

SENATE BILL NO. 220

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATOR WIELECHOWSKI

Introduced: 2/22/22

Referred: State Affairs, Finance

A BILL**FOR AN ACT ENTITLED**

1 **"An Act relating to a residency requirement for permanent full-time state employees in**
2 **the classified, exempt, or partially exempt service; relating to allowable absences for**
3 **permanent fund dividend eligibility; and providing for an effective date."**

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

5 * **Section 1.** AS 39.25 is amended by adding new sections to read:

6 **Sec. 39.25.025. State residency required.** (a) Only a resident may hold a
7 position as a permanent full-time employee in state service.

8 (b) Nothing in this section impairs a nonresident's eligibility to apply for or be
9 recruited, considered, or hired for a position in state service.

10 (c) In this section, "state service" means the classified, exempt, or partially
11 exempt service.

12 **Sec. 39.25.027. Termination of nonresident employees.** (a) The director of
13 personnel shall annually determine whether each permanent full-time employee
14 employed by the state during the entire previous calendar year is a resident eligible to

1 receive a permanent fund dividend. When the director of personnel determines that a
 2 permanent full-time employee employed by the state during the entire previous
 3 calendar year is not eligible to receive a permanent fund dividend in the current
 4 calendar year under AS 43.23.005, the director shall immediately notify the head of
 5 the affected department or agency in writing, and the affected department or agency
 6 shall end the employee's employment in state service.

7 (b) Notwithstanding (a) of this section, the department or agency may
 8 continue to employ a permanent full-time employee who is not eligible to receive a
 9 permanent fund dividend for the current calendar year when the individual is not
 10 eligible

11 (1) because of a failure to apply for a permanent fund dividend under
 12 AS 43.23.005(a)(1); or

13 (2) under AS 43.23.005(d).

14 **Sec. 39.25.029. Regulations.** The commissioner of administration may adopt
 15 regulations under AS 44.62 (Administrative Procedure Act) relating to state residency
 16 requirements and termination of nonresident employees.

17 * **Sec. 2.** AS 43.23.008(a) is amended to read:

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

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

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

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

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

31 (B) eligible for a current year dividend;

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

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

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

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

11 (8) settling the estate of the individual's deceased parent, spouse,
12 sibling, child, or stepchild, provided the absence does not exceed 220 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 **when presence in the field office or other location is necessary to fulfill**
18 **the employee's job duties**;

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

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

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

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

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

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

31 (A) 180 days in addition to any absence or cumulative absences

1 claimed under (3) of this subsection if the individual is not claiming an absence
 2 under (1), (2), or (4) - (16) of this subsection;

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

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

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

12 APPLICABILITY. AS 39.25.025(a) and 39.25.027, enacted by sec. 1 of this Act,
 13 apply to collective bargaining agreements entered into on or after the effective date of this
 14 Act.

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

17 TRANSITION. A person who is not a resident of the state and who holds a position in
 18 state service on the effective date of this Act may continue to hold that position until
 19 January 1, 2024, regardless of permanent fund dividend eligibility. In this section, "state
 20 service" has the meaning given in AS 39.25.025(c).

21 * **Sec. 5.** This Act takes effect July 1, 2022.