

HOUSE BILL NO. 24

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MULDER, Green

Introduced: 1/13/97

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to absences from the state for purposes of eligibility for
2 permanent fund dividends for service in the Foreign Service of the United States
3 or to accompany, as the spouse or minor or disabled dependent, another eligible
4 resident who is absent for a reason allowed under the dividend program; relating
5 to eligibility for 1992, 1993, 1994, 1995, 1996, and 1997 permanent fund dividends
6 of certain spouses and dependents of eligible applicants; and providing for an
7 effective date."

8 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

9 * **Section 1.** AS 43.23.095(8) is amended to read:

10 (8) "state resident" means an individual who is physically present in the
11 state with the intent to remain permanently in the state under the requirements of
12 AS 01.10.055 or, if the individual is not physically present in the state, intends to
13 return to the state and remain permanently in the state under the requirements of

1 AS 01.10.055, and is absent only for any of the following reasons:

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

4 (B) secondary or postsecondary education;

5 (C) military service;

6 (D) medical treatment;

7 (E) service in Congress;

8 (F) other reasons which the commissioner may establish by
9 regulation;

10 (G) service in the Peace Corps;

11 (H) to care for the individual's terminally ill parent, spouse,
12 sibling, child, or stepchild;

13 (I) for up to 220 days to settle the estate of the individual's
14 deceased parent, spouse, sibling, child, or stepchild; [OR]

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

19 **(K) service in the Foreign Service of the United States; or**

20 **(L) to accompany another resident, who is eligible for a**
21 **permanent fund dividend and is absent for a reason permitted under this**
22 **paragraph, as the spouse, minor dependent, or disabled dependent of the**
23 **eligible resident;**

24 * Sec. 2. PERMANENT FUND DIVIDENDS FOR CERTAIN SPOUSES AND
25 DEPENDENTS. (a) Notwithstanding the provision in AS 43.23.015(a) that the residency of
26 an individual's spouse may not be the principal factor relied on in determining the residency
27 of the individual, an individual is eligible for a 1992, 1993, 1994, 1995, 1996, or 1997
28 permanent fund dividend even if the individual was absent from the state while accompanying,
29 as the spouse, minor dependent, or disabled dependent, another person who was eligible for
30 that dividend and was absent for a reason permitted in AS 43.23.095(8), as that statute read
31 at the time of the absence. An individual is eligible for a prior year dividend under this

1 subsection regardless of whether the individual previously applied for the prior year dividend
2 but only if the individual

3 (1) would have been otherwise eligible for the prior year dividend; and

4 (2) applies for the prior year dividend during the 1998 application period.

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

7 * **Sec. 3.** This Act takes effect January 1, 1998.