

CS FOR HOUSE BILL NO. 305(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/15/02

Referred: Rules

Sponsor(s): REPRESENTATIVES MURKOWSKI, HARRIS, MULDER, JAMES, Hudson, Green, Guess, Dyson, Foster

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting certain state employment, a student loan, or a permanent fund**
2 **dividend for a person who fails to register for the military selective service; and**
3 **providing for an effective date."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 SHORT TITLE. This Act may be known as the Selective Service Registration
8 Awareness and Compliance Act.

9 * **Sec. 2.** AS 14.43.125(a) is amended to read:

10 (a) A person is eligible for a loan if the person

11 (1) is

12 (A) enrolled as a full-time student in a career education,
13 associate, baccalaureate, or graduate degree program;

14 (B) enrolled as a half-time student in a career education,

1 associate, baccalaureate, or graduate degree program

2 (i) in the state; or

3 (ii) out of the state and is physically present in this state

4 while attending that program; or

5 (C) a graduate of a high school or the equivalent, or scheduled
6 for graduation from a high school within six months, who, at the time of loan
7 disbursement, will be enrolled in compliance with (A) or (B) of this paragraph;

8 (2) is not delinquent and has never been in default on a loan previously
9 awarded by the commission;

10 (3) is a resident of the state at the time of application for the loan; for
11 purposes of this section, a person qualifies as a resident of the state if at the time of
12 application for the loan the person

13 (A) has been physically present in the state for at least one year
14 immediately before the time of application for the loan with the intent to
15 remain indefinitely;

16 (B) is dependent on a parent or guardian for care, the parent or
17 guardian has been present in the state for at least one year immediately before
18 the time of application for the loan with the intent to remain indefinitely, and
19 the person has been present in the state for at least one year of the immediately
20 preceding five years except that the commission may by a two-thirds vote,
21 acting upon a written appeal by the person, grant an exemption to the
22 requirement that the person has been present in the state for one year of the
23 immediately preceding five years;

24 (C) has been physically present in the state for at least one year
25 immediately before the applicant was absent from the state, the person intends
26 to return permanently to the state, and the absence is due solely to

27 (i) serving an initial period of up to three years on
28 active duty as a member of the armed forces of the United States;

29 (ii) serving for up to three years as a full-time volunteer
30 under the Peace Corps Act;

31 (iii) serving for up to three years as a full-time volunteer

1 under the Domestic Volunteer Service Act of 1973;

2 (iv) required medical care for the applicant or the
3 applicant's immediate family;

4 (v) being a person who otherwise qualifies as a resident
5 and is accompanying a spouse who qualifies as a resident under (i) -
6 (iv) of this paragraph;

7 (vi) an absence allowed under (D)(i) - (iv) of this
8 paragraph; or

9 (D) is a dependent of a parent or guardian who has been
10 physically present in the state for at least one year immediately before the
11 parent or guardian was absent from the state, the parent or guardian intends to
12 return permanently to the state, and the absence is due solely to

13 (i) participating in a foreign exchange student program
14 recognized by the commission;

15 (ii) attending a school as a full-time student;

16 (iii) full-time employment by the state;

17 (iv) being a member of or employed full-time by the
18 state's congressional delegation;

19 (v) being a person who otherwise qualifies as a resident
20 and is accompanying a spouse who qualifies as a resident under (i) -
21 (iv) of this paragraph;

22 (4) does not have a past due child support obligation established by
23 court order or by the child support enforcement division under AS 25.27.160 -
24 25.27.220 at the time of application or loan disbursement;

25 (5) has not, within the previous five years, had a loan discharged or
26 written off by the commission for any reason;

27 (6) does not have a status, at the time of the application for a loan or
28 disbursement of loan funds, that would prevent the person from repaying the loan as it
29 becomes due;

30 (7) has not within the previous seven years defaulted on another loan
31 made to the person by a lending entity unless the person can show good faith efforts to

1 repay the loan and extraordinary circumstances that led to the default; [AND]

2 (8) does not have a credit history, at the time of application for a loan,
3 that demonstrates chronic inability or unwillingness to pay an extension of credit or
4 loan as it becomes due; **and**

5 **(9) has complied with the military selective service registration**
6 **requirements imposed under 50 U.S.C. App. 453 (Military Selective Service Act),**
7 **if those requirements were applicable to the person.**

8 * **Sec. 3.** AS 14.43.750(a) is amended to read:

9 (a) A person may apply for and obtain a family education loan on behalf of a
10 family member if

11 (1) the borrower

12 (A) is a resident of the state at the time of application for the
13 loan; for purposes of this paragraph, a borrower qualifies as a resident of the
14 state if the borrower has been physically present in the state for at least one
15 year immediately before the time of application for the loan with the intent to
16 remain indefinitely or, if not physically present in the state, the borrower has
17 not declared or established residency in another state, intends to return
18 permanently to the state, and the absence meets the requirements imposed
19 under AS 14.43.125(a)(3)(C)(i) - (vi);

20 (B) satisfies the requirements of **AS 14.43.125(a)(6) - (9)**
21 **[AS 14.43.125(a)(6) - (8)]**;

22 (2) the family member

23 (A) is enrolled as a full-time student in a career education,
24 associate, baccalaureate, or graduate degree program; or

25 (B) is a graduate of a high school or the equivalent, or
26 scheduled for graduation from a high school within six months, who, at the
27 time of loan disbursement, will be enrolled in compliance with (A) of this
28 paragraph; and

29 (3) neither the borrower nor the family member

30 (A) is delinquent or has ever been in default on a loan
31 previously awarded by the commission;

1 (B) is past due on a child support obligation established by
 2 court order or by the child support enforcement division under AS 25.27.160 -
 3 25.27.220 at the time of application or loan disbursement;

4 (C) has, within the previous five years, had a loan discharged
 5 or written off by the commission for any reason.

6 * **Sec. 4.** AS 39.25.160 is amended by adding a new subsection to read:

7 (k) A person may not be employed in the classified, partially exempt, or
 8 exempt service unless the person has complied with the military selective service
 9 registration requirements imposed under 50 U.S.C. App. 453 (Military Selective
 10 Service Act), if those requirements were applicable to the person. Notwithstanding
 11 AS 39.25.110, this subsection applies to employees in the exempt service except

12 (1) a justice, a judge, or a magistrate;

13 (2) the governor or the lieutenant governor;

14 (3) a member of the legislature;

15 (4) a person appointed under art. III, sec. 25, or art. III, sec. 26,
 16 Constitution of the State of Alaska.

17 * **Sec. 5.** AS 43.23.005(a) is amended to read:

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

20 (1) applies to the department;

21 (2) is a state resident on the date of application;

22 (3) was a state resident during the entire qualifying year;

23 (4) has been physically present in the state for at least 72 consecutive
 24 hours at some time during the prior two years before the current dividend year;

25 (5) is

26 (A) a citizen of the United States;

27 (B) an alien lawfully admitted for permanent residence in the
 28 United States;

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

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

31 [AND]

1 (6) was, at all times during the qualifying year, physically present in
2 the state or, if absent, was absent only as allowed in AS 43.23.008; **and**

3 **(7) was in compliance during the qualifying year with the military**
4 **selective service registration requirements imposed under 50 U.S.C. App. 453**
5 **(Military Selective Service Act), if those requirements were applicable to the**
6 **individual.**

7 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 APPLICABILITY. This Act applies to a person who seeks employment with the
10 state, applies for a student loan or family education loan under AS 14.43, or applies for a
11 permanent fund dividend under AS 43.23 on or after the effective date of this Act.

12 * **Sec. 7.** This Act takes effect January 1, 2004.