

HOUSE BILL NO. 4002

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FOURTH SPECIAL SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 7/9/08

Referred: Community and Regional Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Alaska resource rebate program and relating to the program;
2 and providing for an effective date."

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

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 ALASKA RESOURCE REBATE PROGRAM. (a) Subject to appropriation and
7 availability of funds for the program, the Alaska resource rebate program is established in the
8 Department of Revenue to provide residents of the state with a resource rebate.

9 (b) An individual eligible for the program may receive a payment in the amount of
10 \$1,200. A parent, guardian, or other authorized representative may claim a resource rebate on
11 behalf of an unemancipated minor or on behalf of a disabled or an incompetent individual
12 who is eligible to receive a payment under this section, if the sponsor complies with the
13 requirements described in (i) of this section. An individual may receive only one payment
14 under the program. If the department estimates that appropriations for the program are

1 insufficient to meet the demands of the program, the department may reduce or eliminate the
2 resource rebate available under the program.

3 (c) An individual may elect not to receive a payment under the program. An
4 individual who elects not to receive a payment under the program may

5 (1) provide notice of the election on a form provided by the department; notice
6 must be postmarked or received by the department not later than August 15, 2008; or

7 (2) return the payment to the department if the individual has received a
8 payment.

9 (d) The department

10 (1) shall administer the Alaska resource rebate program; and

11 (2) may adopt regulations under AS 44.62 to implement this section.

12 (e) An individual is eligible to receive a payment under the program if

13 (1) the individual has been determined eligible to receive a permanent fund
14 dividend for 2008 under AS 43.23; or

15 (2) the individual

16 (A) timely applies for the resource rebate under the program on a form
17 provided by the department; an application is timely under the program if the
18 application is postmarked or received by the department on or after October 1, 2008,
19 and no later than November 30, 2008;

20 (B) is a resident of the state as described in (f) of this section;

21 (C) with the application required by (A) of this paragraph, provides
22 proof of

23 (i) residency as described in (g) of this section; and

24 (ii) identification as described in (h) of this section;

25 (D) is not ineligible for a permanent fund dividend for 2008 under
26 AS 43.23.005(d); and

27 (E) provides the name, physical address, telephone number, and
28 signature, under the penalty of perjury, of two state residents unrelated to the applicant
29 who can verify that the individual is a resident as described in (f) of this section.

30 (f) An individual is a resident of the state for the purposes of (e)(2) of this section if
31 the individual

1 (1) was voluntarily and physically present in the state on the date the
2 individual applied for a resource rebate under the program;

3 (2) was voluntarily and physically present in the state for the period from
4 April 1, 2008, through October 1, 2008; and

5 (3) intends to maintain a home in the state.

6 (g) A copy of at least one of the following current and valid documents must be
7 submitted with an application under (e)(2) of this section as proof of residency in the state; the
8 document may not be more than six months old and must show a physical residence address:

9 (1) a utility or other energy-related bill;

10 (2) a mortgage or rental agreement showing the applicant as a lessee or person
11 legally entitled to occupy the residence;

12 (3) an official voter registration card issued under AS 15.07;

13 (4) a letter from the Department of Health and Social Services indicating
14 eligibility for medical assistance under AS 47.07;

15 (5) a paycheck stub;

16 (6) a letter from the Department of Health and Social Services indicating
17 eligibility for public assistance under AS 47.25.130 - 47.25.615;

18 (7) a cancelled check or bank statement.

19 (h) One of the following current and valid documents must be shown to the
20 department or a copy submitted with an application under (e)(2) of this section as proof of
21 identification of the applicant:

22 (1) a certified copy of the applicant's birth certificate;

23 (2) a social security card issued by the United States Social Security
24 Administration;

25 (3) a driver's license issued under AS 28.15;

26 (4) a state identification card issued under AS 18.65.310;

27 (5) a passport;

28 (6) a visa issued by the United States Department of State.

29 (i) In addition to the other requirements of this section, when a parent, guardian, or
30 other authorized representative sponsors an application for a payment on behalf of an
31 unemancipated minor or on behalf of a disabled or an incompetent person under (e)(2) of this

1 section, a copy of one of the following current and valid documents must be provided to the
2 department with the application:

3 (1) a birth certificate identifying the sponsor as the biological parent of the
4 minor;

5 (2) a court order identifying the sponsor as the lawful and physical custodian
6 of the minor;

7 (3) an adoption order identifying the sponsor as the lawful custodian of the
8 minor;

9 (4) medical documentation regarding a disability if the sponsor is submitting
10 an application on behalf of a disabled adult;

11 (5) a court order appointing the sponsor as conservator or guardian of an
12 incompetent adult if the sponsor is submitting an application on behalf of an incompetent
13 adult.

14 (j) An individual aggrieved by a decision of the department regarding the individual's
15 eligibility to receive a resource rebate under the program, other than a determination based on
16 insufficient funding of the program, may request a hearing before the office of administrative
17 hearings established under AS 44.64.

18 (k) An individual is liable to the department for the value of the resource rebate
19 improperly paid under the program if the improper payment was based on inaccurate or false
20 information provided by the individual. In a civil action brought by the state to recover from
21 the individual the value of the resource rebate improperly paid under the program, the state
22 may recover from the individual the costs of investigation and prosecution of the civil action,
23 including attorney fees as determined under court rules.

24 (l) In determining the eligibility of an individual under a public assistance program
25 administered by the Department of Health and Social Services in which eligibility for
26 assistance is based on financial need, the Department of Health and Social Services may not
27 consider a payment under this section as income or resources received by the recipient of
28 public assistance or by a member of the recipient's household unless required to do so by
29 federal law. The Department of Health and Social Services shall notify all recipients of public
30 assistance of the effects of receiving a payment under this section.

31 (m) An individual who is denied medical assistance under 42 U.S.C. 1396 - 1396v

1 (Title XIX, Social Security Act) solely because of the receipt of a payment under this section
2 by the individual or by a member of the individual's household is eligible for state-funded
3 medical assistance under AS 47.25.120 - 47.25.300 (general relief assistance). The individual
4 is entitled to receive, for a period not to exceed four months, the same level of medical
5 assistance as the individual would have received under 42 U.S.C. 1396 - 1396v had a payment
6 not been received under this section.

7 (n) An individual who is denied assistance solely because payments under this section
8 received by the individual or by a member of the individual's household are counted as
9 income or resources under federal law is eligible for cash assistance under AS 47.25.120 -
10 47.25.300 (general relief assistance). Notwithstanding the limit in AS 47.25.130, the
11 individual is entitled to receive, for a period not to exceed four months, the same amount as
12 the individual would have received under other public assistance programs had a payment not
13 been received under this section.

14 (o) A program that is established before the effective date of this Act, that is
15 administered by the state or any of its instrumentalities or municipalities or by a Native
16 organization under AS 47.27.070, 47.27.200, or 47.27.300, and for which eligibility is based
17 on financial need may not consider a payment under this section as income or resources
18 unless required to do so by federal law.

19 (p) A veteran, or spouse or dependent of a living or deceased veteran, who is denied
20 or receives reduced disability payments solely because payments under this section received
21 by the individual are counted as income is eligible for veterans' benefits under AS 47.25.120 -
22 47.25.300 (general relief assistance). Notwithstanding the limit in AS 47.25.130, the veteran,
23 or spouse or dependent of a living or deceased veteran, is entitled to receive the same amount
24 as the individual would have received under 38 U.S.C. 1315, 1513, 1521, and 1541 - 1542
25 had a payment not been received under this section.

26 (q) Notwithstanding any contrary provision of state law, a payment under the program
27 is exempt from levy, execution, garnishment, or any other remedy for debt collection until
28 after the payment made under this program has been received by the individual. No other
29 exemption applies to a payment received under the program.

30 (r) In this section, unless the context requires otherwise,

31 (1) "department" means the Department of Revenue;

- 1 (2) "program" means the Alaska resource rebate program.
- 2 * **Sec. 2.** Section 1 of this Act is repealed June 30, 2009.
- 3 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).