

**HB**

**190**

<TARGET><BILL>HB 190</BILL><SUBJECT>HB  
190</SUBJECT><COMM>HFIN27</COMM></TARGET>



# FISCAL NOTE

**STATE OF ALASKA**  
**2012 LEGISLATIVE SESSION**

Bill Version CSSSHB 190(STA)  
 Fiscal Note Number 1  
 (H) Publish Date 2/15/12

Identifier (file name) HB190SS-DOR-PFD-2-07-12 Dept. Affected Revenue  
 Title PFD Allowable Absence Appropriation Tax and Treasury  
 Allocation Permanent Fund Dividend Division  
 Sponsor Representative Feige  
 Requester House State Affairs OMB Component Number 981

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			FY13	FY14	FY15	FY16	FY17	FY18
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
<b>TOTAL</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS								
Full-time								
Part-time								
Temporary								

<b>CHANGE IN REVENUES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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Estimated SUPPLEMENTAL (FY12) operating costs \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**Why this fiscal note differs from previous version (if initial version, please note as such)**

Updated for new bill version X.

Prepared by Deborah M. Bitney, Director  
 Division Permanent Fund Dividend  
 Approved by Jerry Bumett, Director Administrative Services Division  
Department of Revenue

Phone 465-4785  
 Date/Time 2/7/12 1:56pm  
 Date 2/7/2012

**FISCAL NOTE #1**

**STATE OF ALASKA  
2012 LEGISLATIVE SESSION**

**BILL NO. CSSSHB 190(STA)**

**Analysis**

Repeal of the 10 year rule reduces the number of cases that require eligibility determinations each year.

Additionally, moving the 5 year presumption \* in 15 AAC 23.163(f) to statute makes clear the requirements needed to overcome it and makes determining eligibility less subjective.

\*The 5 year presumption of 15 AAC 23.163(f) presumes that an individual who has been absent from Alaska for more than 180 days in the preceding 5 years does not intend to return.

Programming is not required since a similar 5 year presumption is already being applied. Minimal changes are anticipated to division publications.

**CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 190(FIN)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SEVENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered:**

**Referred:**

**Sponsor(s): REPRESENTATIVES FEIGE, Chenault, Herron, Peggy Wilson, Johnson, Muñoz, Lynn**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to allowable absences from the state for purposes of eligibility for**  
2 **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(a) is amended to read:

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

8 (1) receiving secondary or postsecondary education on a full-time  
9 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 or accompanying, as that individual's spouse, minor dependent, or

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1 disabled dependent, an individual who is

2 (A) serving on active duty as a member of the armed forces of

3 the United States; and

4 (B) eligible for a current year dividend;

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

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

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

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

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

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

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

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

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

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

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

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

29 (16) participating for educational purposes in a student fellowship  
30 sponsored by the United States Department of Education or by the United States  
31 Department of State;

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

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

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

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

13 \* **Sec. 2.** AS 43.23.008 is amended by adding new subsections to read:

14 (e) After an individual has been absent from the state for more than 180 days  
15 in each of the five preceding qualifying years, the department shall presume that the  
16 individual is no longer a state resident. The individual may rebut this presumption by  
17 providing documentation to the department that establishes, by clear and convincing  
18 evidence, that

19 (1) the individual was physically present in the state for at least 30  
20 cumulative days during the past five years; and

21 (2) the individual is a state resident as defined in AS 43.23.095(7).

22 (f) To determine whether an individual intends to return and remain in the  
23 state indefinitely, the department shall consider

24 (1) the length of time the individual was absent from the state  
25 compared to the length of time the individual was physically present in the state;

26 (2) the frequency and duration of voluntary return trips to the state  
27 during the past five years;

28 (3) whether the individual's intent to return to and remain in the state is  
29 conditioned on future events beyond the individual's control;

30 (4) the ties the individual has established with the state or another  
31 jurisdiction, as demonstrated by

1 (A) maintenance of a home;

2 (B) payment of resident taxes;

3 (C) registration of a vehicle;

4 (D) registration to vote and voting history;

5 (E) acquisition of a driver's license, business license, or  
6 professional license; and

7 (F) receipt of benefits under a claim of residency in the state or  
8 another jurisdiction;

9 (5) the priority that the individual gave the state on an employment  
10 assignment preference list, including a list used by military personnel.

11 \* **Sec. 3.** AS 43.23.008(c) is repealed.

12 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
13 read:

14 APPLICATION FOR THE 2012 PERMANENT FUND DIVIDEND FOR CERTAIN  
15 INDIVIDUALS. (a) Notwithstanding the application deadline of AS 43.23.011, an individual  
16 who was ineligible for a 2012 dividend under former AS 43.23.008(c), repealed by sec. 3 of  
17 this Act, and who is otherwise eligible, may apply for the 2012 permanent fund dividend  
18 within 90 days after the effective date of this Act.

19 (b) The repeal of AS 43.23.008(c) by sec. 3 of this Act and the enactment of  
20 AS 43.23.008(e) by sec. 2 of this Act may not be applied to make ineligible any person  
21 otherwise eligible for a 2012 dividend under AS 43.23 as it read December 31, 2011.

22 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
23 read:

24 RETROACTIVITY. Sections 1 - 4 of this Act are retroactive to January 1, 2012.

25 \* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).

*Adopted  
4/4/2012*

27-LS0564\L  
Kirsch  
4/4/12

**CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 190(FIN)**

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**TWENTY-SEVENTH LEGISLATURE - SECOND SESSION**

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14 (e) After an individual has been absent from the state for more than 180 days  
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- 1 (A) maintenance of a home;
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19 (b) The repeal of AS 43.23.008(c) by sec. 3 of this Act and the enactment of  
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23 read:

24 RETROACTIVITY. Sections 1 - 4 of this Act are retroactive to January 1, 2012.

25 \* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature  
HOUSE FINANCE COMMITTEE

Agenda  
9:00 AM

Wednesday, April 4, 2012

HB 190-PFD ALLOWABLE ABSENCE  
CS WORKDRAFT FIN 27-ls0564\s

Mr. Paschall Rep Feige Ms Bitney

*Adopted  
4/4/12*

27-LS0564/S

Kirsch

3/28/12

**CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 190(FIN)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SEVENTH LEGISLATURE - SECOND SESSION**

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

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

(3) serving on active duty as a member of the armed forces of the United States or accompanying, as that individual's spouse, minor dependent, or

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1 disabled dependent, an individual who is

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

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19 States Congress;

20 (11) serving as an employee of the state in a field office or other  
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22 (12) accompanying a minor who is absent under (5) of this subsection;

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

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31 Department of State;

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2 state resident, provided the absence or cumulative absences do not exceed

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

6 (B) 120 days in addition to any absence or cumulative absences  
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19 (1) the individual was physically present in the state for at least 30  
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21 (2) the individual is a state resident as defined in AS 43.23.095(7).

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23 state indefinitely, the department shall consider

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25 compared to the length of time the individual was physically present in the state;

26 (2) the frequency and duration of voluntary return trips to the state  
27 during the past five years;

28 (3) whether the individual's intent to return to and remain in the state is  
29 conditioned on future events beyond the individual's control, such as the financial  
30 circumstances of the individual or the ability of the individual to find employment in  
31 the state;

1 (4) the ties the individual has established with the state or another  
2 jurisdiction, as demonstrated by

3 (A) maintenance of a home;

4 (B) payment of resident taxes;

5 (C) registration of a vehicle;

6 (D) registration to vote and voting history;

7 (E) acquisition of a driver's license, business license, or  
8 professional license; and

9 (F) receipt of benefits under a claim of residency in the state or  
10 another jurisdiction;

11 (5) the priority that the individual gave the state on an employment  
12 assignment preference list, including a list used by military personnel;

13 (6) whether the individual made a career choice or chose a career path  
14 that does not allow the individual to reside in or return to the state.

15 \* **Sec. 3.** AS 43.23.008(c) is repealed.

16 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 APPLICATION FOR THE 2012 PERMANENT FUND DIVIDEND FOR CERTAIN  
19 INDIVIDUALS. (a) Notwithstanding the application deadline of AS 43.23.011, an individual  
20 who was ineligible for a 2012 dividend under former AS 43.23.008(c), repealed by sec. 3 of  
21 this Act, and who is otherwise eligible, may apply for the 2012 permanent fund dividend  
22 within 90 days after the effective date of this Act.

23 (b) The repeal of AS 43.23.008(c) by sec. 3 of this Act and the enactment of  
24 AS 43.23.008(e) by sec. 2 of this Act may not be applied to make ineligible any person  
25 otherwise eligible for a 2012 dividend under AS 43.23 as it read December 31, 2011.

26 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
27 read:

28 RETROACTIVITY. Sections 1 - 4 of this Act are retroactive to January 1, 2012.

29 \* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).

HB 190

4/4/12

# Permanent Fund Dividend Allowable Absences

# Allowable Absence 1982

- Sec. 43.23.095. DEFINITIONS.
- (7) "state resident" means an individual who is physically present in the state with the intent to remain permanently in the state or, if the individual is not physically present in the state, intends to return to the state and is absent only for any of the following reasons:
  - (A) vocational, professional, or other specific education for which a comparable program was not reasonably available in the state;
  - (B) secondary or postsecondary education;
  - (C) military service;
  - (D) medical treatment;
  - (E) service in Congress; or
  - (F) other reasons which the commissioner may establish by regulation;

# Allowable Absence 1997

- Sec. 43.23.095. Definitions.
- (8) "state resident" means an individual who is physically present in the state with the intent to remain permanently in the state under the requirements of AS 01.10.055 or, if the individual is not physically present in the state, intends to return to the state and remain permanently in the state under the requirements of AS 01.10.055, and is absent only for any of the following reasons:
  - (A) vocational, professional, or other specific education for which a comparable program was not reasonably available in the state;
  - (B) secondary or postsecondary education;
  - (C) military service;
  - (D) medical treatment;
  - (E) service in Congress;
  - (F) other reasons which the commissioner may establish by regulation;
  - (G) service in the Peace Corps;
  - (H) to care for the individual's terminally ill parent, spouse, sibling, child, or stepchild;
  - (I) for up to 220 days to settle the estate of the individual's deceased parent, spouse, sibling, child, or stepchild; or
  - (J) to care for a parent, spouse, sibling, child, or stepchild with a critical life-threatening illness whose treatment plan, as recommended by the attending physician, requires travel outside the state for treatment at a medical specialty complex;

# Allowable Absence 1997

- Sec. 01.10.055. Residency.
- (a) A person establishes residency in the state by being physically present in the state with the intent to remain in the state indefinitely and to make a home in the state.
- (b) A person demonstrates the intent required under (a) of this section
  - (1) by maintaining a principal place of abode in the state for at least 30 days or for a longer period if a longer period is required by law or regulation; and
  - (2) by providing other proof of intent as may be required by law or regulation, which may include proof that the person is not claiming residency outside the state or obtaining benefits under a claim of residency outside the state.
- (c) A person who establishes residency in the state remains a resident during an absence from the state unless during the absence the person establishes or claims residency in another state, territory or country, or performs other acts or is absent under circumstances that are inconsistent with the intent required under (a) of this section to remain a resident of this state.

# Allowable Absence 1998

- Sec. 43.23.095. Definitions.
- (7) "state resident" means an individual who is physically present in the state with the intent to remain indefinitely in the state under the requirements of AS 01.10.055 or, if the individual is not physically present in the state, intends to return to the state and remain indefinitely in the state under the requirements of AS 01.10.055;

# Allowable Absence 1998

Sec. 43.23.008. Allowable absences.

- (a) Subject to (b) and (c) of this section, an otherwise eligible individual who is absent from the state during the qualifying year remains eligible for a current year permanent fund dividend if the individual was absent
  - (1) receiving secondary or postsecondary education on a full-time basis;
  - (2) receiving vocational, professional, or other specific education on a full-time basis for which, as determined by the Alaska Commission on Postsecondary Education, a comparable program is not reasonably available in the state;
  - (3) serving on active duty as a member of the armed forces of the United States;

# Allowable Absence 1998

Sec. 43.23.008. Allowable absences. *(continued)*

- (4) receiving continuous medical treatment recommended by a licensed physician or convalescing as recommended by the physician that treated the illness if the treatment or convalescence is not based on a need for climatic change;
- (5) providing care for a parent, spouse, sibling, child, or stepchild with a critical life-threatening illness whose treatment plan, as recommended by the attending physician, requires travel outside the state for treatment at a medical specialty complex;
- (6) providing care for the individual's terminally ill parent, spouse, sibling, child, or stepchild;
- (7) settling the estate of the individual's deceased parent, spouse, sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;

# Allowable Absence 1998

- Sec. 43.23.008. Allowable absences. *(continued)*
- (8) serving as a member of the United States Congress;
- (9) serving on the staff of a member from this state of the United States Congress;
- (10) serving as an employee of the state in a field office or other location;
- (11) accompanying a minor who is absent under (4) of this subsection;
- (12) accompanying another eligible resident who is absent for a reason permitted under this subsection as the spouse, minor dependent, or disabled dependent of the eligible resident;

# Allowable Absence 1998

Sec. 43.23.008. Allowable absences. *(continued)*

- (13) for any reason consistent with the individual's intent to remain a state resident, provided the absence or cumulative absences do not exceed
  - (A) 180 days if the individual is not claiming an absence under (1) - (12) of this subsection;
  - (B) 120 days in addition to any absence or cumulative absences claimed under (1) or (2) of this subsection if the individual is not claiming an absence under (3) - (12) of this subsection; or
  - (C) 45 days in addition to any absence or cumulative absences claimed under (1) - (12) of this subsection.

# Allowable Absence 1998

Sec. 43.23.008. Allowable absences. *(continued)*

- (b) An individual may not claim an allowable absence under (a)(1) - (12) of this section unless the individual was a resident of the state for at least six consecutive months immediately before leaving the state.
- (c) An otherwise eligible individual who has been eligible for the immediately preceding 10 dividends despite being absent from the state for more than 180 days in each of the related 10 qualifying years is only eligible for the current year dividend if the individual was absent 180 days or less during the qualifying year. This subsection does not apply to an absence under (a)(8) or (9) of this section or to an absence under (a)(12) of this section if the absence is to accompany an individual who is absent under (a)(8) or (9) of this section.

# Allowable Absence 2011

- Sec. 43.23.008. Allowable absences.
- (a) Subject to (b) and (c) of this section, an otherwise eligible individual who is absent from the state during the qualifying year remains eligible for a current year permanent fund dividend if the individual was absent
  - (1) receiving secondary or postsecondary education on a full-time basis;
  - (2) receiving vocational, professional, or other specific education on a full-time basis for which, as determined by the Alaska Commission on Postsecondary Education, a comparable program is not reasonably available in the state;
  - (3) serving on active duty as a member of the armed forces of the United States or accompanying, as that individual's spouse, minor dependent, or disabled dependent, an individual who is
    - (A) serving on active duty as a member of the armed forces of the United States; and
    - (B) eligible for a current year dividend;

# Allowable Absence 2011

Sec. 43.23.008. Allowable absences. *(continued)*

- (4) serving under foreign or coastal articles of employment aboard an oceangoing vessel of the United States merchant marine;
- (5) receiving continuous medical treatment recommended by a licensed physician or convalescing as recommended by the physician who treated the illness if the treatment or convalescence is not based on a need for climatic change;
- (6) providing care for a parent, spouse, sibling, child, or stepchild with a critical life-threatening illness whose treatment plan, as recommended by the attending physician, requires travel outside the state for treatment at a medical specialty complex;

# Allowable Absence 2011

- Sec. 43.23.008. Allowable absences. *(continued)*
- (7) providing care for the individual's terminally ill family member;
- (8) settling the estate of the individual's deceased parent, spouse, sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;
- (9) serving as a member of the United States Congress;
- (10) serving on the staff of a member from this state of the United States Congress;
- (11) serving as an employee of the state in a field office or other location;
- (12) accompanying a minor who is absent under (5) of this subsection;

# Allowable Absence 2011

- Sec. 43.23.008. Allowable absences. *(continued)*
- (13) accompanying another eligible resident who is absent for a reason permitted under (1), (2), (5) - (12), (16), or (17) of this subsection as the spouse, minor dependent, or disabled dependent of the eligible resident;
- (14) serving as a volunteer in the federal peace corps program;
- (15) because of training or competing as a member of the United States Olympic Team;
- (16) participating for educational purposes in a student fellowship sponsored by the United States Department of Education or by the United States Department of State;

# Allowable Absence 2011

- Sec. 43.23.008. Allowable absences. *(continued)*
- (17) for any reason consistent with the individual's intent to remain a state resident, provided the absence or cumulative absences do not exceed
  - (A) 180 days in addition to any absence or cumulative absences claimed under (3) of this subsection if the individual is not claiming an absence under (1), (2), or (4) - (16) of this subsection;
  - (B) 120 days in addition to any absence or cumulative absences claimed under (1) - (3) of this subsection if the individual is not claiming an absence under (4) - (16) of this subsection but is claiming an absence under (1) or (2) of this subsection; or
  - (C) 45 days in addition to any absence or cumulative absences claimed under (1) - (16) of this subsection if the individual is claiming an absence under (4) - (16) of this subsection.

# Allowable Absence 2011

- Sec. 43.23.008. Allowable absences. *(continued)*
- (b) An individual may not claim an allowable absence under (a)(1) - (16) of this section unless the individual was a resident of the state for at least six consecutive months immediately before leaving the state.
- (c) An otherwise eligible individual who has been eligible for the immediately preceding 10 dividends despite being absent from the state for more than 180 days in each of the related 10 qualifying years is only eligible for the current year dividend if the individual was absent 180 days or less during the qualifying year. This subsection does not apply to an absence under (a)(9) or (10) of this section or to an absence under (a)(13) of this section if the absence is to accompany an individual who is absent under (a)(9) or (10) of this section.
- (d) For purposes of (a)(7) of this section, "family member" means a person who is
  - (1) legally related to the individual through marriage or guardianship; or
  - (2) the individual's sibling, parent, grandparent, son, daughter, grandson, granddaughter, uncle, aunt, niece, nephew, or first cousin.

# Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences.
- (a) Subject to (b) and (e) of this section, an otherwise eligible individual who is absent from the state during the qualifying year remains eligible for a current year permanent fund dividend if the individual was absent
  - (1) receiving secondary or postsecondary education on a full-time basis;
  - (2) receiving vocational, professional, or other specific education on a full-time basis for which, as determined by the Alaska Commission on Postsecondary Education, a comparable program is not reasonably available in the state;
  - (3) serving on active duty as a member of the armed forces of the United States or accompanying, as that individual's spouse, minor dependent, or disabled dependent, an individual who is
    - (A) serving on active duty as a member of the armed forces of the United States; and
    - (B) eligible for a current year dividend;

# Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (4) serving under foreign or coastal articles of employment aboard an oceangoing vessel of the United States merchant marine;
- (5) receiving continuous medical treatment recommended by a licensed physician or convalescing as recommended by the physician who treated the illness if the treatment or convalescence is not based on a need for climatic change;
- (6) providing care for a parent, spouse, sibling, child, or stepchild with a critical life-threatening illness whose treatment plan, as recommended by the attending physician, requires travel outside the state for treatment at a medical specialty complex;

# Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (7) providing care for the individual's terminally ill family member;
- (8) settling the estate of the individual's deceased parent, spouse, sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;
- (9) serving as a member of the United States Congress;
- (10) serving on the staff of a member from this state of the United States Congress;
- (11) serving as an employee of the state in a field office or other location;
- (12) accompanying a minor who is absent under (5) of this subsection;

# Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (13) accompanying another eligible resident who is absent for a reason permitted under (1), (2), (5) - (12), (16), or (17) of this subsection as the spouse, minor dependent, or disabled dependent of the eligible resident;
- (14) serving as a volunteer in the federal peace corps program;
- (15) because of training or competing as a member of the United States Olympic Team;
- (16) participating for educational purposes in a student fellowship sponsored by the United States Department of Education or by the United States Department of State;

# Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (17) for any reason consistent with the individual's intent to remain a state resident, provided the absence or cumulative absences do not exceed
  - (A) 180 days in addition to any absence or cumulative absences claimed under (3) of this subsection if the individual is not claiming an absence under (1), (2), or (4) - (16) of this subsection;
  - (B) 120 days in addition to any absence or cumulative absences claimed under (1) - (3) of this subsection if the individual is not claiming an absence under (4) - (16) of this subsection but is claiming an absence under (1) or (2) of this subsection; or
  - (C) 45 days in addition to any absence or cumulative absences claimed under (1) - (16) of this subsection if the individual is claiming an absence under (4) - (16) of this subsection.

# Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (b) An individual may not claim an allowable absence under (a)(1) - (16) of this section unless the individual was a resident of the state for at least six consecutive months immediately before leaving the state.
- (d) For purposes of (a)(7) of this section, "family member" means a person who is
  - (1) legally related to the individual through marriage or guardianship; or
  - (2) the individual's sibling, parent, grandparent, son, daughter, grandson, granddaughter, uncle, aunt, niece, nephew, or first cousin.

# Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (e) After an individual has been absent from the state for more than 180 days in each of the five preceding qualifying years, the department shall presume that the individual is no longer a state resident. The individual may rebut this presumption by providing documentation to the department that establishes, by clear and convincing evidence, that
  - (1) the individual was physically present in the state for at least 30 cumulative days during the past five years; and
  - (2) the individual is a state resident as defined in AS 43.23.095(7).

# Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (f) To determine whether an individual intends to return and remain in the state indefinitely, the department shall consider
  - (1) the length of time the individual was absent from the state compared to the length of time the individual was physically present in the state;
  - (2) the frequency and duration of voluntary return trips to the state during the past five years;
  - (3) whether the individual's intent to return to and remain in the state is conditioned on future events beyond the individual's control, such as the financial circumstances of the individual or the ability of the individual to find employment in the state;

# Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (4) the ties the individual has established with the state or another jurisdiction, as demonstrated by
  - (A) maintenance of a home;
  - (B) payment of resident taxes;
  - (C) registration of a vehicle;
  - (D) registration to vote and voting history;
  - (E) acquisition of a driver's license, business license, or professional license; and
  - (F) receipt of benefits under a claim of residency in the state or another jurisdiction;

# Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (5) the priority that the individual gave the state on an employment assignment preference list, including a list used by military personnel;
- (6) whether the individual made a career choice or chose a career path that does not allow the individual to reside in or return to the state.

REPRESENTATIVE  
ERIC FEIGE  
House District 12

House Resources Committee Co-Chair  
Education Committee  
Transportation Committee  
Joint Armed Services Committee

Alaska State Legislature



House of Representatives

During Session:  
State Capitol Room 126  
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## SPONSOR STATEMENT HB 190

*An Act relating to the allowable absence for active duty service members of the armed forces for purposes of permanent fund dividend eligibility.*

With great dismay, on February 13, 2011, I, along with other members of the legislature, received an e-mail from Lt. Cmdr. Tiko Crofoot about the denial of his Permanent Fund Dividend. An Alaskan, who joined the U.S. Navy, Lt. Cmdr. Crofoot has been stationed outside of Alaska for more than ten years. Military service is an allowable absence for continuation of eligibility of a Permanent Fund Dividend. The justification for the denial occurs only because Lt. Cmdr. Crofoot and others have sacrificed not just three, five, or seven years serving our country, but have made a career serving our country in the armed forces.

According to current statute, anyone on an approved absence from the state, except members of Congress, congressional staff, and their families, is denied a permanent fund dividend after ten years of absence from the state.

Although these individuals choose to serve in the Armed Forces of the United States, once they are sworn into service, they do not have the option to choose to be physically present in Alaska. It is time to correct this injustice and allow Alaska residents who decide to join the military the opportunity to continue to receive their deserved Permanent Fund Dividend.

*We sleep soundly in our beds because rough men stand ready in the night to visit violence on those who would do us harm.*

Winston Churchill

REPRESENTATIVE  
ERIC FEIGE  
House District 12

House Resources Committee Co-Chair  
Education Committee  
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Joint Armed Services Committee

# Alaska State Legislature



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## House of Representatives

### Sectional Analysis

HB 190 – 27-LS0564\S

Sec. 1 – Contains conforming language changing the reference in AS 43.23.008(a) pertaining to allowable absences from (c), which is repealed in Sec. 3 of this bill, to (e), which is established in Sec. 2 of this bill.

Sec. 2 – Establishes in law a presumption that someone who is absent from the state for more than 180 days in each of the previous five years does not plan to return to the state and thus, not eligible to receive a Permanent Fund Dividend. This section also provides a method for an individual who is denied a Permanent Fund Dividend because of this presumption to rebut the presumption.

Sec. 3 – Repeals the current ten year bright line rule that eliminates allowable absences after ten years and the exemption from the bright line rule for members of Congress and their staff and families.

Sec. 4 – Allows someone who was previously denied a dividend under the ten year bright line rule to apply for a 2012 dividend during the 90 days following the enactment of this bill into law.

Sec. 5 – Makes the new law retroactive to Jan. 1, 2012.

Sec. 6 – Makes the bill effective immediately.

Prepared by the office of Rep. Eric Feige, April 3, 2012

Sec. 43.23.008. Allowable absences.

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

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

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

(3) serving on active duty as a member of the armed forces of the United States or accompanying, as that individual's spouse, minor dependent, or disabled dependent, an individual who is

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

(B) eligible for a current year dividend;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) An individual may not claim an allowable absence under (a)(1) - (16) of this section unless the individual was a resident of the state for at least six consecutive months immediately before leaving the state.

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

(d) For purposes of (a)(7) of this section, "family member" means a person who is

(1) legally related to the individual through marriage or guardianship; or

(2) the individual's sibling, parent, grandparent, son, daughter, grandson, granddaughter, uncle, aunt, niece, nephew, or first cousin.

History -

(Sec. 5 ch 44 SLA 1998; am Sec. 1 ch 71 SLA 1999; am Sec. 1 ch 69 SLA 2003; am Sec. 1, 2 ch 116 SLA 2003; am Sec. 20, 21 ch 42 SLA 2006; am Sec. 1, 2 ch 36 SLA 2008)

Cross References -

For provisions extending to September 15, 2008, the date by which individuals who may qualify for a permanent fund dividend for 2006, 2007, and 2008 because of the 2008 addition of (a)(16) of this section may apply for the dividend, see Sec. 3, ch. 36, SLA 2008 in the 2008 Temporary and Special Acts.

#### Amendment Notes -

The 1999 amendment, effective January 1, 2000, added present paragraph (4), redesignated subsequent paragraphs accordingly, inserted internal references in paragraph (13), and made internal reference substitutions throughout.

The first 2003 amendment, effective June 12, 2003, in paragraph (a)(3) added the language beginning "or accompanying" to the end of the introductory language and added subparagraphs (A) and (B); updated paragraph references in paragraph (a)(13); and rewrote subparagraphs (a)(14)(A) and (B).

The second 2003 amendment, effective January 1, 2004, substituted "family member" for "parent, spouse, sibling, child, or stepchild" in paragraph (a)(7) and added subsection (d).

The 2006 amendment, effective May 26, 2006, added paragraphs (a)(14) and (a)(15), and made related changes.

The 2008 amendment, effective May 23, 2008, substituted "(16), or (17)" for "or (16)" in paragraph (a)(13), inserted paragraph (a)(16), and changed references to former paragraph (a)(15) to present paragraph (a)(16) four times in paragraph (a)(17) and once in subsection (b).

#### Editors Notes -

Section 35, ch. 42, SLA 2006, makes the 2006 amendments to subsections (a) and (b) of this section retroactive to January 1, 2006.

Section 4, ch. 36, SLA 2008 makes the 2008 amendments of (a) and (b) of this section retroactive to January 1, 2005.

#### Decisions -

Cited in *State v. Andrade*, 23 P.3d 58 (Alaska 2001).

Construction with Federal Soldiers' and Sailors' Civil Relief Act. - Servicemember, who had been discharged from the Navy, was not eligible to claim a Permanent Fund Dividend (PFD) for a certain year where he failed to overcome presumption that he had not been a resident of Alaska for the last five years; servicemember's argument that the Federal Soldiers' and Sailors' Civil Relief Act preempted state law in that area was not persuasive, as that act applied to only two areas, taxation and voting, and PFD was not a tax but a benefit. *Eagle v. Dep't of Revenue*, 153 P.3d 976 (Alaska 2007).

## 15 AAC 23.143. Establishing and maintaining Alaska residency

## Statute text

(a) An individual's intent to establish residency, remain indefinitely in Alaska, or to return to Alaska and remain indefinitely is demonstrated through the establishment and maintenance of customary ties indicative of Alaska residency and the absence of those ties elsewhere. Acts that are required by law or contract or are routinely performed by temporary residents of Alaska are not by themselves evidence of residency. In evaluating whether an individual claiming Alaska residency has demonstrated an intent to remain indefinitely in Alaska, the department will consider whether or not an individual has:

(1) taken steps to establish Alaska residency and sever residency in a previous state or country;

(2) ties to another state or country that indicate continued residency in the other state or country; and

(3) taken other action during the qualifying year, through the date of application, that is inconsistent with an intent to remain in Alaska indefinitely.

(b) An individual may not become a resident while absent from Alaska.

(c) Physical presence in Alaska is not, by itself, sufficient to establish residency. Before January 1 of the qualifying year, an individual must have taken at least one step beyond physical presence in Alaska to establish residency. The department will not consider external indicators, including those listed in 15 AAC 23.173(g), established less than six months before December 31 of the qualifying year as evidence of the establishment of Alaska residency in time to qualify for the current year dividend.

(d) An individual is not eligible for a dividend if, at any time from January 1 of the qualifying year through the date of application, the individual has

(1) maintained the individual's principal home in another state or country, regardless of whether the individual spent a majority of time at that home, except while absent for a reason listed

(A) in AS 43.23.008(a)(1) - (3), (9) - (11), or (16); or

(B) in AS 43.23.008(a)(13), if the eligible resident whom the individual accompanies is absent for a reason listed in (A) of this paragraph;

(2) claimed or maintained a claim of residency in another state or country in the individual's employment personnel records; if the individual claims an error or a delay was made in processing by the personnel office, the individual must submit

(A) from the personnel office, a certified copy of the individual's request to change the individual's state of legal residence; or

(B) a sworn statement from the personnel officer who has specific knowledge that the personnel office made an error, or caused a delay, in processing the individual's personnel

records; the personnel officer must state the exact date the records show the original request was received and why the request was not processed timely;

(3) claimed a non-resident motor vehicle tax exemption in Alaska;

(4) accepted full-time, permanent employment in another state or country except while on an absence listed

(A) in AS 43.23.008(a)(1) - (3), (9) - (11), or (16); or

(B) in AS 43.23.008(a)(13), if the eligible resident whom the individual accompanies is absent for a reason listed in (A) of this paragraph;

(5) filed a resident or part-year resident income, excise, or personal property tax return in another state or country and the claim of residency on the return is for any period of time beginning January 1 of the qualifying year through the date of application, unless the individual

(A) was required by the other state or country to file a return claiming resident tax status in that state or country even though the individual was a state resident as defined in AS 43.23.095; or

(B) files in the other state or country an amended return claiming nonresident tax status and provides proof to the department that the amended return was actually filed in the other state or country;

(6) claimed or maintained a claim of a homestead or homeowner's property tax exemption in another state or country, that required the individual to be a resident of that state or country, unless the individual

(A) files an amended homestead or homeowner's property tax exemption claim deleting the claim of residency; and

(B) provides evidence from the other state or country that the individual filed an amended homestead or homeowner's property tax exemption claim deleting the claim of residency;

(7) applied for or received an education loan from another state or country that required an individual to be a resident of that state or country;

(8) disclosed in a court proceeding or affidavit that the individual is a resident of another state or country;

(9) executed a will that described residency in another state or country;

(10) moved from Alaska,

(A) for a reason other than one listed

(i) in AS 43.23.008(a)(1) - (3), (9) - (11), or (16); or

(ii) in AS 43.23.008(a)(13), if the eligible resident whom the individual accompanies is absent for a reason listed in (i) of this subparagraph; and

(B) claiming moving expenses as a deduction on the individual's federal income tax return, unless the individual

(i) files an amended federal income tax return deleting the claimed moving expenses as a deduction; and

(ii) provides proof from the Internal Revenue Service that the individual filed an amended return;

(11) accepted admission under resident tuition provisions to a college or university in another state or country, unless

(A) there was no difference between resident and nonresident tuition;

(B) nonresident tuition was waived as part of an interstate exchange agreement such as the Western Interstate Commission for Higher Education (WICHE) student exchange program or the Washington Wyoming Alaska Montana Idaho (WWAMI) medical education program; or

(C) the individual was granted admission under resident tuition provisions for any other reason that did not require the individual to be a resident of the state or country in which the college or university is located;

(12) registered to vote in another state or country, except if the individual

(A) registered to vote in another state no more than 60 days before a presidential election solely for the purpose of voting in that election and did not vote in any other election in another state other than for president of the United States; or

(B) registered to vote in another country for which the individual was not required to claim residency of the country in order to register to vote;

(13) voted in another state's or country's state, country, or local election, except if the individual voted in an election described in this paragraph and the individual was not required to claim residency in order to vote;

(14) obtained a resident hunting, fishing, or trapping license from another state or country;

(15) filed for divorce, dissolution, or legal separation in another state or country that required the individual to be a resident of that state or country in order to file the action;

(16) repealed 1/1/2010;

(17) obtained any other benefit or benefits as a result of establishing or maintaining any claim of residency in another state or country or by disclaiming Alaska residency, except that the department will not deny a dividend to an individual solely because the individual received Medicaid benefits from another state if the individual's application for Medicaid was consistent with the intent to maintain residency in Alaska.

(e) Regardless of alienage, a child born outside Alaska to an eligible resident on an allowable absence, adopted by an eligible resident, or whose adoption by an eligible resident is pending during the qualifying year, establishes Alaska residency in the child's own right immediately upon the child's arrival in Alaska if the child's custodial parent or guardian is an eligible resident at the time of the child's arrival in Alaska.

(f) An individual absent from Alaska as a dependent of an eligible resident who as soon as reasonably possible, as determined by the department, after emancipation does not return to Alaska and establish Alaska residency as an adult is not eligible for a dividend. A newly emancipated individual who was absent from Alaska as a dependent of an eligible resident who returns to Alaska as soon as reasonably possible, as determined by the department, after emancipation and who establishes external indicators of Alaska residency as an individual is not subject to the six month physical presence requirements of 15 AAC 23.163(b).

(g) A resident who marries a nonresident while physically present in Alaska is considered to have the intent to remain indefinitely in Alaska until the resident takes steps or actions to depart Alaska.

(h) An individual who on the date of application knows the individual will be moving from Alaska at a specific time to a specific destination for a reason other than one allowed by AS 43.23.008(a) does not have the intent to remain indefinitely in Alaska and is not eligible for a dividend.

(i) The eligibility of a resident who marries a nonresident while absent from Alaska is not changed by the marriage, so long as the resident is absent for the resident's own allowable reason.

(j) The fact that an individual's spouse has not declared Alaska residency does not establish a presumption that an individual is not a resident.

(k) Repealed 1/1/2000.

15 AAC 23.163. Allowable absences

(a) Except as provided in AS 43.23.005(c), an individual who has never been physically present in Alaska may not claim an allowable absence under AS 43.23.008.

(b) An individual who was absent from Alaska for more than 180 days is not eligible for a dividend if the individual

(1) was not a state resident for at least 180 days immediately before departure from Alaska;

(2) repealed 1/1/2000.

(c) For purposes of

(1) AS 43.23.008(a)(1), receiving secondary or postsecondary education on a full-time basis means enrollment and attendance in good standing as a full-time student where participation requires absence from this state

(A) at an academic institution for any of the 7th - 12th grades consistent with (d) of this section;

(B) for the purpose of pursuing a vocational certificate, associate, baccalaureate, or graduate degree, as a full-time student at a college, university, junior or community college, or postsecondary vocational institution accredited by an accrediting agency that the United States Secretary of Education recognizes under 34 C.F.R. Part 602, or full-time participation in an internship program if the internship is required by the college or university as part of the student's academic program; for the purposes of this subparagraph, an individual in the last academic year before graduation who was carrying enough credits to graduate, but fewer than full-time credits for any one term, semester, or quarter, is considered to have been a full-time student at that time; or

(C) for the purpose of pursuing a vocational certificate, associate, baccalaureate, or graduate degree, as a full-time student

(i) at a Title IV institution recognized under 20 U.S.C. 1001 - 1155 (The Higher Education Act of 1965) and 34 C.F.R., Part 600; or

(ii) at a non-accredited college or university if students attending the college or university may qualify as eligible to receive a student loan from Nellie Mae, or if the college or university's credits or degrees are accepted by at least three Title IV institutions recognized under 20 U.S.C. 1001 - 1155 (the Higher Education Act of 1965) and 34 C.F.R., Part 600;

(D) for the purposes of completing an internship or residency program at a hospital or medical clinic;

(2) AS 43.23.008(a)(2), receiving vocational, professional, or other specific education on a full-time basis means attending a program for which, as determined by the Alaska Commission on Postsecondary Education, a comparable program is not reasonably available in the state at an educational institution eligible to participate in financial aid programs administered by the Alaska Commission on Postsecondary Education.

(d) An individual clearly demonstrates that the primary reason for the individual's absence is to obtain a secondary education by living at a boarding school while attending grades 7 - 12 at an out-of-state institution. An individual who lives with an ineligible parent or ineligible permanent legal guardian while attending an out-of-state institution has not demonstrated that the primary reason for the individual's absence is to obtain a secondary education.

(e) Repealed 10/8/94.

(f) An individual whose absence or combination of absences, under a provision of AS 43.23.008 other than AS 43.23.008(a)(9) - (10) and (13), if the eligible resident whom the individual accompanies is absent for a reason specified in AS 43.23.008(9) or (10), totals more than five consecutive years is presumed not to have the intent to return to Alaska and remain indefinitely in Alaska. In such a case, the individual is not eligible for a dividend payment unless the individual provides, with the individual's application or in a timely response to a request by the department, documentation that demonstrates to the department's satisfaction an intent at all times during the absence or absences to return to Alaska and remain indefinitely in Alaska.

(g) When considering whether an individual who has been absent for more than five years has rebutted the presumption that the individual does not have the intent to return to Alaska and remain indefinitely in Alaska, the department will consider one or more of the following factors, as applicable:

(1) the length of the individual's absence compared to the time the individual spent in Alaska before departing on the absence;

(2) the frequency and duration of return trips to Alaska during the absence; the fact that the individual has returned to Alaska in order to meet the physical presence requirement of AS 43.23.005(a)(4) is not sufficient in itself to rebut the presumption of ineligibility;

(3) whether the individual's intent to return or remain is conditioned upon future events beyond the individual's control, such as economics or finding a job in Alaska;

(4) any ties the individual has established outside Alaska, such as maintenance of homes, payment of resident taxes, vehicle registrations, voter registration, driver's licenses, or receipt of benefits under a claim of residency in another state;

(5) the priority the individual gave Alaska on an employment assignment preference list, such as those used by military personnel;

(6) whether the individual made a career choice or chose a career path that does not allow the individual to reside in Alaska or return to Alaska; and

(7) any ties the individual has maintained in Alaska, such as ownership of real and personal property, voter registration, professional and business licenses, and any other factors demonstrating the individual's intent.

(h) When considering whether an individual who has been absent for more than five years has rebutted the presumption that the individual does not have the intent to return to Alaska and remain indefinitely in Alaska,

(1) the department will give greater weight to the claim of an individual who makes frequent voluntary return trips to Alaska during the period of the individual's absence than to the claim of an individual who does not;

(2) the department will generally consider that an individual who has not been physically present in Alaska for at least 30 cumulative days during the past five years has not rebutted the presumption; however, this consideration does not apply if the individual shows to the department's satisfaction that unavoidable circumstances prevented that individual from returning for at least 30 cumulative days during the past five years.

(i) Repealed 1/1/2000.

(j) The department will count whole days when determining the number of days an individual was absent from Alaska. The department will count the day an individual arrives or returns to Alaska as a day absent unless the individual previously left Alaska that same day. The department will count the day an individual leaves Alaska as a day an individual was in Alaska, unless the individual previously arrived or returned to Alaska that same day.

(k) For the purposes of AS 43.23.008(c), an individual is not considered otherwise eligible if the individual was absent from the state for more than 180 days in each of the preceding 10 qualifying years.

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Alaska Department of Revenue  
Permanent Fund Dividend Division

PFD Division Use Only
20110

### 2011 Extended Absence Questionnaire

For individuals who were absent from Alaska more than 180 days for five or more consecutive years.

First Name	M.I.	Last Name	Social Security Number	Date of Birth
Address			Daytime phone number	Message phone number
City	State	Zip Code	E-mail Address	

Your Permanent Fund Dividend application has been selected for an eligibility determination because you have not lived in Alaska for at least 6 months in over five years. In accordance with 15 AAC 23.163(f) an individual with an absence totaling more than five years is presumed not to have the intent to return to Alaska and remain indefinitely in Alaska. You are not eligible for the 2011 dividend unless you provide documentation that demonstrates, to the department's satisfaction an intent at all times during your absence to return to Alaska and remain indefinitely.

The department will give greater weight to the claim of an individual who makes frequent return trips to Alaska for noncompulsory reasons than that of an individual who did not. An individual who has not been present in Alaska for 30 cumulative days in the past five years has generally not demonstrated the continuous intention to return to Alaska and remain indefinitely.

*If you could not return to Alaska due to unavoidable circumstances, attach an explanation and supporting documentation.*

**1. List the longest period of time you physically lived in Alaska before departing on your absence.**

I lived in Alaska      From: \_\_\_/\_\_\_/\_\_\_/      To: \_\_\_/\_\_\_/\_\_\_/

**2. List the dates below when you physically returned to Alaska during your absence. Begin with the most recent dates you were here and proceed backward to your departure.**

**If you completed this form last year and reported absences last year, include only returns in 2010.**

Returned to Alaska			Left Alaska			Returned to Alaska			Left Alaska		
Month	Day	Year	Month	Day	Year	Month	Day	Year	Month	Day	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**3. Is your ultimate return to Alaska to remain indefinitely conditioned upon future events such as securing employment in Alaska or receiving an assignment to Alaska by your employer?**       Yes       No

**4. Have you sought employment in Alaska?**       Yes       No

Complete both sides

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If yes, list the specific employer(s) who you contacted in Alaska and when you contacted them.

Name
Address
Telephone
Name
Address
Telephone

Date Contacted  
\_\_\_\_/\_\_\_\_/\_\_\_\_

Date Contacted  
\_\_\_\_/\_\_\_\_/\_\_\_\_

**5. Have you sought employment outside of Alaska?**

Yes  No

If yes, explain how your seeking employment outside of Alaska is consistent with your statement that you intend to return to Alaska to remain indefinitely.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. Have you maintained a home outside of Alaska since your departure?**

Yes  No

If yes, do you own this home?

Yes  No

**7. Have you maintained a home in Alaska since your departure?**

Yes  No

If yes, do you own this home?

Yes  No

If you own this home, do you lease or rent it to someone?

Yes  No

If you do not own this home, explain who owns this home and why you consider it your home.

\_\_\_\_\_  
\_\_\_\_\_

**8. If you are employed by the State of Alaska or the U.S. Armed Forces outside of Alaska, have you requested to be returned to Alaska by your employer?**

Yes  No

If yes, attach a copy of your request.

If no, explain why you have not submitted a request even though you have stated that you intend to return to Alaska to remain indefinitely.

\_\_\_\_\_  
\_\_\_\_\_

**9. Is your choice of careers one which does not allow you to reside or return to Alaska until retirement or until you make a personal choice to change careers in order to return to Alaska?**

Yes  No

**10. Explain below why your absence should be considered allowable, and how you have demonstrated that your intent, at all times during your absence, has been to return to Alaska to remain indefinitely.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach additional pages if necessary.

I certify under penalty of law that to the best of my knowledge and belief, all the information on this questionnaire, including any attachments, are true and complete.

Signature	Date
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# DENALI BOROUGH

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dbgovt@mtaonline.net  
www.denaliborough.govoffice.com



*David M. Talerico, Mayor*

March 14, 2011

Representative Eric Feige  
State Capitol Room 126  
Juneau, Alaska 99801

Dear Representative Feige,

It is my privilege to write this letter of support for House Bill 190. I have personal knowledge of someone who was recently denied his Permanent Fund Dividend although he is a 1997 graduate of Tri-Valley High School in Healy, Alaska, and has dedicated over a decade of his life serving our country as a NAVY SEAL.

After graduation, this fine young man went on to college and has since committed his life to defend our freedom, but Alaska is still his home.

I can think of very few who deserve the courtesy of receiving a PFD more than this fine individual. If HB190 can accomplish this task, I encourage everyone's wholehearted support.

Thank you for sponsoring this bill.

Sincerely,

A handwritten signature in cursive script that reads "David M. Talerico".

David M Talerico, Mayor  
Denali Borough