

**HOUSE BILL NO. 2**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KOTT AND MULDER, Kubina, Martin, Davies, Williams

Introduced: 1/13/97

Referred: Finance

**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 any of the following reasons: vocational,  
4 professional, or other specific education for which a comparable program is not  
5 reasonably available in the state; secondary or postsecondary education; military  
6 service; medical treatment; service in the Congress or in the peace corps; to care  
7 for the individual's terminally ill parent, spouse, sibling, child, or stepchild; for  
8 up to 220 days to settle the estate of the individual's deceased parent, spouse,  
9 sibling, child, or stepchild; to care for a parent, spouse, sibling, child, or stepchild  
10 with a critical life-threatening illness whose treatment plan, as recommended by  
11 the attending physician, requires travel outside of the state for treatment at a  
12 medical speciality complex; or other reasons that the commissioner of revenue may

1 establish by regulation; requiring, for the purposes of permanent fund dividend  
 2 eligibility, a state resident to have the intent to remain indefinitely; relating to  
 3 the eligibility for 1992, 1993, 1994, 1995, 1996, and 1997 permanent fund  
 4 dividends of certain spouses and dependents of eligible applicants; and providing  
 5 for an effective date."

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

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

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

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

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

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

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

17 (5) [THE INDIVIDUAL] is

18 (A) a citizen of the United States;

19 (B) an alien lawfully admitted for permanent residence in the  
 20 United States;

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

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

23 and

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

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

27 **Sec. 43.23.008. Allowable absences.** An otherwise eligible individual who is  
 28 absent from the state during the calendar year immediately preceding the current  
 29 dividend year remains eligible for the dividend if the individual was absent for any of

1 the following reasons:

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

4 (2) secondary or postsecondary education;

5 (3) military service;

6 (4) medical treatment;

7 (5) service in the Congress;

8 (6) service in the peace corps;

9 (7) to care for the individual's terminally ill parent, spouse, sibling,  
10 child, or stepchild;

11 (8) for up to 220 days to settle the estate of the individual's deceased  
12 parent, spouse, sibling, child, or stepchild;

13 (9) to care for a parent, spouse, sibling, child, or stepchild with a  
14 critical life-threatening illness whose treatment plan, as recommended by the attending  
15 physician, requires travel outside the state for treatment at a medical speciality  
16 complex;

17 (10) other reasons that the commissioner may establish by regulation;

18 or

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

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

23 (8) "state resident" means an individual who is physically present in the  
24 state with the intent to remain **indefinitely** [PERMANENTLY] in the state under the  
25 requirements of AS 01.10.055 or, if the individual is not physically present in the state,  
26 intends to return to the state and remain **indefinitely** [PERMANENTLY] in the state  
27 under the requirements of AS 01.10.055 [, AND IS ABSENT ONLY FOR ANY OF  
28 THE FOLLOWING REASONS:

29 (A) VOCATIONAL, PROFESSIONAL, OR OTHER SPECIFIC  
30 EDUCATION FOR WHICH A COMPARABLE PROGRAM WAS NOT  
31 REASONABLY AVAILABLE IN THE STATE;

- 1 (B) SECONDARY OR POSTSECONDARY EDUCATION;  
 2 (C) MILITARY SERVICE;  
 3 (D) MEDICAL TREATMENT;  
 4 (E) SERVICE IN CONGRESS;  
 5 (F) OTHER REASONS WHICH THE COMMISSIONER MAY  
 6 ESTABLISH BY REGULATION;  
 7 (G) SERVICE IN THE PEACE CORPS;  
 8 (H) TO CARE FOR THE INDIVIDUAL'S TERMINALLY ILL  
 9 PARENT, SPOUSE, SIBLING, CHILD, OR STEPCHILD;  
 10 (I) FOR UP TO 220 DAYS TO SETTLE THE ESTATE OF  
 11 THE INDIVIDUAL'S DECEASED PARENT, SPOUSE, SIBLING, CHILD,  
 12 OR STEPCHILD; OR  
 13 (J) TO CARE FOR A PARENT, SPOUSE, SIBLING, CHILD,  
 14 OR STEPCHILD WITH A CRITICAL LIFE-THREATENING ILLNESS  
 15 WHOSE TREATMENT PLAN, AS RECOMMENDED BY THE ATTENDING  
 16 PHYSICIAN, REQUIRES TRAVEL OUTSIDE THE STATE FOR  
 17 TREATMENT AT A MEDICAL SPECIALTY COMPLEX];

18 \* **Sec. 4.** PERMANENT FUND DIVIDENDS FOR CERTAIN SPOUSES AND  
 19 DEPENDENTS. (a) Notwithstanding the provision in AS 43.23.015(a) that the residency of  
 20 an individual's spouse may not be the principal factor relied upon in determining the residency  
 21 of the individual, an individual is eligible for a 1992, 1993, 1994, 1995, 1996, or 1997  
 22 dividend even if the individual was absent from the state while accompanying, as the spouse,  
 23 minor dependent, or disabled dependent, another person who was eligible for that dividend and  
 24 was absent for a reason permitted under AS 43.23.008 or 43.23.095(8), as those statutes read  
 25 at the time of the absence. An individual is eligible for a prior year dividend under this  
 26 subsection regardless of whether the individual previously applied for the prior year dividend  
 27 but only if the individual

- 28 (1) would have been otherwise eligible for the prior year dividend;  
 29 (2) is eligible for the 1998 dividend; and  
 30 (3) applies for the prior year dividend during the 1998 application period.

31 (b) The Department of Revenue shall prescribe and furnish an application form for

- 1 claiming a prior year dividend under this section.
- 2 \* **Sec. 5.** This Act takes effect January 1, 1998.