not exceed**
  - **(A) 180 days if the individual is not claiming an absence under (1) - (12) of this subsection;**
  - **(B) 120 days in addition to any absence or cumulative absences claimed under (1) or (2) of this subsection if the individual is not claiming an absence under (3) - (12) of this subsection; or**
  - **(C) 45 days in addition to any absence or cumulative absences claimed under (1) - (12) of this subsection.**

# Allowable Absence 1998

Sec. 43.23.008. Allowable absences. *(continued)*

- **(b) An individual may not claim an allowable absence under (a)(1) - (12) of this section unless the individual was a resident of the state for at least six consecutive months immediately before leaving the state.**
- **(c) An otherwise eligible individual who has been eligible for the immediately preceding 10 dividends despite being absent from the state for more than 180 days in each of the related 10 qualifying years is only eligible for the current year dividend if the individual was absent 180 days or less during the qualifying year. This subsection does not apply to an absence under (a)(8) or (9) of this section or to an absence under (a)(12) of this section if the absence is to accompany an individual who is absent under (a)(8) or (9) of this section.**

# Allowable Absence 2012

- Sec. 43.23.008. Allowable absences.
- (a) Subject to (b) and (c) 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;**

# Allowable Absence 2012

Sec. 43.23.008. Allowable absences. *(continued)*

- **(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 licensed physician or convalescing as recommended by the physician who treated the illness if the treatment or convalescence is not based on a need for climatic change;
- (6) providing care for a parent, spouse, sibling, child, or stepchild with a critical life-threatening illness whose treatment plan, as recommended by the attending physician, requires travel outside the state for treatment at a medical specialty complex;

# Allowable Absence 2012

- Sec. 43.23.008. Allowable absences. *(continued)*
- (7) providing care for the individual's terminally ill family member;
- (8) settling the estate of the individual's deceased parent, spouse, sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;
- (9) serving as a member of the United States Congress;
- (10) serving on the staff of a member from this state of the United States Congress;
- (11) serving as an employee of the state in a field office or other location;
- (12) accompanying a minor who is absent under (5) of this subsection;

# Allowable Absence 2012

- Sec. 43.23.008. Allowable absences. *(continued)*
- (13) accompanying another eligible resident who is absent for a reason permitted under (1), (2), (5) - (12), (16), or (17) of this subsection as the spouse, minor dependent, or disabled dependent of the eligible resident;
- **(14) serving as a volunteer in the federal peace corps program;**
- **(15) because of training or competing as a member of the United States Olympic Team;**
- **(16) participating for educational purposes in a student fellowship sponsored by the United States Department of Education or by the United States Department of State;**

# Allowable Absence 2012

- Sec. 43.23.008. Allowable absences. *(continued)*
- (17) for any reason consistent with the individual's intent to remain a state resident, provided the absence or cumulative absences do not exceed
- (A) 180 days in addition to any absence or cumulative absences claimed under (3) of this subsection if the individual is not claiming an absence under (1), (2), or (4) - (16) of this subsection;
- (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) - (16) of this subsection but is claiming an absence under (1) or (2) of this subsection; or
- (C) 45 days in addition to any absence or cumulative absences claimed under (1) - (16) of this subsection if the individual is claiming an absence under (4) - (16) of this subsection.

# Allowable Absence 2012

- Sec. 43.23.008. Allowable absences. *(continued)*
- (b) An individual may not claim an allowable absence under (a)(1) - (16) of this section unless the individual was a resident of the state for at least six consecutive months immediately before leaving the state.
- (c) An otherwise eligible individual who has been eligible for the immediately preceding 10 dividends despite being absent from the state for more than 180 days in each of the related 10 qualifying years is only eligible for the current year dividend if the individual was absent 180 days or less during the qualifying year. This subsection does not apply to an absence under (a)(9) or (10) of this section or to an absence under (a)(13) of this section if the absence is to accompany an individual who is absent under (a)(9) or (10) of this section.
- **(d) For purposes of (a)(7) of this section, "family member" means a person who is**
  - **(1) legally related to the individual through marriage or guardianship; or**
  - **(2) the individual's sibling, parent, grandparent, son, daughter, grandson, granddaughter, uncle, aunt, niece, nephew, or first cousin.**



# Allowable Absence After HB 52

- Sec. 43.23.008. Allowable absences.
- (a) Subject to (b) and (e) 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;

# Allowable Absence After HB 52

- Sec. 43.23.008. Allowable absences. *(continued)*
- (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 licensed physician or convalescing as recommended by the physician who treated the illness if the treatment or convalescence is not based on a need for climatic change;
- (6) providing care for a parent, spouse, sibling, child, or stepchild with a critical life-threatening illness whose treatment plan, as recommended by the attending physician, requires travel outside the state for treatment at a medical specialty complex;

# Allowable Absence After HB 52

- Sec. 43.23.008. Allowable absences. *(continued)*
- (7) providing care for the individual's terminally ill family member;
- (8) settling the estate of the individual's deceased parent, spouse, sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;
- (9) serving as a member of the United States Congress;
- (10) serving on the staff of a member from this state of the United States Congress;
- (11) serving as an employee of the state in a field office or other location;
- (12) accompanying a minor who is absent under (5) of this subsection;

# Allowable Absence After HB 52

- Sec. 43.23.008. Allowable absences. *(continued)*
- (13) accompanying another eligible resident who is absent for a reason permitted under (1), (2), (5) - (12), (16), or (17) of this subsection as the spouse, minor dependent, or disabled dependent of the eligible resident;
- (14) serving as a volunteer in the federal peace corps program;
- (15) because of training or competing as a member of the United States Olympic Team;
- (16) participating for educational purposes in a student fellowship sponsored by the United States Department of Education or by the United States Department of State;

# Allowable Absence After HB 52

- Sec. 43.23.008. Allowable absences. *(continued)*
- (17) for any reason consistent with the individual's intent to remain a state resident, provided the absence or cumulative absences do not exceed
  - (A) 180 days in addition to any absence or cumulative absences claimed under (3) of this subsection if the individual is not claiming an absence under (1), (2), or (4) - (16) of this subsection;
  - (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) - (16) of this subsection but is claiming an absence under (1) or (2) of this subsection; or
  - (C) 45 days in addition to any absence or cumulative absences claimed under (1) - (16) of this subsection if the individual is claiming an absence under (4) - (16) of this subsection.

# Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (b) An individual may not claim an allowable absence under (a)(1) - (16) of this section unless the individual was a resident of the state for at least six consecutive months immediately before leaving the state.
- (d) For purposes of (a)(7) of this section, "family member" means a person who is
  - (1) legally related to the individual through marriage or guardianship; or
  - (2) the individual's sibling, parent, grandparent, son, daughter, grandson, granddaughter, uncle, aunt, niece, nephew, or first cousin.

# Allowable Absence After HB 52

- Sec. 43.23.008. Allowable absences. *(continued)*
- **(e) After an individual has been absent from the state for more than 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 documentation to the department that establishes, by clear and convincing evidence, that**
  - **(1) the individual was physically present in the state for at least 30 cumulative days during the past five years; and**
  - **(2) the individual is a state resident as defined in AS 43.23.095(7).**

# Allowable Absence After HB 52

- Sec. 43.23.008. Allowable absences. *(continued)*
- **(f) To determine whether an individual intends to return and remain in the state indefinitely, the department shall consider**
  - **(1) the length of time the individual was absent from the state compared to the length of time the individual was physically present in the state;**
  - **(2) the frequency and duration of voluntary return trips to the state during the past five years;**
  - **(3) whether the individual's intent to return to and remain in the state is conditioned on future events beyond the individual's control, such as the financial circumstances of the individual or the ability of the individual to find employment in the state;**



# Allowable Absence After HB 52

- Sec. 43.23.008. Allowable absences. *(continued)*
- **(4) the ties the individual has established with the state or another jurisdiction, as demonstrated by**
  - **(A) maintenance of a home;**
  - **(B) payment of resident taxes;**
  - **(C) registration of a vehicle;**
  - **(D) registration to vote and voting history;**
  - **(E) acquisition of a driver's license, business license, or professional license; and**
  - **(F) receipt of benefits under a claim of residency in the state or another jurisdiction;**

# Allowable Absence After HB 52

- Sec. 43.23.008. Allowable absences. *(continued)*
- **(5) the priority that the individual gave the state on an employment assignment preference list, including a list used by military personnel;**
- **(6) whether the individual made a career choice or chose a career path that does not allow the individual to reside in or return to the state.**