

CS FOR HOUSE BILL NO. 132(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/28/99
Referred: Finance

Sponsor(s): REPRESENTATIVE COWDERY BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to allowable absences from the state for purposes of eligibility
2 for permanent fund dividends; and providing for an effective date."

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

4 * **Section 1.** AS 43.23.008 is amended to read:

5 **Sec. 43.23.008. Allowable absences.** (a) Subject to (b) and (c) of this
6 section, an otherwise eligible individual who is absent from the state during the
7 qualifying year remains eligible for a current year permanent fund dividend if the
8 individual was absent

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

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

13 (3) serving on active duty as a member of the armed forces of the
14 United States;

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

4 (5) providing care for a parent, spouse, sibling, child, or stepchild with
5 a critical life-threatening illness whose treatment plan, as recommended by the
6 attending physician, requires travel outside the state for treatment at a medical
7 specialty complex;

8 (6) providing care for the individual's terminally ill parent, spouse,
9 sibling, child, or stepchild;

10 (7) settling the estate of the individual's deceased parent, spouse,
11 sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;

12 (8) serving as a member of the United States Congress;

13 (9) serving on the staff of a member from this state of the United States
14 Congress;

15 (10) serving as an employee of the state in a field office or other
16 location;

17 (11) accompanying a minor who is absent under (4) of this subsection;

18 (12) **for employment if**

19 **(A) in addition to satisfying the residency requirements, the**
20 **individual is domiciled in the state; and**

21 **(B) the employer certifies in writing that the absence was a**
22 **condition of the employment and that the individual was required to work**
23 **in the state for part of the qualifying year;**

24 **(13)** accompanying another eligible resident who is absent for a reason
25 permitted under this subsection as the spouse, minor dependent, or disabled dependent
26 of the eligible resident;

27 **(14)** [(13)] for any reason consistent with the individual's intent to
28 remain a state resident, provided the absence or cumulative absences do not exceed

29 (A) 180 days if the individual is not claiming an absence under
30 **(1) - (13)** [(1) - (12)] of this subsection;

31 (B) 120 days in addition to any absence or cumulative absences

1 claimed under (1) or (2) of this subsection if the individual is not claiming an
2 absence under (3) - (13) [(3) - (12)] of this subsection; or

3 (C) 45 days in addition to any absence or cumulative absences
4 claimed under (1) - (13) [(1) - (12)] of this subsection.

5 (b) An individual may not claim an allowable absence under (a)(1) - (13)
6 [(a)(1) - (12)] of this section unless the individual was a resident of the state for at
7 least six consecutive months immediately before leaving the state.

8 (c) An otherwise eligible individual who has been eligible for the immediately
9 preceding 10 dividends despite being absent from the state for more than 180 days in
10 each of the related 10 qualifying years is only eligible for the current year dividend
11 if the individual was absent 180 days or less during the qualifying year. This
12 subsection does not apply to an absence under (a)(8) or (9) of this section or to an
13 absence under (a)(13) [(a)(12)] of this section if the absence is to accompany an
14 individual who is absent under (a)(8) or (9) of this section.

15 * **Sec. 2.** AS 43.23.008 is amended by adding a new subsection to read:

16 (d) For purposes of (a)(12)(A) of this section, "domiciled" means that the
17 individual has, in the state, a true and permanent home from which the individual has
18 no present intention of moving and to which the individual intends to return whenever
19 the individual is away.

20 * **Sec. 3.** PERMANENT FUND DIVIDENDS FOR CERTAIN INDIVIDUALS. (a)
21 Notwithstanding other provisions of law, an individual is eligible for the 1998 or 1999
22 dividend if the individual did not receive the dividend because of absence from the state

23 (1) for employment and

24 (A) in addition to satisfying the residency requirements, the individual
25 is domiciled in the state; and

26 (B) the employer certifies in writing that the absence was a condition
27 of the employment and that the individual was required to work in the state for part
28 of the qualifying year; or

29 (2) while accompanying, as the spouse, minor dependent, or disabled
30 dependent, another person who is eligible for that dividend under this section.

31 (b) An individual is eligible for a 1998 or 1999 dividend under this section only if the

1 individual would have been otherwise eligible for that dividend and applies for that dividend
2 before the end of the 2000 application period on the form prescribed by the Department of
3 Revenue for claiming the dividend under this section.

4 (c) For purposes of (a)(1)(A) of this section, "domiciled" means that the individual
5 has, in the state, a true and permanent home from which the individual has no present
6 intention of moving and to which the individual intends to return whenever the individual is
7 away.

8 * **Sec. 4.** Sections 1 and 2 of this Act take effect January 1, 2000.

9 * **Sec. 5.** Section 3 of this Act takes effect immediately under AS 01.10.070(c).