

CS FOR HOUSE BILL NO. 2(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 1/31/97

Referred: Rules

Sponsor(s): REPRESENTATIVES KOTT AND MULDER, Kubina, Martin, Davies, Williams, Hudson, Rokeberg, Ryan, James, Elton, Croft

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 specialty 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; and
 29 (2) applies for the prior year dividend during the 1998 application period.

30 (b) The Department of Revenue shall prescribe and furnish an application form for
 31 claiming a prior year dividend under this section.

1 * **Sec. 5.** This Act takes effect January 1, 1998.