



LAWS OF ALASKA

1991

Source

HCS CSSB 98(FIN)

Chapter No.

68

AN ACT

Relating to eligibility for permanent fund dividends, to determination of the amount of a dividend, to notice requirements relating to dividends; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 19, 1991

Actual Effective Date: Sections 1 and 3 - 5 take effect June 20, 1991; section 2 takes effect July 1, 1991

AN ACT

1 Relating to eligibility for permanent fund dividends, to determination of the amount of
2 a dividend, to notice requirements relating to dividends; and providing for an effective
3 date.
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7 * Section 1. AS 43.23.005 is amended by adding a new subsection to read:

8 (f) In a time of national military emergency, the commissioner may waive the
9 requirement of (a)(3) of this section for an individual absent from the state under military orders
10 while serving in the armed forces of the United States, or for the spouse and dependents of that
11 individual.

12 * Sec. 2. AS 43.23.015(b) is amended to read:

13 (b) The department shall prescribe and furnish an application form for claiming a
14 permanent fund dividend. The application must contain a statement of eligibility and a
15 certification of residency in substantially the following form:

16 I certify that

17 () I am a state resident on the date of this application, I have been a state resident for
18 at least 12 months [24 MONTHS] immediately preceding April 1 of the current dividend
19 year, and I have been physically present in the State of Alaska at some time during the
20 period beginning July 1 two years before the date of application and ending on the date
21 of this application unless this requirement has been waived under AS 43.23.005(f); or

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() (name), the individual on whose behalf I am applying, is a state resident on the date of this application, has been a state resident for at least 12 months [24 MONTHS] immediately preceding April 1 of the current dividend year, and has been physically present in the State of Alaska at some time during the period beginning July 1 two years before the date of application and ending on the date of this application unless this requirement has been waived under AS 43.23.005(f).

I understand that a false claim of eligibility to obtain a permanent fund dividend for myself or for another is a criminal offense, that if convicted I will forfeit future dividends, and that I must repay all dividends that have been paid to me. I understand that if I willfully misrepresent, exercise gross negligence, or recklessly disregard a material fact regarding my eligibility for a permanent fund dividend I will forfeit the dividend, be subject to a civil fine of up to \$5,000, and lose my eligibility for the next five dividends. I understand that these penalties are in addition to any criminal penalties imposed.

(signature of individual,
parent, guardian, or other
authorized representative)

* Sec. 3. AS 43.23.028 is amended by adding a new subsection to read:

(b) The notice requirements of (a) of this section do not apply to appropriations from the dividend fund to the crime victim compensation fund established under AS 18.67.162 or to the Department of Corrections to the extent that amounts appropriated for a fiscal year do not exceed the total amount that would have been paid during the previous fiscal year to individuals who are ineligible to receive dividends under AS 43.23.005(d) if they had been eligible.

* Sec. 4. PERMANENT FUND DIVIDENDS FOR CERTAIN INDIVIDUALS. (a) Notwithstanding AS 43.23.005(a)(3),

(1) an individual absent from the state while serving in the armed forces of the United States is eligible to receive a 1991 permanent fund dividend if the individual was stationed in the Persian Gulf war zone or was under military orders suspending the individual's military leave as a result of the Persian Gulf conflict and the commissioner of revenue determines that the individual qualified for the 1990 dividend and is otherwise qualified for the 1991 dividend;

1 (2) the spouse or dependent of an individual described in (1) of this subsection is eligible
2 to receive a 1991 permanent fund dividend if the spouse or dependent qualified for a 1990 dividend and
3 is otherwise qualified for the 1991 dividend.

4 (b) Notwithstanding AS 43.23.015(c), an individual absent from the state while serving in the
5 armed forces of the United States and stationed in the Persian Gulf war zone may execute a power of
6 attorney authorizing another person to apply for the 1991 permanent fund dividend on behalf of the
7 individual. An individual stationed in the Persian Gulf war zone at any time during April 1, 1991,
8 through June 30, 1991, may apply for a 1991 permanent fund dividend during the 1992 application
9 period if no application was submitted on the individual's behalf during the 1991 application period and
10 the individual otherwise qualifies for a 1991 dividend. The dividend shall be paid in the same manner
11 as prior year dividends under AS 43.23.025(a)(1)(C) and 43.23.055(3) and (7).

12 (c) Notwithstanding AS 43.23.005(a) and 43.23.015(c), if an individual was killed while serving
13 in the armed forces of the United States and stationed in the Persian Gulf war zone at any time during
14 January 1, 1991, through June 30, 1991, and if the individual qualified for a 1990 permanent fund
15 dividend, the personal representative of the individual's estate may apply for the 1991 dividend on behalf
16 of the individual's estate at any time during the 1991 or 1992 dividend application period.

17 (d) Notwithstanding AS 43.23.015(b), the Department of Revenue shall prescribe and furnish
18 an application form for claiming a dividend under this section. The department shall adopt regulations
19 defining the limits of the Persian Gulf war zone and prescribing any additional evidence the department
20 may require to determine eligibility, including evidence of the applicant's or deceased individual's
21 assignment to the Persian Gulf war zone during the 1991 application period.

22 * Sec. 5. AS 43.23.025(b) is repealed.

23 * Sec. 6. Sections 1 and 3 - 5 of this Act take effect immediately under AS 01.10.070(c).

24 * Sec. 7. Section 2 of this Act takes effect July 1, 1991.