

CS FOR HOUSE BILL NO. 190(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/23/20

Referred: Finance

Sponsor(s): REPRESENTATIVE TALERICO

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to allowable absences for a permanent fund dividend; and providing**
2 **for an effective date."**

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

4 *** Section 1.** AS 43.23.005(a) is amended to read:

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

7 (1) applies to the department;

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

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

10 (4) has been physically present in the state for at least **seven** [72]
11 consecutive **days** [HOURS] at some time during the prior two years before the current
12 dividend year;

13 (5) is

14 (A) a citizen of the United States;

1 (B) an alien lawfully admitted for permanent residence in the
2 United States;

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

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

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

7 (7) was in compliance during the qualifying year with the military
8 selective service registration requirements imposed under 50 U.S.C. App. 453
9 (Military Selective Service Act), if those requirements were applicable to the
10 individual, or has come into compliance after being notified of the lack of compliance.

11 * **Sec. 2.** AS 43.23.005 is amended by adding a new subsection to read:

12 (i) Notwithstanding (a) - (c) of this section, an individual who was absent from
13 the state for more than 120 days during the qualifying year is not eligible for a
14 dividend. The limitation in this subsection does not apply to an absence for a reason
15 listed in AS 43.23.008(a).

16 * **Sec. 3.** AS 43.23.008(a) is amended to read:

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

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

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

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

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

30 (B) eligible for a current year dividend;

31 (4) serving under foreign or coastal articles of employment aboard an

1 oceangoing vessel of the United States merchant marine;

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

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

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

10 (8) settling the estate of the individual's deceased parent, spouse,
11 sibling, child, or stepchild, provided the absence does not exceed **120** [220]
12 cumulative days;

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

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

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

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

19 (13) accompanying another eligible resident who is absent for a reason
20 permitted under (1), (2), (5) - (12), **or (16) - (20)** [(16), OR (17)] of this subsection as
21 the spouse, minor dependent, or disabled dependent of the eligible resident;

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

23 (15) because of training or competing as a member of the United States
24 Olympic Team or a United States national team for an Olympic sport;

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

28 (17) **participating in a maritime registered apprenticeship**
29 **program under 29 U.S.C. 50;**

30 (18) **serving in the National Oceanic and Atmospheric**
31 **Administration Commissioned Officer Corps or the United States Public Health**

1 **Service Commissioned Corps:**

2 **(19) because the individual was prohibited from traveling back to**
 3 **the state by state or federal order issued in response to a disaster;**

4 **(20)** 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) **120** [180] days in addition to any absence or cumulative
 7 absences claimed under

8 **(i) paragraph (3), (5), or (6)** of this subsection if the
 9 individual is not claiming an absence under (1), (2), **(4),** or **(7) - (19)**
 10 **[(4) - (16)]** of this subsection;

11 **(ii) paragraph (13) of this subsection if the**
 12 **individual is accompanying another eligible resident who is absent**
 13 **for a reason permitted under (5) or (6) of this subsection as the**
 14 **spouse, minor dependent, or disabled dependent of the eligible**
 15 **resident and is not claiming an absence under (1) - (12) or (14) -**
 16 **(19) of this subsection;**

17 **(iii) paragraphs** [(B) 120 DAYS IN ADDITION TO
 18 ANY ABSENCE OR CUMULATIVE ABSENCES CLAIMED
 19 UNDER] (1) - (3) of this subsection if the individual is not claiming an
 20 absence under **(4) - (19)** [(4) - (16)] of this subsection but is claiming
 21 an absence under (1) or (2) of this subsection;

22 **(iv) paragraph (18) of this subsection if the**
 23 **individual is not claiming an absence under (1) - (17) or (19) of this**
 24 **subsection; or**

25 **(B)** [or (C)] 45 days in addition to any absence or cumulative
 26 absences claimed under **(1) - (19)** [(1) - (16)] of this subsection if the
 27 individual is claiming an absence under **(4) or (7) - (19)** [(4) - (16)] of this
 28 subsection.

29 * **Sec. 4.** AS 43.23.008(d) is amended to read:

30 (d) After an individual has been absent from the state for more than **120** [180]
 31 days in each of the five preceding qualifying years, the department shall presume that

1 the individual is no longer a state resident. The individual may rebut this presumption
2 by providing clear and convincing evidence to the department that

3 (1) the individual was physically present in the state for at least **90** [30]
4 cumulative days during the past five years; and

5 (2) the individual is a state resident as defined in AS 43.23.295.

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

8 APPLICABILITY. (a) Sections 1 - 3 of this Act apply to qualification for a permanent
9 fund dividend paid in 2021 and thereafter.

10 (b) Section 4 of this Act applies to qualification for a permanent fund dividend paid in
11 2025 and thereafter.

12 * **Sec. 6.** Section 4 this Act takes effect January 1, 2024.