

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

1 IN THE HOUSE

BY MALONE, ROGERS, MILLER
AND BEIRNE

2 HOUSE BILL NO. 437

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 for
7 1980; and providing for an effective date."

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

9 * Section 1. RESIDENCY PAYMENT. (a) An individual who is eligible
10 under (b) of this section is entitled to an annual residency payment of \$500
11 if the individual was a state resident during the entire calendar year of
12 1980.

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

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

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

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

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

25 (e) The department shall prescribe and furnish an application form for
26 claiming the residency payment which shall contain a statement of eligibility
27 and a certification of residency in the following form:

28 Under penalty of perjury, I certify that I am a state resident on the
29 date of this application and I was a state resident during 1980 and

1 that I understand that my claim for a residency payment is determined
2 by the length of my residence in the state. I also understand that if
3 I am convicted of falsely claiming a residency payment I will forfeit
4 the residency payment and that I must repay any residency payment which
5 has been paid to me. I understand that this penalty is in addition to
6 any criminal penalties imposed.

7
8 _____
(signature of individual)

9 * Sec. 2. PENALTIES AND ENFORCEMENT. (a) In addition to any criminal
10 penalties imposed by state law, if an individual is convicted of perjury or
11 unsworn falsification for a statement made in a certification of residency,
12 and the conviction is not reversed, that individual is not, and may never
13 become, eligible for a residency payment, and he forfeits any residency
14 payment paid to him.

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

19 * Sec. 3. APPROPRIATIONS OF PERMANENT FUND INCOME. The legislature
20 shall appropriate at least 50 percent of the annual income of the Alaska
21 permanent fund for 1980 residency payments under this Act. If 50 percent of
22 the annual income of the Alaska permanent fund is not sufficient to pay all
23 residency payments due for 1980, the legislature shall appropriate the
24 additional amount needed from the general fund.

25 * Sec. 4. DUTIES OF THE DEPARTMENT. The department shall

26 (1) present a request to the legislature for an appropriation for
27 the residency payments required by sec. 1 of this Act;

28 (2) make the residency payments required by this Act from the
29 appropriation made for that purpose;

1 (3) prescribe and distribute forms to the public so that the
2 residency payments for 1980 will be paid before October 15, 1981;

3 (4) assist residents of rural areas who because of language,
4 illness, old age or inaccessibility to public transportation need assistance
5 to establish eligibility and to apply for the residency payment provided by
6 this Act.

7 * Sec. 5. DEFINITIONS. In this Act,

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

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

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

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

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

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

19 (B) postsecondary education,

20 (C) military service,

21 (D) medical treatment,

22 (E) service in Congress, or

23 (F) other reasons which the commissioner may establish by
24 regulation under the Administrative Procedure Act (AS 44.62).

25 * Sec. 6. If any provision of secs 1 - 5 of this Act is held to be
26 invalid by the final judgment, decision, or order of a court of competent
27 jurisdiction, then that provision is nonseverable, and all provisions of
28 secs 1 - 5 of this Act are invalid and of no force or effect.

29 * Sec. 7. AS 43.23 and secs. 1, 3 and 4, ch. 21, SLA 1980, as amended by

1 sec. 1, ch. 60, SLA 1980, are repealed.

2 * Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-
3 070(c).

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