

CS FOR HOUSE BILL NO. 4(STA)(title am)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Amended: 3/6/95
Offered: 2/10/95

Sponsor(s): REPRESENTATIVES KOTT, Mulder, Robinson

SENATORS Leman, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act allowing, for the purposes of permanent fund dividend eligibility, an
2 individual to accompany, as the spouse or minor or disabled dependent, another
3 eligible resident who is absent for vocational, professional, or other specific
4 education for which a comparable program is not reasonably available in the
5 state, for secondary or postsecondary education, for military service, for medical
6 treatment, for service in the Congress or in the Peace Corps, or for other
7 reasons that the commissioner of revenue may establish by regulation; requiring,
8 for the purposes of permanent fund dividend eligibility, an individual who is
9 not physically present in the state to maintain and demonstrate at all times an
10 intent to return to the state to remain permanently; relating to the eligibility
11 for 1992, 1993, and 1994 permanent fund dividends of certain spouses and
12 dependents of eligible applicants; relating to appeal periods for certain 1994

1 permanent fund dividends; and providing for an effective date."

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

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

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

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

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

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

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

13 (5) [THE INDIVIDUAL] is

14 (A) a citizen of the United States;

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

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

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

19 and

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

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

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

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

28 (2) secondary or postsecondary education;

29 (3) military service;

30 (4) medical treatment;

31 (5) service in Congress;

- 1 (6) service in the peace corps;
2 (7) other reasons that the commissioner may establish by regulation;
3 or
4 (8) accompanying another eligible resident who is absent for a reason
5 permitted under this section as the spouse, minor dependent, or disabled dependent of
6 the eligible resident.

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

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

14 (A) VOCATIONAL, PROFESSIONAL, OR OTHER SPECIFIC
15 EDUCATION FOR WHICH A COMPARABLE PROGRAM WAS NOT
16 REASONABLY AVAILABLE IN THE STATE;

17 (B) SECONDARY OR POSTSECONDARY EDUCATION;

18 (C) MILITARY SERVICE;

19 (D) MEDICAL TREATMENT;

20 (E) SERVICE IN CONGRESS;

21 (F) OTHER REASONS WHICH THE COMMISSIONER MAY
22 ESTABLISH BY REGULATION; OR

23 (G) SERVICE IN THE PEACE CORPS];

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

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

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

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