

HOUSE BILL NO. 52

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES FEIGE, Hughes, Herron, Thompson, Lynn

Introduced: 1/16/13

Referred: State Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to allowable absences from the state for purposes of eligibility for**
2 **permanent fund dividends; and providing for an effective date."**

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

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

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

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

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

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

1 disabled dependent, an individual who is

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

4 (B) eligible for a current year dividend;

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

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

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

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

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

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

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

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

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

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

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

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

29 (16) participating for educational purposes in a student fellowship
30 sponsored by the United States Department of Education or by the United States
31 Department of State;

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

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

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

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

13 * **Sec. 2.** AS 43.23.008 is amended by adding new subsections to read:

14 (e) After an individual has been absent from the state for more than 180 days
15 in each of the five preceding qualifying years, the department shall presume that the
16 individual is no longer a state resident. The individual may rebut this presumption by
17 providing documentation to the department that establishes, by clear and convincing
18 evidence, that

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

21 (2) the individual is a state resident as defined in AS 43.23.095(7).

22 (f) To determine whether an individual intends to return and remain in the
23 state indefinitely, the department shall consider

24 (1) the length of time the individual was absent from the state
25 compared to the length of time the individual was physically present in the state;

26 (2) the frequency and duration of voluntary return trips to the state
27 during the past five years;

28 (3) whether the individual's intent to return to and remain in the state is
29 conditioned on future events beyond the individual's control;

30 (4) the ties the individual has established with the state or another
31 jurisdiction, as demonstrated by

- 1 (A) maintenance of a home;
 2 (B) payment of resident taxes;
 3 (C) registration of a vehicle;
 4 (D) registration to vote and voting history;
 5 (E) acquisition of a driver's license, business license, or
 6 professional license; and
 7 (F) receipt of benefits under a claim of residency in the state or
 8 another jurisdiction;
 9 (5) the priority that the individual gave the state on an employment
 10 assignment preference list, including a list used by military personnel.

11 * **Sec. 3.** AS 43.23.008(c) is repealed.

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

14 APPLICATION FOR THE 2013 PERMANENT FUND DIVIDEND FOR CERTAIN
 15 INDIVIDUALS. (a) Notwithstanding the application deadline of AS 43.23.011, an individual
 16 who was ineligible for a 2013 dividend under former AS 43.23.008(c), repealed by sec. 3 of
 17 this Act, and who is otherwise eligible, may apply for the 2013 permanent fund dividend
 18 within 90 days after the effective date of this Act, regardless of whether the individual is
 19 physically present in the state at the time of application.

20 (b) The repeal of AS 43.23.008(c) by sec. 3 of this Act and the enactment of
 21 AS 43.23.008(e) by sec. 2 of this Act may not be applied to make ineligible any person
 22 otherwise eligible for a 2013 dividend under AS 43.23 as it read December 31, 2012.

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

25 RETROACTIVITY. Sections 1 - 4 of this Act are retroactive to January 1, 2013.

26 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).