

HOUSE BILL NO. 241

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES MILLETT Kreiss-Tomkins, Stutes

Introduced: 1/19/16

Referred: House Special Committee on Fisheries, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the nonresident surcharge for commercial fishing permits."**

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

3 *** Section 1.** AS 16.43.160 is amended by adding new subsections to read:

4 (e) For the purpose of payment of the nonresident surcharge under (c) of this
5 section, a "nonresident" is an individual who is not eligible to receive a permanent
6 fund dividend under AS 43.23.005(a)(2) - (7) in the calendar year in which the
7 surcharge is due. An individual may show that the individual is not subject to the
8 nonresident surcharge by providing proof that the individual

9 (1) received a permanent fund dividend for that year;

10 (2) applied for a permanent fund dividend for that year and the
11 Department of Revenue has determined that the individual is eligible to receive a
12 permanent fund dividend for that year;

13 (3) has a pending application for a permanent fund dividend for that
14 year and received a permanent fund dividend for the immediately preceding year; or

15 (4) is otherwise eligible to receive a permanent fund under

1 AS 43.23.005(a)(2) - (7).

2 (f) The commission shall confirm with the Department of Revenue an
3 individual's

4 (1) receipt of a permanent fund dividend; or

5 (2) eligibility to receive a permanent fund dividend under
6 AS 43.23.005(2) - (7).

7 * **Sec. 2.** AS 43.23.055 is amended to read:

8 **Sec. 43.23.055. Duties of the department.** The department shall

9 (1) annually pay permanent fund dividends from the dividend fund;

10 (2) subject to AS 43.23.011 and paragraph (8) of this section, adopt
11 regulations under AS 44.62 (Administrative Procedure Act) that establish procedures
12 and time limits for claiming a permanent fund dividend; the department shall
13 determine the number of eligible applicants by October 1 of the year for which the
14 dividend is declared and pay the dividends by December 31 of that year;

15 (3) adopt regulations under AS 44.62 (Administrative Procedure Act)
16 that establish procedures and time limits for an individual upon emancipation or upon
17 reaching majority to apply for permanent fund dividends not received during minority
18 because the parent, guardian, or other authorized representative did not apply on
19 behalf of the individual;

20 (4) assist residents of the state, particularly in rural areas, who because
21 of language, disability, or inaccessibility to public transportation need assistance to
22 establish eligibility and to apply for permanent fund dividends;

23 (5) use a list of individuals ineligible for a dividend under
24 AS 43.23.005(d) provided annually by the Department of Corrections and the
25 Department of Public Safety to determine the number and identity of those
26 individuals;

27 (6) adopt regulations that are necessary to implement AS 43.23.005(d);

28 (7) adopt regulations that establish procedures for the parent, guardian,
29 or other authorized representative of a disabled individual to apply for prior year
30 permanent fund dividends not received by the disabled individual because no
31 application was submitted on behalf of the individual;

1 (8) adopt regulations that establish procedures for an individual to
2 apply to have a dividend disbursement under AS 37.25.050(a)(2) reissued if it is not
3 collected within two years after the date of its issuance; however, the department may
4 not establish a time limit within which an application to have a disbursement reissued
5 must be filed;

6 (9) provide any information, upon request, contained in permanent
7 fund dividend records to the child support services agency created in AS 25.27.010, or
8 the child support enforcement agency of another state, for child support purposes
9 authorized under law; if the information is contained in an electronic data base, the
10 department shall provide the requesting agency with either

11 (A) access to the data base; or

12 (B) a copy of the information in the data base and a statement
13 certifying its contents;

14 (10) establish a fraud investigation unit for the purpose of assisting the

15 (A) Department of Law in the prosecution of individuals who
16 apply for or obtain a permanent fund dividend in violation of a provision in
17 AS 11, by detecting and investigating those crimes; and

18 (B) commissioner to detect and investigate the claiming or
19 paying of permanent fund dividends that should not have been claimed by or
20 paid to an individual and to impose the penalties and enforcement provisions
21 under AS 43.23.035;

22 (11) confirm for the Alaska Commercial Fisheries Entry
23 Commission under AS 16.43.160(f) that an individual has received, or is eligible
24 to receive, a permanent fund dividend.