

**AMENDMENT**

OFFERED IN THE HOUSE  
TO: HB 11

BY REPRESENTATIVE HOLLAND

Page 1, line 1, following "Act":

Insert "**relating to the calculation of the permanent fund dividend; relating to eligibility forms and applications for the permanent fund dividend; relating to appropriations from the dividend fund to the general fund; and**"

Page 1, following line 2:

Insert new bill sections to read:

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

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

(1) **submits the eligibility form and application for the dividend** [APPLIES] to the department;

(2) is a state resident on the date **the individual submits the eligibility form and** [OF] application;

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

(4) has been physically present in the state for at least 72 consecutive hours at some time during the prior two years before the current dividend year;

(5) is

(A) a citizen of the United States;

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

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

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

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

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

\* **Sec. 2.** AS 43.23.005(c) is amended to read:

(c) A parent, guardian, or other authorized representative may **apply for and** claim a permanent fund dividend on behalf of an unemancipated minor or on behalf of a disabled or an incompetent individual who is eligible to receive a payment under this section. Notwithstanding (a)(2) - (4) of this section, a minor is eligible for a dividend if, during the two calendar years immediately preceding the current dividend year, the minor was born to or adopted by an individual who is eligible for a dividend for the current dividend year.

\* **Sec. 3.** AS 43.23.005(h) is amended to read:

(h) If an individual who **applied for and** would otherwise have been eligible for a permanent fund dividend dies [AFTER APPLYING FOR THE DIVIDEND BUT] before the dividend is paid, the department shall pay the dividend to a personal representative of the estate or to a successor claiming personal property under AS 13.16.680. If an individual who would otherwise have been eligible for a dividend and who did not apply for the dividend dies during the application period, a personal representative of the estate or a successor claiming personal property under AS 13.16.680 may apply for and receive the dividend. If an individual who received a dividend for the year immediately before the qualifying year and who would otherwise have been eligible for a dividend dies during the qualifying year after having been a state resident for at least 180 days immediately before the date of death, notwithstanding (a)(1) - (3) and (a)(6) of this section, a personal representative of the estate or a successor claiming personal property under AS 13.16.680 may apply for and receive the dividend. Notwithstanding AS 43.23.011, an application for a dividend may be filed by the personal representative or the successor under this subsection at any time before the end of the application period for the next dividend year.

1 \* **Sec. 4.** AS 43.23.011(a) is amended to read:

2 (a) An **eligibility form and** application for a permanent fund dividend shall be  
3 filed during the period that begins January 1 and ends March 31 of that dividend year.

4 \* **Sec. 5.** AS 43.23.015(b) is amended to read:

5 (b) The department shall prescribe and furnish an **eligibility** [APPLICATION]  
6 form for **an individual** claiming a permanent fund dividend. The **eligibility form**  
7 [APPLICATION] must include

8 (1) notice of the penalties provided for under AS 43.23.270;

9 (2) a statement of eligibility and a certification of residency;

10 (3) the means for an **individual** [APPLICANT] eligible to vote under  
11 AS 15.05, or a person authorized to act on behalf of the applicant, to furnish  
12 information required by AS 15.07.060(a)(1) - (4) and (7) - (9), and an attestation that  
13 **the** [SUCH] information is true.

14 \* **Sec. 6.** AS 43.23.015(c) is amended to read:

15 (c) Except as provided in (d) of this section or as may be provided by  
16 regulations adopted by the department, an individual must personally sign the  
17 **eligibility form** [APPLICATION] for permanent fund dividends, including the  
18 certification of residency required under (b) of this section.

19 \* **Sec. 7.** AS 43.23.015(d) is amended to read:

20 (d) The **eligibility form**, application, and certification of residency of an  
21 unemancipated individual under 18 years of age or of a disabled or an incompetent  
22 individual must be signed by the individual's parent, legal guardian, or other  
23 authorized representative. An individual may complete, sign, and file an **eligibility**  
24 **form and** application on behalf of a member of the armed forces of the United States  
25 who is serving on active duty outside of the United States if the individual has a power  
26 of attorney from the member of the armed forces that authorizes, in specific or general  
27 terms, the individual to file that **eligibility form and** application.

28 \* **Sec. 8.** AS 43.23.015(j) is amended to read:

29 (j) The **eligibility** [APPLICATION] form for claiming a permanent fund  
30 dividend must include a place for the **individual** [APPLICANT] to voluntarily  
31 indicate that the **individual** [APPLICANT] is a veteran, the branch of service,

including the Alaska Territorial Guard, and the dates of service. Notwithstanding AS 43.23.110, the department shall release information provided under this subsection to the Department of Military and Veterans' Affairs and may not otherwise release the information. The Department of Military and Veterans' Affairs may only release the information to congressionally chartered veterans service organizations in the state. The **eligibility** [APPLICATION] form must contain notice that providing the information under this subsection is voluntary, that the information will be released as provided in this subsection, and that the veterans service organizations are not required to keep it confidential.

\* **Sec. 9.** AS 43.23 is amended by adding a new section to read:

**Sec. 43.23.018. Eligibility form; application.** The department shall prepare an electronic Alaska permanent fund eligibility form separate from the dividend application. The eligibility form must allow an individual to determine the individual's eligibility for a dividend before applying for the dividend payment. After the individual submits the eligibility form, and before the individual applies for the dividend, the department shall notify the individual that a dividend not claimed by an eligible individual is deposited into the general fund, subject to appropriation.

\* **Sec. 10.** AS 43.23 is amended by adding a new section to read:

**Sec. 43.23.023. Foregone dividends.** (a) Each year, the department shall determine the amount of foregone dividends. The amount of foregone dividends is the number of individuals, estates, and successors that submitted an eligibility form and are eligible to receive, but do not apply for, the permanent fund dividend, multiplied by the amount of the dividend for that year, as calculated under AS 43.23.025(a).

(b) Each fiscal year, the legislature may appropriate from the dividend fund to the general fund an amount equal to the amount of foregone dividends determined under (a) of this section.

\* **Sec. 11.** AS 43.23.025(a) is amended to read:

(a) By October 1 of each year, the commissioner shall determine the value of each permanent fund dividend for that year by

(1) determining the total amount available for dividend payments, which equals

(A) the amount of income of the Alaska permanent fund transferred to the dividend fund under AS 37.13.145(b) during the current year;

(B) plus the unexpended and unobligated balances of prior fiscal year appropriations that lapse into the dividend fund under AS 43.23.045(d);

(C) less the amount necessary to pay prior year dividends from the dividend fund in the current year under AS 43.23.005(h), 43.23.021, and 43.23.055(3) and (7);

(D) less the amount necessary to pay dividends from the dividend fund due to eligible applicants who, as determined by the department, filed for a previous year's dividend by the filing deadline but who were not included in a previous year's dividend computation;

(E) less appropriations from the dividend fund during the current year, including amounts to pay costs of administering the dividend program and the hold harmless provisions of AS 43.23.240;

(2) determining the number of individuals who have applied for and are eligible to receive a dividend payment for the current year and the number of estates and successors that have applied for and are eligible to receive a dividend payment for the current year under AS 43.23.005(h); and

(3) dividing the amount determined under (1) of this subsection by the amount determined under (2) of this subsection."

Page 1, line 3:

Delete "Section 1"

Insert "Sec. 12"

Renumber the following bill sections accordingly.

Page 3, following line 12:

Insert a new bill section to read:

"\* **Sec. 13.** AS 43.23.110 is amended to read:

1           **Sec. 43.23.110. Applicant information confidential.** (a) Except as provided  
 2 in (c) of this section, information **provided by an individual** on **a** [EACH] permanent  
 3 fund dividend **eligibility form or** application, except the **individual's**  
 4 [APPLICANT'S] name, is confidential. The department may only release information  
 5 that is confidential under this section

6                       (1) to a local, state, or federal government agency;

7                       (2) in compliance with a court order;

8                       (3) to the individual who or agency that files an **eligibility form or**  
 9 application on behalf of another;

10                      (4) to a banking institution to verify the direct deposit of a permanent  
 11 fund dividend or correct an error in that deposit;

12                      (5) as directed to do so by the **individual** [APPLICANT];

13                      (6) to a contractor who has a contract with a person entitled to obtain  
 14 the information under (1) - (5) of this section to receive, store, or manage the  
 15 information on that person's behalf; a contractor receiving data under this paragraph  
 16 may only use the data as directed by and for the purposes of the person entitled to  
 17 obtain the information;

18                      (7) to the division of elections as required by AS 43.23.101.

19                      (b) Notwithstanding (a) of this section, the department may release the names  
 20 and addresses of **individuals who have filed an eligibility form or application for a**  
 21 permanent fund dividend [APPLICANTS] to a legislator of this state and to the  
 22 legislator's office staff for official legislative purposes.

23                      (c) Information submitted on a permanent fund dividend **eligibility form**  
 24 [APPLICATION] that is used for the purpose of registering an **individual**  
 25 [APPLICANT] to vote under AS 43.23.101 shall be kept confidential by the division  
 26 of elections as provided in AS 15.07.195."

27  
 28       Renumber the following bill sections accordingly.

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 30       Page 4, following line 4:

31           Insert new bill sections to read:

1     "\* **Sec. 15.** AS 43.23.200(a) is amended to read:

2             (a) Except as provided in (b) of this section, a person **who has applied for**  
3             **and is** eligible to receive a permanent fund dividend may not assign the right to the  
4             dividend. An attempted assignment of the right to receive a permanent fund dividend  
5             is against public policy and is void.

6     \* **Sec. 16.** The uncoded law of the State of Alaska is amended by adding a new section to  
7     read:

8             **APPLICABILITY.** This Act applies to the permanent fund dividend 2024 qualifying  
9     year for the 2025 permanent fund dividend."