

HOUSE BILL NO. 65

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE LYNN

Introduced: 1/20/09

Referred: House Special Committee on Military and Veterans' Affairs, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to an allowable absence for certain military civilian employees and
2 civilian contractors for purposes of determining eligibility for permanent fund
3 dividends; and providing for an effective date."

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

5 * **Section 1.** AS 43.23.008(a) is amended to read:

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

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

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

14 (3) servicing outside of the state as a civilian employee or civilian

1 **contractor of the armed forces of the United States while under orders to deploy,**
2 serving on active duty as a member of the armed forces of the United States, or
3 accompanying, as that individual's spouse, minor dependent, or disabled dependent, an
4 individual who is

5 (A) serving on active duty as a member of the armed forces of
6 the United States; and

7 (B) eligible for a current year dividend;

8 (4) serving under foreign or coastal articles of employment aboard an
9 oceangoing vessel of the United States merchant marine;

10 (5) receiving continuous medical treatment recommended by a
11 licensed physician or convalescing as recommended by the physician who treated the
12 illness if the treatment or convalescence is not based on a need for climatic change;

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

17 (7) providing care for the individual's terminally ill family member;

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

20 (9) serving as a member of the United States Congress;

21 (10) serving on the staff of a member from this state of the United
22 States Congress;

23 (11) serving as an employee of the state in a field office or other
24 location;

25 (12) accompanying a minor who is absent under (5) of this subsection;

26 (13) accompanying another eligible resident who is absent for a reason
27 permitted under (1), (2), (5) - (12), (16), or (17) of this subsection as the spouse, minor
28 dependent, or disabled dependent of the eligible resident;

29 (14) serving as a volunteer in the federal peace corps program;

30 (15) because of training or competing as a member of the United States
31 Olympic Team;

1 (16) participating for educational purposes in a student fellowship
 2 sponsored by the United States Department of Education or by the United States
 3 Department of State;

4 (17) for any reason consistent with the individual's intent to remain a
 5 state resident, provided the absence or cumulative absences do not exceed

6 (A) 180 days in addition to any absence or cumulative absences
 7 claimed under (3) of this subsection if the individual is not claiming an absence
 8 under (1), (2), or (4) - (16) of this subsection;

9 (B) 120 days in addition to any absence or cumulative absences
 10 claimed under (1) - (3) of this subsection if the individual is not claiming an
 11 absence under (4) - (16) of this subsection but is claiming an absence under (1)
 12 or (2) of this subsection; or

13 (C) 45 days in addition to any absence or cumulative absences
 14 claimed under (1) - (16) of this subsection if the individual is claiming an
 15 absence under (4) - (16) of this subsection.

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

17 (e) For purposes of (a)(3) of this section,

18 (1) "civilian contractor" means a self-employed individual or an
 19 employee of a business under contract to do work in support of the armed forces of the
 20 United States;

21 (2) "civilian employee" means

22 (A) an individual employed by a branch of the armed forces of
 23 the United States or by the United States Department of Defense; or

24 (B) an activated military reservist in the armed forces of the
 25 United States;

26 (3) "orders to deploy" means a letter of authorization or travel paper
 27 issued by the United States Department of Defense or a branch of the armed forces of
 28 the United States that requires the recipient to report for duty for a specific time, place,
 29 and duration.

30 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
 31 read:

1 APPLICABILITY. Notwithstanding permanent fund dividend application procedures
2 or deadlines, a person who qualifies for a 2008 or 2009 permanent fund dividend because of
3 the amendment to AS 43.23.008(a)(3) made in sec. 1 of this Act and the addition of
4 AS 43.23.008(e) in sec. 2 of this Act may apply for the dividend by December 31, 2009. The
5 Department of Revenue shall prepare a form for application under this section.

6 * **Sec. 4.** Sections 1 and 2 of this Act are retroactive to January 1, 2007.

7 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).