

SB

3

<TARGET><BILL>SB 3</BILL><SUBJECT>SB
3</SUBJECT><COMM>SSTA28</COMM></TARGET>

ALASKA STATE LEGISLATURE

Session

State Capitol, Rm. 419
Juneau, AK 99801
(907) 465-2435
Fax: (907) 465-6615

Interim

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State Affairs Committee

Judiciary Committee

In-State Energy Committee

Joint Armed Services
Committee

SENATOR BILL WIELECHOWSKI

MEMORANDUM

January 17, 2013

TO: Senator Fred Dyson
Chair, State Affairs

FROM: Senator Bill Wielechowski 

SUBJ: Hearing Request for Senate Bill 3

I am writing to request a hearing for Senate Bill 3 Allowable Absence for PFD.

Current Alaska statutes allow for members of the military to continue to receive their PFDs for 10 years after the last year they were in state long enough to otherwise qualify for the PFD. However, after 10 years of absence, they are no longer eligible. Senate Bill 3 will ensure that Alaskan service members will receive their PFDs throughout their active duty status so long as they keep Alaska residence and plan to return to the state.

Included in the bill packet:

- Senate Bill 3
- Sectional Analysis
- Sponsor Statement
- Support Letters

If you have any questions please feel free to contact me or my staff Kendra Kloster at 465-2435. Thank you for your consideration.

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SENATOR BILL WIELECHOWSKI

Sponsor Statement

Senate Bill 3: PFD Allowable Absence for Service Members

Alaskans who choose to protect our state and country by joining the Armed Forces make immense personal sacrifices on the public's behalf. Among these is the requirement to live where stationed, most often not in Alaska. While serving elsewhere, Alaskan members of the military still deserve to receive the Permanent Fund Dividend. Senate Bill 3 will ensure that these brave Alaskans receive all the support they deserve – including their PFDs.

Current Alaska statutes allow for members of the military to continue to receive their PFDs for 10 years after the last year they were in state long enough to otherwise qualify for the PFD. However, after 10 years of absence, they are no longer eligible.

Service members who make the military an extended career may not be able to return to Alaska long enough to be eligible for the PFD. In 2010, 67 Alaskan soldiers who applied for the PFD were denied simply because they had been serving in the military out of state for over the 10 year limit.

Alaska statutes do allow members of the Alaska Delegation to the United States Congress, their family, their staff and their staff's family to exceed the 10 year limit. Alaskans who have proven their residency in Alaska while serving in the military deserve the same respect and treatment. Senate Bill 3 will allow service members to receive their PFD as long as they are members of the Armed Forces, protecting our country, and waiting for the chance to return home to Alaska.

Senate Bill 3 will also codify Alaska Statutes to ensure individuals receiving the PFD are in fact Alaska residents and intend to return to the state after an allowable absence and clearly maintain their resident status.

I urge you to join me in support Senate Bill 3.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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FAX (907) 465-2029
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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 18, 2013

SUBJECT: Sectional Summary for SB 3 (Work Order No. 28-LS0007\U)

TO: Senator Bill Wielechowski
Attn: Kendra Kloster

FROM: Hilary Martin 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill, and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 amends AS 43.23.008(a), relating to allowable absences for permanent fund dividend eligibility, to reference the new subsection in sec. 3 of the bill.

Section 2 amends AS 43.23.008(c) so that active duty members of the armed forces are not prevented from receiving a permanent fund dividend if they were absent for more than 180 days from the state in each of the previous 10 qualifying years and were absent from the state for more than 180 days in the current qualifying year.

Section 3 adds a new subsection to AS 43.23.008. Subsection (e) states that a person who has been absent from the state for more than 180 days for each of the five preceding qualifying years is presumed to no longer be a resident. The subsection also sets the standards for a person to rebut this presumption.

Section 4 makes sections 1 - 3 of the Act retroactive to January 1, 2013.

Section 5 gives the bill an immediate effective date.

HVM:ljw
13-020.ljw

AS 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), or (16) of this subsection as the spouse, minor dependent, or disabled dependent of the eligible resident;

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

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

(16) 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) - (15) 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) - (15) 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) - (15) of this subsection if the individual is claiming an absence under (4) - (15) of this subsection.

(b) An individual may not claim an allowable absence under (a)(1) - (15) 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.



January 15, 2013

Senator Bill Wielechowski
Sponsor SB3

Senator;

As you know we have been trying to fix the problems of our PFD for our career active duty troops for a number of years. We got so close last session. Let's hope we can get this passed in 2013.

There is no reason Alaskans who volunteer and serve for as long as they feel called should be treated any differently than the staffers of a Member of Congress who represents our state in Washington, D.C. **NONE!** I can think of no reason we should not extend this privilege to our career service members who enlist or are commissioned from Alaska. It is my understanding that the total number of such qualified Alaskans is under 30 service members.

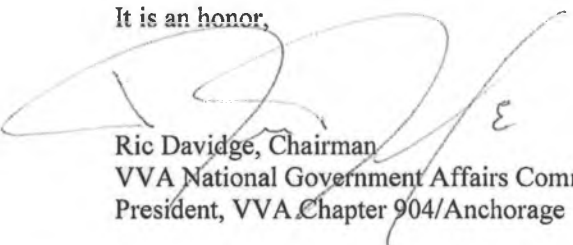
As the letters and testimony from a number of our Alaskan hero's contests, these men and women are Alaskans who have every intention of returning to their homes and families in Alaska upon separation or retirement. We need to push the correction of this wrong early this session so that we no longer "dismiss" these Alaskan heroes as "other than Alaskan."

By making Alaskan's who volunteer to serve at least a class the same as the staffers of our Members of Congress we solve so many of the problems they and their families face as they continue to protect our nation, our state, and our values. This is the simplest and frankly most appropriate way to correct this wrong.

It is difficult for those in service to speak out politically, so consistent with our motto: Never Again will one Generation of Veterans Abandon Another" we speak for them at the national and state level.

On behalf of the veterans of Alaska and all of those resident Alaskans serving in our armed services, we want you and our Legislature to know that we support this effort and look forward to working with you and all Legislators in fixing this problem.

It is an honor,


Ric Davidge, Chairman
VVA National Government Affairs Committee
President, VVA Chapter 904/Anchorage

DENALI BOROUGH

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April 5, 2011

David M. Talerico, Mayor

Senator Bill Wielechowski
State Capitol Room 101
Juneau, Alaska 99801

Dear Senator Wielechowski,

It is my privilege to write this letter of support for Senate Bill 117. 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 SB117 can accomplish this task, I encourage everyone's wholehearted support.

Thank you for sponsoring this bill.

Sincerely,

A handwritten signature in black ink that reads "David M. Talerico".

David M Talerico, Mayor
Denali Borough