

Original sponsor: Rules/Legislative
Council

Offered: 9/23/80
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR HOUSE BILL NO. 36 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SPECIAL SESSION

5 A BILL

6 For an Act entitled: "An Act providing for residency payments to state
7 residents; and providing for an effective date."

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

9 * Section 1. LEGISLATIVE PURPOSE AND FINDINGS. The purposes of this Act
10 are:

11 (1) to distribute a portion of the state's energy wealth to state
12 residents;

13 (2) to provide a temporary substitute for the permanent fund
14 dividend program (AS 43.23) which has been delayed by litigation and may be
15 invalidated; and

16 (3) to encourage economic activity through increased consumer
17 spending.

18 * Sec. 2. RESIDENCY PAYMENT. (a) An individual who meets the qualifi-
19 cations of a voter under AS 15.05.010(1) - (4) on November 15, 1980, is
20 eligible to receive a residency payment of \$500 if he applies to the depart-
21 ment before January 1, 1981.

22 (b) An individual who meets the qualifications of a voter under
23 AS 15.05.010(1) - (4) but who is not physically present in the state at the
24 time he applies for a residency payment under this section is eligible to
25 receive a residency payment of \$500 if

26 (1) he has been present in the state for 30 consecutive days with
27 the intent to remain permanently, intends to return to the state, and is
28 absent for one or more of the following reasons:

29 (A) vocational, professional, or other special education for

1 which a comparable program was not reasonably available in the state;

2 (B) postsecondary education;

3 (C) military service;

4 (D) medical treatment;

5 (E) service in Congress; or

6 (F) other reasons which are satisfactory to the commissioner;

7 or

8 (2) the commissioner determines that he is a resident under the
9 rules for determining the residence of a voter in AS 15.05.020.

10 (c) An individual who applies for a residency payment shall make and
11 sign a statement of eligibility. The commissioner may require an individual
12 to provide additional proof of eligibility including one or more affidavits
13 from persons having personal knowledge concerning the individual's eligi-
14 bility.

15 (d) By November 15, 1980, the department shall prescribe and furnish an
16 application form for claiming the residency payment. The form must contain a
17 statement of eligibility and must include a notice to the applicant that a
18 false statement made in the application form is a criminal offense.

19 (e) Notwithstanding (c) of this section, an individual who applies for
20 a 1979 permanent fund dividend before November 15, 1980 is presumed to be
21 eligible to receive the residency payment provided in this section. If the
22 department approves the 1979 permanent fund application, the individual is
23 entitled to receive the residency payment provided in (a) of this section
24 without submitting the application required under (a) of this section.

25 (f) In addition to any criminal penalties imposed, if an individual is
26 convicted of unsworn falsification for a statement made in a statement of
27 residency, and the conviction is not reversed, that individual forfeits the
28 residency payment.

29 (g) If the commissioner determines that a residency payment should not

1 have been claimed by or paid to an individual, he may use any collection
2 procedures or remedies available under AS 43 to recover a residency payment
3 which was improperly made.

4 (h) The department may adopt regulations to implement this section, and
5 those regulations may be adopted as emergency regulations under AS 44.62.250
6 and 44.62.260.

7 (i) In this section,

8 (1) "commissioner" means the commissioner of revenue;

9 (2) "department" means the Department of Revenue;

10 (3) "individual" means a natural person.

11 * Sec. 3. If an individual receives a residency payment provided in this
12 Act, the commissioner of revenue shall reduce the permanent fund dividends
13 which the individual is entitled to receive under AS 43.23. The commissioner
14 of revenue shall continue to reduce permanent fund dividends payable under
15 AS 43.23 to the individual until the total amount of the reductions equals
16 \$500.

17 * Sec. 4. Sections 1, 2, 4, and 5 of this Act take effect immediately in
18 accordance with AS 01.10.070(c).

19 * Sec. 5. Section 3 of this Act takes effect on the date of a final
20 decision or order from a court having final appellate jurisdiction holding
21 that AS 43.23 is valid.
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