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CORRECTION

HOUSE BILL NO. 432

Please discard all copies of HB 432  
and retain this corrected copy.

Representative Randolph should not have  
been shown as co-sponsor..

Introduced: 3/31/81  
Referred: State Affairs and  
Finance

1 IN THE HOUSE

BY MALONE, BEIRNE, GARDINER.  
AND ROGERS

2 HOUSE BILL NO. 432

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 \* Section 1. AS 43 is amended by adding a new chapter to read:

10 CHAPTER 24. DISTRIBUTION OF REVENUE TO STATE RESIDENTS.

11 Sec. 43.24.010. RESIDENCY PAYMENT. (a) An individual who is  
12 eligible under (b) of this section is entitled to an annual residency  
13 payment of \$500 if the individual was a state resident during the  
14 entire year for which the residency payment is claimed;

15 (b) An individual is eligible to receive a residency payment  
16 under (a) of this section if he

17 (1) applies to the department for the payment; and

18 (2) is a state resident on the date of the application.

19 (c) A parent or guardian may claim a residency payment on behalf  
20 of a minor or incompetent who is eligible to receive a residency payment  
21 under this section.

22 Sec. 43.24.020. PROOF OF ELIGIBILITY. (a) An individual who  
23 applies for a residency payment shall make and submit a statement of  
24 eligibility which must be verified by him under penalty of perjury.  
25 The commissioner may require an individual to provide additional proof  
26 of eligibility including one or more affidavits from individuals having  
27 personal knowledge concerning the individual's eligibility.

28 (b) The department shall prescribe and furnish an application  
29 form for claiming the residency payment which shall contain a statement

1 of eligibility and a certification of residency in the following form:

2 Under penalty of perjury, I certify that I am a state resident on  
3 the date of this application and I have been a state resident for  
4 at least one year and that I understand that my claim for a resi-  
5 dency payment is determined by the length of my residence in the  
6 state. I also understand that if I am convicted of falsely claim-  
7 ing a residency payment I will forfeit all residency payments and  
8 that I must repay all residency payments which have been paid to  
9 me. I understand that this penalty is in addition to any criminal  
10 penalties imposed.

11 \_\_\_\_\_  
12 (signature of individual)

13 Sec. 43.24.030. PENALTIES AND ENFORCEMENT. (a) In addition to  
14 any criminal penalties imposed by state law, if an individual is con-  
15 victed of perjury or unsworn falsification for a statement made in a  
16 certification of residency, and the conviction is not reversed, that  
17 individual is not, and may never become, eligible for a residency pay-  
18 ment, and he forfeits all residency payments paid to him.

19 (b) If the commissioner determines that a residency payment  
20 should not have been claimed by or paid to an individual, he may use  
21 any collection procedures or remedies available under this title to  
22 recover a residency payment which was improperly made.

23 Sec. 43.24.040. APPROPRIATIONS OF PERMANENT FUND INCOME. The  
24 legislature shall appropriate at least 50 percent of the annual income  
25 of the Alaska permanent fund for residency payments under AS 43.24.010.  
26 If 50 percent of the annual income of the Alaska permanent fund is not  
27 sufficient to pay all residency payments due in a year, the legislature  
28 shall appropriate the additional amount needed from the general fund.

29 Sec. 43.24.050. DUTIES OF THE DEPARTMENT. The department shall

1 (1) by the 10th day of each regular legislative session,  
2 present a request to the legislature for an appropriation for the resi-  
3 dency payments required by AS 43.24.010;

4 (2) make the residency payments required by AS 43.24.010  
5 from an annual appropriation for that purpose;

6 (3) adopt regulations under the Administrative Procedure Act  
7 (AS 44.62) which establish procedures and time limitations for claiming  
8 a residency payment; the department shall set the time limitation for  
9 applications for a residency payment so that all residency payments for  
10 a year are paid before October 15 of the following year; and

11 (4) assist residents of rural areas who because of language,  
12 illness, old age or inaccessibility to public transportation need as-  
13 sistance to establish eligibility and to apply for the residency payment  
14 provided by this chapter.

15 Sec. 43.24.060. DEFINITIONS. In this chapter,

16 (1) "Alaska permanent fund" means the fund established by  
17 art IX, sec. 15, of the state constitution;

18 (2) "commissioner" means the commissioner of revenue;

19 (3) "department" means the Department of Revenue;

20 (4) "individual" means a natural person;

21 (5) "state resident" means an individual who is physically  
22 present in the state with the intent to remain permanently in the state  
23 or, if he is not physically present in the state, intends to return to  
24 the state and he is absent for the following reasons:

25 (A) vocational, professional or other special education  
26 for which a comparable program was not reasonably available in the  
27 state,

28 (B) postsecondary education,

29 (C) military service,



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(D) medical treatment,

(E) service in Congress, or

(F) other reasons which the commissioner may establish

by regulation under the Administrative Procedure Act (AS 44.62);

(6) "year" means a calendar year.

\* Sec. 2. The Department of Revenue shall prescribe and distribute forms to the public so that the residency payments for 1979 and 1980 will be paid before October 15, 1981.

\* Sec. 3. If any provision of AS 43.24 enacted by sec. 1 of this Act is held to be invalid by the final judgment, decision, or order of a court of competent jurisdiction, then that provision is nonseverable, and all provisions of AS 43.24 are invalid and of no force or effect.

\* Sec. 4. AS 43.23 and secs. 1, 3 and 4, ch. 21, SLA 1980, as amended by sec. 1, ch. 60, SLA 1980, are repealed.

\* Sec. 5. Sections 1, 2 and 4 of this Act are retroactive to January 1, 1980.

\* Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-070(c).