

SENATE CS FOR CS FOR HOUSE BILL NO. 4(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/6/96

Referred: Rules

Sponsor(s): REPRESENTATIVES KOTT, Mulder, Robinson

SENATORS Leman, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to absences from the state for the purposes of permanent
2 fund dividend eligibility; relating to the following allowable absences: receiving
3 secondary or postsecondary education on a full-time basis, receiving vocational,
4 professional, or other specific education on a full-time basis for which a
5 comparable program is not reasonably available in the state, serving on active
6 duty as a member of the military of the United States, receiving certain
7 medical treatment, accompanying a minor who is receiving certain medical
8 treatment, providing care for a parent, spouse, sibling, child, or stepchild with
9 a life-threatening illness who is being treated at a medical specialty complex
10 outside the state, providing care for a terminally ill parent, spouse, sibling,
11 child, or stepchild, settling the estate of a deceased parent, spouse, sibling, child,
12 or stepchild, serving as a member of the Congress, serving on the staff of a

1 member of the Congress from this state, serving in the Peace Corps, serving
2 as an employee of the state, actively participating on a United States national
3 athletic team, accompanying another eligible resident as the spouse, minor
4 dependent, or disabled dependent of the eligible resident, and for any reason
5 consistent with the individual's intent to remain a resident; requiring, for the
6 purposes of permanent fund dividend eligibility, an individual who is not
7 physically present in the state to maintain and demonstrate at all times an
8 intent to return to the state to remain permanently; relating to the eligibility
9 for 1992, 1993, 1994, 1995, and 1996 permanent fund dividends of certain
10 spouses and dependents of eligible applicants; and providing for an effective
11 date."

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

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

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

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

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

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

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

23 (5) [THE INDIVIDUAL] is

24 (A) a citizen of the United States;

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

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

1 (D) an alien that has been granted asylum under federal law;
2 and
3 (6) was, during the entire period described in (3) of this subsection,
4 present in the state or, if absent, was absent only as allowed in AS 43.23.008.

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

6 Sec. 43.23.008. ALLOWABLE ABSENCES. (a) Subject to (b) of this
7 section, an otherwise eligible individual who is absent from the state during the
8 calendar year immediately preceding the current dividend year remains eligible for the
9 dividend if the individual was absent

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

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

14 (3) serving on active duty as a member of the military of the United
15 States;

16 (4) receiving continuous medical treatment recommended by a licensed
17 physician or convalescing as recommended by the physician that treated the illness if
18 the treatment or convalescence is not based on a need for climatic change;

19 (5) accompanying a minor who is absent under (4) of this subsection;

20 (6) serving as a member of the United States Congress;

21 (7) serving on the staff of a member of the United States Congress
22 from this state;

23 (8) serving as a full-time volunteer in the Peace Corps;

24 (9) serving as an employee of the state in a field office or otherwise;

25 (10) actively participating on a United States national athletic team as
26 an eligible athlete as evidenced by a document provided by the international federation
27 or national governing body for that nonprofessional sport;

28 (11) accompanying another eligible resident who is absent for a reason
29 permitted under this subsection as the spouse, minor dependent, or disabled dependent
30 of the eligible resident;

31 (12) for any reason consistent with the individual's intent to remain a

1 state resident, provided the absence or cumulative absences do not exceed

2 (A) 180 days if the individual is not claiming an absence under
3 (1) - (11) of this subsection;

4 (B) 120 days in addition to any absence or cumulative absences
5 claimed under (1) or (2) of this subsection if the individual is not claiming any
6 absence under (3) - (11) of this subsection; or

7 (C) 45 days in addition to any absence or cumulative absences
8 claimed under (1) - (11) of this subsection.

9 (b) An individual who is otherwise eligible, and who is absent for more than
10 180 days during the calendar year immediately preceding January 1 of the current
11 dividend year, remains eligible for the dividend only if the individual was a resident
12 of the state for at least six consecutive months immediately before leaving the state.

13 * **Sec. 3.** AS 43.23 is amended by adding a new section to read:

14 Sec. 43.23.008. ALLOWABLE ABSENCES. (a) Subject to (b) of this
15 section, an otherwise eligible individual who is absent from the state during the
16 calendar year immediately preceding the current dividend year remains eligible for the
17 dividend if the individual was absent

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

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

22 (3) serving on active duty as a member of the military of the United
23 States;

24 (4) receiving continuous medical treatment recommended by a licensed
25 physician or convalescing as recommended by the physician that treated the illness if
26 the treatment or convalescence is not based on a need for climatic change;

27 (5) accompanying a minor who is absent under (4) of this subsection;

28 (6) providing continuous care, for a period not to exceed 24 consecutive
29 months, for a parent, spouse, sibling, child, or stepchild with a critical life-threatening
30 illness whose treatment plan, as recommended by the attending physician, requires the
31 person needing treatment to travel outside the state for treatment at a medical specialty

1 complex;

2 (7) providing continuous care, for a period not to exceed 24 consecutive
3 months, for the individual's terminally ill parent, spouse, sibling, child, or stepchild;

4 (8) settling the estate of the individual's deceased parent, spouse,
5 sibling, child, or stepchild for a period not to exceed 18 consecutive months;

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

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

9 (11) serving as a full-time volunteer in the Peace Corps;

10 (12) serving as an employee of the state in a field office or otherwise;

11 (13) actively participating on a United States national athletic team as
12 an eligible athlete as evidenced by a document provided by the international federation
13 or national governing body for that nonprofessional sport;

14 (14) accompanying another eligible resident who is absent for a reason
15 permitted under this subsection as the spouse, minor dependent, or disabled dependent
16 of the eligible resident;

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

19 (A) 180 days if the individual is not claiming an absence under
20 (1) - (14) of this subsection;

21 (B) 120 days in addition to any absence or cumulative absences
22 claimed under (1) or (2) of this subsection if the individual is not claiming any
23 absence under (3) - (14) of this subsection; or

24 (C) 45 days in addition to any absence or cumulative absences
25 claimed under (1) - (14) of this subsection.

26 (b) An individual who is otherwise eligible, and who is absent for more than
27 180 days during the calendar year immediately preceding January 1 of the current
28 dividend year, remains eligible for the dividend only if the individual was a resident
29 of the state for at least six consecutive months immediately before leaving the state.

30 * **Sec. 4.** AS 43.23.008 is repealed and reenacted to read:

31 Sec. 43.23.008. ALLOWABLE ABSENCES. An otherwise eligible individual

1 who is absent from the state during the calendar year immediately preceding the
2 current dividend year remains eligible for the dividend if the individual was absent for
3 any reason consistent with the individual's intent to remain a state resident, provided
4 the absence or cumulative absences do not exceed 180 days.

5 * **Sec. 5.** AS 43.23.095(8) is amended to read:

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

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

15 (B) SECONDARY OR POSTSECONDARY EDUCATION;

16 (C) MILITARY SERVICE;

17 (D) MEDICAL TREATMENT;

18 (E) SERVICE IN CONGRESS;

19 (F) OTHER REASONS WHICH THE COMMISSIONER MAY
20 ESTABLISH BY REGULATION; OR

21 (G) SERVICE IN THE PEACE CORPS];

22 * **Sec. 6.** PERMANENT FUND DIVIDENDS FOR CERTAIN SPOUSES AND
23 DEPENDENTS. Notwithstanding the provision in AS 43.23.015(a) that the residency of an
24 individual's spouse may not be the principal factor relied upon in determining the residency
25 of the individual, regardless of appeal status, an otherwise eligible individual who applied for
26 a 1992, 1993, 1994, 1995, or 1996 permanent fund dividend within the time prescribed by law
27 is eligible for the dividend even if the individual was absent from the state while
28 accompanying, as the spouse, minor dependent, or disabled dependent, another person who
29 was absent for a reason permitted under AS 43.23.095(8) and was eligible for that dividend.

30 * **Sec. 7.** CONFORMING ACTS. If a version of House Bill 198 is adopted during the
31 Second Regular Session of the Nineteenth Alaska State Legislature and enacted into law, secs.

1 3 and 5 of this Act replace the amendment made to AS 43.23.095(8) in the enacted version
2 of House Bill 198.

3 * **Sec. 8.** Section 3 of this Act takes effect only if a version of House Bill 198 is adopted
4 during the Second Regular Session of the Nineteenth Alaska State Legislature and enacted into
5 law.

6 * **Sec. 9.** Section 2 of this Act takes effect only if a version of House Bill 198 is not
7 adopted during the Second Regular Session of the Nineteenth Alaska State Legislature and
8 enacted into law.

9 * **Sec. 10.** Sections 1 and 5 of this Act take effect January 1, 1997.

10 * **Sec. 11.** Sections 6 - 9 of this Act take effect immediately under AS 01.10.070(c).

11 * **Sec. 12.** If sec. 3 of this Act takes effect, it takes effect January 1, 1997.

12 * **Sec. 13.** If sec. 2 of this Act takes effect, it takes effect January 1, 1997.

13 * **Sec. 14.** Section 4 of this Act takes effect January 1, 1998.