

CS FOR SENATE BILL NO. 104(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 2/28/05

Referred: Judiciary

Sponsor(s): SENATOR SEEKINS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the crime of misrepresenting permanent fund dividend eligibility;
2 requiring the establishment of a permanent fund dividend fraud investigation unit in the
3 Department of Revenue; and providing for an effective date."

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

5 * **Section 1.** AS 11.56.210(a) is amended to read:

6 (a) A person commits the crime of unsworn falsification if, **under**
7 **circumstances not proscribed under AS 11.56.225,** with the intent to mislead a
8 public servant in the performance of a duty, the person submits a false written or
9 recorded statement **that** [WHICH] the person does not believe to be true

10 (1) in an application for a benefit; or

11 (2) on a form bearing notice, authorized by law, that false statements
12 made in it are punishable.

13 * **Sec. 2.** AS 11.56 is amended by adding a new section to read:

14 **Sec. 11.56.225. Misrepresenting permanent fund dividend eligibility. (a)**

1 A person commits the crime of misrepresenting permanent fund dividend eligibility if
2 the person

3 (1) submits an application for a permanent fund dividend for that
4 person or for another person for a dividend year knowing that the person or other
5 person is not eligible to receive the dividend;

6 (2) makes a statement in an application for a permanent fund dividend
7 and the person would have violated AS 11.56.210 if the statement were not an
8 application for a permanent fund dividend; or

9 (3) makes a false written, recorded, or oral statement that the person
10 does not believe to be true to a public employee with intent to mislead a public
11 employee about a person's eligibility for a permanent fund dividend.

12 (b) In this section,

13 (1) "application for a permanent fund dividend" includes a written or
14 electronic application, and any other documentation submitted to support an
15 application for permanent fund dividend;

16 (2) "permanent fund dividend" has the meaning given in
17 AS 43.23.095.

18 (c) Misrepresenting permanent fund dividend eligibility is a class C felony.

19 * **Sec. 3.** AS 43.23.055 is amended by adding a new paragraph to read:

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

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

24 (B) commissioner to detect and investigate the claiming or
25 paying of permanent fund dividends that should not have been claimed by or
26 paid to an individual and to impose the penalties and enforcement provisions
27 under AS 43.23.035.

28 * **Sec. 4.** This Act takes effect July 1, 2005.