

CS FOR HOUSE BILL NO. 4(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/10/95

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES KOTT, Mulder

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to absences from the state for purposes of determining residency
2 under the permanent fund dividend program; and providing for an effective date."

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

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

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

7 (1) [THE INDIVIDUAL] applies to the department;

8 (2) [ON THE DATE OF APPLICATION THE INDIVIDUAL] is a
9 state resident on the date of application;

10 (3) [THE INDIVIDUAL] was a state resident for at least the calendar
11 year immediately preceding January 1 of the current dividend year;

12 (4) [THE INDIVIDUAL] has been physically present in the state at
13 some time during the prior two calendar years before the current dividend year; [AND]

14 (5) [THE INDIVIDUAL] is

15 (A) a citizen of the United States;

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

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

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

5 **and**

6 **(6) was, during the entire period described in (3) of this subsection,**
7 **present in the state or, if absent, was absent only as allowed in AS 43.23.008.**

8 * **Sec. 2.** AS 43.23 is amended by adding a new section to read:

9 Sec. 43.23.008. ALLOWABLE ABSENCES. An otherwise eligible individual
10 who is absent from the state during the calendar year immediately preceding the
11 current dividend year remains eligible for the dividend if the individual was absent for

12 (1) vocational, professional, or other specific education for which a
13 comparable program was not reasonably available in the state;

14 (2) secondary or postsecondary education;

15 (3) military service;

16 (4) medical treatment;

17 (5) service in Congress;

18 (6) service in the peace corps;

19 (7) other reasons that the commissioner may establish by regulation;

20 or

21 (8) accompanying another eligible resident who is absent for a reason
22 permitted under this section as the spouse, minor dependent, or disabled dependent of
23 the eligible resident.

24 * **Sec. 3.** AS 43.23.095(8) is amended to read:

25 (8) "state resident" means an individual who is physically present in the
26 state with the intent to remain permanently in the state under the requirements of
27 AS 01.10.055 or, if the individual is not physically present in the state, **maintains and**
28 **demonstrates at all times an intent** [INTENDS] to return to the state **to** [AND]
29 remain permanently in the state under the requirements of AS 01.10.055 [, AND IS
30 ABSENT ONLY FOR ANY OF THE FOLLOWING REASONS:

31 (A) VOCATIONAL, PROFESSIONAL, OR OTHER SPECIFIC

1 EDUCATION FOR WHICH A COMPARABLE PROGRAM WAS NOT
2 REASONABLY AVAILABLE IN THE STATE;

3 (B) SECONDARY OR POSTSECONDARY EDUCATION;

4 (C) MILITARY SERVICE;

5 (D) MEDICAL TREATMENT;

6 (E) SERVICE IN CONGRESS;

7 (F) OTHER REASONS WHICH THE COMMISSIONER MAY
8 ESTABLISH BY REGULATION; OR

9 (G) SERVICE IN THE PEACE CORPS];

10 * **Sec. 4.** PERMANENT FUND DIVIDENDS FOR CERTAIN SPOUSES AND
11 DEPENDENTS. Notwithstanding the provision in AS 43.23.015(a) that the residency of an
12 individual's spouse may not be the principal factor relied upon in determining the residency
13 of the individual, an otherwise eligible individual who applied for a 1992, 1993, or 1994
14 permanent fund dividend within the time prescribed by law is eligible for the dividend even
15 if the individual was absent from the state while accompanying, as the spouse, minor
16 dependent, or disabled dependent, another person who was absent for a reason permitted under
17 AS 43.23.095(8) and was eligible for that dividend.

18 * **Sec. 5.** APPEAL PERIOD. Notwithstanding permanent fund dividend appeal procedures
19 or deadlines established by law or regulation, an individual or the parent, guardian, or
20 authorized representative of a minor who qualified for the 1994 dividend because of
21 AS 43.23.008(8), enacted in sec. 2 of this Act, may appeal a denial of a 1994 dividend by
22 September 1, 1995. The Department of Revenue shall prepare a form for appeal under this
23 section.

24 * **Sec. 6.** Sections 1 - 3 of this Act are retroactive to January 1, 1995.

25 * **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).