

Original sponsor: Rules/Governor

Offered: 5/14/82
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 842 (Finance) am H

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for permanent fund dividends; and
7 providing for an effective date."

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

9 * Section 1. AS 43.23 is amended by adding new sections to read:

10 Sec. 43.23.005. ELIGIBILITY. (a) An individual is eligible to
11 receive one permanent fund dividend each year in an amount to be deter-
12 mined under AS 43.23.025 if the individual applies to the department,
13 and if on the date of application the individual

14 (1) is a state resident; and

15 (2) has been a state resident for a period of at least six
16 consecutive months immediately preceding the date of application.

17 (b) In determining the minimum period of an individual's residency
18 required under (a)(2) of this section, the department may include months
19 of residency both in the current year and in the immediately preceding
20 year.

21 (c) A parent, guardian, or other authorized representative may
22 claim a permanent fund dividend on behalf of an unemancipated minor or o
23 behalf of an incompetent individual who is eligible to receive a payment
24 under this section.

25 Sec. 43.23.015. APPPLICATION AND PROOF OF ELIGIBILITY. (a) The
26 commissioner shall adopt regulations under the Administrative Procedure
27 Act (AS 44.62) for determining the eligibility of individuals for per-
28 manent fund dividends. The commissioner may require an individual to
29 provide proof of eligibility, and the commissioner may use other infor-

1 mation available from other state departments or agencies to determine
2 the eligibility of an individual.

3 (b) The department shall prescribe and furnish an application form
4 for claiming a permanent fund dividend. The application must contain a
5 statement of eligibility and a certification of residency in substan-
6 tially the following form:

7 I certify that

8 () I am a state resident on the date of this
9 application and I have been a state resident for
10 at least six months immediately preceding the date
11 of this application; or

12 () (name), the individual on whose behalf I am apply-
13 ing is a state resident and has been a state resident
14 for at least six months immediately preceding the date
15 of this application.

16 I understand that a false claim of residency
17 to obtain a permanent fund dividend for myself or
18 for another is a criminal offense and that if con-
19 victed I will forfeit future permanent fund divi-
20 dends and that I must repay all permanent fund
21 dividends that have been paid to me. I understand
22 that this penalty is in addition to any criminal
23 penalties imposed.

24 _____
25 (signature of individual, parent,
26 guardian, or other authorized
27 representative)

28 (c) Except as provided in (d) of this section or as may be provided
29 by regulations adopted by the department, an individual must personally

1 sign the application for permanent fund dividends, including the certi-
2 fication of residency required under (b) of this section.

3 (d) The application and certification of residency of an unemanci-
4 pated individual under 18 years of age or of an incompetent individual
5 must be signed by the individual's parent, legal guardian, or other
6 authorized representative.

7 (e) If a public agency claims a permanent fund dividend on behalf
8 of an individual, the public agency shall hold the dividend in trust for
9 the individual. Money held in trust under this subsection shall be
10 invested by the commissioner in accordance with AS 37.10.070.

11 (f) A minor or an incompetent individual may not maintain a claim
12 against the state or an officer or employee of the state based on the
13 manner in which the parent, guardian, or authorized representative other
14 than a public agency of the state managed or disposed of permanent fund
15 dividends received on behalf of the minor or incompetent individual.

16 (g) If an individual is aggrieved by a decision of the department
17 determining the individual's eligibility for a permanent fund dividend
18 or the individual's authority to claim a permanent fund dividend on
19 behalf of another, the individual may appeal that decision to the super-
20 ior court in accordance with AS 44.62.560. An appeal under this section
21 does not entitle the aggrieved individual to a trial de novo. The
22 appeal shall be based on the record of the administrative proceeding
23 from which appeal is taken and the scope of appeal is limited to matters
24 contained in the record of the administrative proceeding.

25 (h) The penalty and enforcement provisions of AS 43.23.035 apply
26 to an individual who claims a permanent fund dividend on behalf of
27 another.

28 Sec. 43.23.025. AMOUNT OF DIVIDEND. By September 1 of each year
29 the commissioner shall give public notice of the value of each permanent

1 fund dividend for that year. The commissioner shall determine the value
2 of a permanent fund dividend by

3 (1) determining the amount of income of the Alaska permanent
4 fund transferred to the dividend fund under AS 43.23.045(b) during the
5 current year;

6 (2) determining the number of individuals eligible to receive
7 a dividend payment for the current year; and

8 (3) dividing the amount determined in (1) of this section by
9 the amount determined in (2) of this section.

10 Sec. 43.23.035. PENALTIES AND ENFORCEMENT. (a) In addition to
11 any criminal penalties imposed by state law, if an individual is con-
12 victed of a crime in connection with a false statement made in a certi-
13 fication required under AS 43.23.015, and the conviction is not reversed,
14 that individual forfeits all permanent fund dividends paid and is not
15 eligible for a future permanent fund dividend.

16 (b) If the commissioner determines that a permanent fund dividend
17 should not have been claimed by or paid to an individual, the commis-
18 sioner may use all collection procedures or remedies available for
19 collection of taxes under this title to recover the payment of a per-
20 manent fund dividend that was improperly made. A notice of an improperly
21 paid dividend must be sent to the individual within 10 years after the
22 improper payment. If notice is not sent within the 10-year period,
23 proceedings may not be commenced in court for recovery of the improper
24 payment.

25 Sec. 43.23.045. DIVIDEND FUND. (a) The dividend fund is estab-
26 lished as a separate fund in the state treasury. The dividend fund
27 shall be administered by the commissioner and shall be invested by the
28 commissioner in the same manner as provided in AS 37.10.070.

29 (b) Notwithstanding any contrary provision of law, each year the

1 commissioner shall transfer to the dividend fund 50 percent of the
2 income of the Alaska permanent fund earned during the fiscal year ending
3 on June 30 of the current year and available for distribution.

4 (c) The department may adopt by regulation a plan that, to the
5 extent permitted by federal law, will allow an individual who elects to
6 participate in the plan to select an optional disbursement of the divi-
7 dend payment that would have the effect of deferring payment of all or a
8 portion of federal income taxes on the receipt of a permanent fund
9 dividend.

10 Sec. 43.23.055. DUTIES OF THE DEPARTMENT. The department shall

11 (1) annually pay permanent fund dividends from the dividend
12 fund;

13 (2) adopt regulations under the Administrative Procedure Act
14 (AS 44.62) that establish procedures and time limits for claiming a
15 permanent fund dividend; the department shall set the time limit for
16 applications for permanent fund dividends so that the number of eligible
17 applicants is determined by September 1 and permanent fund dividends for
18 a year are paid before December 31 of that year;

19 (3) adopt regulations under the Administrative Procedure Act
20 (AS 44.62) that establish procedures and time limits for an individual
21 upon emancipation or upon reaching majority to apply for permanent fund
22 dividends not received during minority because the parent, guardian, or
23 other authorized representative did not apply on behalf of the indi-
24 vidual; and

25 (4) assist residents of the state, particularly in rural
26 areas, who because of language, disability, or inaccessibility to public
27 transportation need assistance to establish eligibility and to apply for
28 permanent fund dividends.

29 Sec. 43.23.065. EXEMPTION OF PERMANENT FUND DIVIDENDS. Fifty

1 percent of the annual permanent fund dividend payable to an individual
2 is exempt from levy, execution, garnishment, attachment, or any other
3 remedy for the collection of debt. This exemption applies to an elig-
4 ible individual's permanent fund dividend both before and after payment
5 is made to the individual. No exemption is available under this section
6 for permanent fund dividends taken to satisfy child support obligations
7 required by court order or decision of the child support enforcement
8 agency under AS 47.23.140 - 47.23.220.

9 Sec. 43.23.075. ELIGIBILITY FOR PUBLIC ASSISTANCE. (a) In deter-
10 mining the eligibility of an individual under a public assistance
11 program administered by the Department of Health and Social Services in
12 which eligibility for assistance is based on financial need, the Depart-
13 ment of Health and Social Services may not consider a permanent fund
14 dividend as income or resources received by the recipient of public
15 assistance or by a member of the recipient's household unless required
16 to do so by federal law or regulation. The Department of Health and
17 Social Services shall notify all recipients of public assistance of the
18 effects of receiving a permanent fund dividend.

19 (b) An individual who is denied medical assistance under Title XIX
20 of the federal Social Security Act (42 U.S.C. 1396 et seq.) solely
21 because of the receipt of a permanent fund dividend by the individual or
22 by a member of the individual's household is eligible for state-funded
23 medical assistance under the general relief assistance program (AS 47.-
24 25.120 - 47.25.300). The individual is entitled to receive, for a
25 period not to exceed four months, the same level of medical assistance
26 as the individual would have received under Title XIX of the federal
27 Social Security Act had there been no permanent fund dividend program.

28 (c) An individual who is denied assistance solely because permanent
29 fund dividends received by the individual or by a member of the indivi-

1 dual's household are counted as income or resources under federal law or
2 regulation is eligible for cash assistance under the general relief
3 assistance program (AS 47.25.120 - 47.25.300). Notwithstanding the
4 limit in AS 47.25.130, the individual is entitled to receive, for a
5 period not to exceed four months, the same amount as the individual
6 would have received under other public assistance programs had there
7 been no permanent fund dividend program.

8 Sec. 43.23.085. ELIGIBILITY FOR STATE PROGRAMS. No program admin-
9 istered by the state or any of its instrumentalities or municipalities,
10 the eligibility for which is based on financial need, shall consider a
11 permanent fund dividend as income or resources unless required to do so
12 by federal law or regulation.

13 Sec. 43.23.095. DEFINITIONS. In this chapter,

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

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

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

18 (4) "dividend fund" means the fund established by AS 43.-
19 23.045;

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

21 (6) "permanent fund dividend" means a right to receive a
22 payment from the dividend fund;

23 (7) "state resident" means an individual who is physically
24 present in the state with the intent to remain permanently in the state
25 or, if the individual is not physically present in the state, intends to
26 return to the state and is absent only for any of the following reasons:

27 (A) vocational, professional, or other specific educa-
28 tion for which a comparable program was not reasonably available in
29 the state;

- 1 (B) secondary or postsecondary education;
2 (C) military service;
3 (D) medical treatment;
4 (E) service in Congress; or
5 (F) other reasons which the commissioner may establish
6 by regulation;

7 (8) "year" means a calendar year.

8 * Sec. 2. AS 43.23.010(a) is amended to read:

9 (a) An individual who is eligible under (b) of this section is
10 entitled to one permanent fund dividend for each full year that the
11 individual is a state resident after January 1, 1982 [1959].

12 * Sec. 3. AS 43.23.010(b) is amended to read:

13 (b) For each year, an individual is eligible to receive payment of
14 the permanent fund dividends for which the individual [HE] is entitled
15 under this section if the individual [HE]

16 (1) IS AT LEAST 18 YEARS OF AGE; AND

17 (2) is a state resident during all or part of the year for
18 which the permanent fund dividend is paid.

19 * Sec. 4. AS 43.23.010 is amended by adding a new subsection to read:

20 (g) A parent, guardian, or other authorized representative may
21 claim a permanent fund dividend on behalf of an unemancipated minor or
22 on behalf of an incompetent individual who is eligible to receive a
23 payment under this section.

24 * Sec. 5. AS 43.23.020 is repealed and reenacted to read:

25 Sec. 43.23.020. APPLICATION AND PROOF OF ELIGIBILITY. (a) The
26 commissioner shall adopt regulations under the Administrative Procedure
27 Act (AS 44.62) for determining the eligibility of individuals for per-
28 manent fund dividends. The commissioner may require an individual to
29 provide proof of eligibility, and the commissioner may use other informa-

1 tion available from other state departments or agencies to determine the
2 eligibility of an individual.

3 (b) The department shall prescribe and furnish an application form
4 for claiming a permanent fund dividend. The application must contain a
5 statement of eligibility and a certification of residency in substan-
6 tially the following form:

7 I certify that

8 () I am a state resident on the date of this applica-
9 tion and I have been a state resident for _____ full
10 years; or

11 () (name), the individual on whose behalf I am apply-
12 ing is a state resident and has been a state resident
13 for _____ full years.

14 I understand that this claim for a permanent fund
15 dividend is determined by the length of residency in the
16 state after January 1, 1982.

17 I understand that a false claim of residency to ob-
18 tain a permanent fund dividend for myself or for another
19 is a criminal offense and that if convicted I will forfeit
20 future permanent fund dividends and that I must repay all
21 permanent fund dividends that have been paid to me. I
22 understand that this penalty is in addition to any crim-
23 inal penalties imposed.

24 _____
25 (signature of individual, parent,
26 guardian, or other authorized
27 representative)

28 (c) Except as provided in (d) of this section or as may be provided
29 by regulations adopted by the department, an individual must personally

1 sign the application for permanent fund dividends, including the certi-
2 fication of residency required under (b) of this section.

3 (d) The application and certification of residency of an unemanci-
4 pated individual under 18 years of age or of an incompetent individual
5 must be signed by the individual's parent, legal guardian, or other
6 authorized representative.

7 (e) If a public agency claims a permanent fund dividend on behalf
8 of an individual, the public agency shall hold the dividend in trust for
9 the individual. Money held in trust under this subsection shall be
10 invested by the commissioner in accordance with AS 37.10.070.

11 (f) A minor or an incompetent individual may not maintain a claim
12 against the state or an officer or employee of the state based on the
13 manner in which the parent, guardian, or authorized representative other
14 than a public agency of the state managed or disposed of permanent fund
15 dividends received on behalf of the minor or incompetent individual.

16 (g) If an individual is aggrieved by a decision of the department
17 determining the individual's eligibility for a permanent fund dividend
18 or the individual's authority to claim a permanent fund dividend on
19 behalf of another, the individual may appeal that decision to the super-
20 ior court in accordance with AS 44.62.560. An appeal under this section
21 does not entitle the aggrieved individual to a trial de novo. The
22 appeal shall be based on the record of the administrative proceeding
23 from which appeal is taken and the scope of appeal is limited to matters
24 contained in the record of the administrative proceeding.

25 (h) The penalty and enforcement provisions of AS 43.23.040 apply
26 to an individual who claims a permanent fund dividend on behalf of
27 another.

28 * Sec. 6. AS 43.23 is amended by adding a new section to read:

29 Sec. 43.23.014. PAYMENTS FOR PRIOR YEARS. (a) Beginning with

1 application for permanent fund dividends filed during 1983 and for each
2 year after that, an individual who becomes 18 years of age on or before
3 the last day for filing an application during a year may file a claim
4 for and receive permanent fund dividends for all prior years in which
5 the individual would have been eligible under AS 43.23.010 if the indi-
6 vidual had then been 18 years of age. This section creates a right to
7 receive permanent fund dividends for prior years that vests in an indi-
8 vidual when the individual becomes 18 years of age.

9 (b) A claim for permanent fund dividends for prior years under
10 this section may be filed even if the individual is not a state resident
11 at the time the individual makes the claim.

12 (c) In order to receive a permanent fund dividend for a prior
13 year, an individual must file a claim for all prior dividends within one
14 year after reaching the age of 18 and within the time limits established
15 under AS 43.23.060(3) for the current year's application. Failure to
16 file a claim for permanent fund dividends for prior years within this
17 period waives all entitlement to those dividends. The department shall
18 prescribe and make available forms for claims for permanent fund divi-
19 dends for prior years, and may require proof of eligibility in addition
20 to that required for a current year under AS 43.23.020(a).

21 (d) The value of a permanent fund dividend for a prior year is the
22 value published by the commissioner under AS 43.23.030 for that prior
23 year. Interest on permanent fund dividends paid for a prior year under
24 this section is computed and paid from January 1 of the year following
25 that year, using the average rate of return earned since that time by
26 the dividend fund established in AS 43.23.050.

27 (e) Nothing in this section prevents an individual from claiming
28 and receiving a permanent fund dividend under AS 43.23.010 during the
29 current year in which the individual is eligible.

1 * Sec. 7. AS 43.23.020 is amended by adding new subsections to read:

2 (c) Beginning with application for a permanent fund dividend filed
3 during 1983 and each year after that, an individual who is a parent or
4 legal guardian of a minor child who is a resident of the state, shall
5 provide to the department the following information with respect to each
6 minor child:

7 (1) full name;

8 (2) date of birth;

9 (3) current address if different from the parent or guardian's
10 address; and

11 (4) other information required by the department relating to
12 the future eligibility of the child to claim a prior year permanent fund
13 dividend.

14 (d) The department shall maintain a record of the information
15 provided under (c) of this section for each minor child until the time
16 for that child to file a claim for prior year permanent fund dividends
17 has expired. The information required in (c) of this section may be
18 used only to estimate the number of future claims for prior year divi-
19 dends and to verify the eligibility of individuals who have filed claims
20 for prior year dividends. This information may be used in place of
21 other proof of eligibility permitted under (a) of this section and under
22 AS 43.23.014(c). The failure of a parent or guardian to provide the
23 information required by (c) of this section does not affect the child's
24 eligibility in the future to receive payment for a prior year dividend.

25 * Sec. 8. AS 43.23.030(1) is amended to read:

26 (1) determining the amount of income of the Alaska permanent
27 fund transferred to the dividend fund under AS 43.23.050(b) in the
28 current year [, LESS THE AMOUNT, IF ANY, TO BE REPAID IN THE CURRENT
29 YEAR TO THE GENERAL FUND UNDER AS 43.23.050(c)];

1 * Sec. 9. AS 43.23.030(2) is amended to read:

2 (2) determining the number of permanent fund dividends paid
3 during the current year and an estimate of the number of permanent fund
4 dividends for the current year that individuals under 18 years of age
5 will be eligible to claim in the future as dividends for a prior year
6 under AS 43.23.014; and

7 * Sec. 10. AS 43.23.040 is repealed and reenacted to read:

8 Sec. 43.23.040. PENALTIES AND ENFORCEMENT. (a) In addition
9 to any criminal penalties imposed by state law, if an individual
10 is convicted of a crime in connection with a false statement made
11 in a certification required under AS 43.23.020, and the conviction
12 is not reversed, that individual forfeits all permanent fund divi-
13 dends paid and is not eligible for a future permanent fund divi-
14 dend.

15 (b) If the commissioner determines that a permanent fund dividend
16 should not have been claimed by or paid to an individual, the commis-
17 sioner may use all collection procedures or remedies available for
18 collection of taxes under this title to recover the payment of a per-
19 manent fund dividend that was improperly made. A notice of an improperly
20 paid dividend must be sent to the individual within 10 years after the
21 improper payment. If notice is not sent within the 10-year period,
22 proceedings may not be commenced in court for recovery of the improper
23 payment.

24 * Sec. 11. AS 43.23.050(a) is amended to read:

25 (a) The dividend fund is established as a separate fund in the
26 state treasury. The dividend fund shall be administered by the commis-
27 sioner and may be invested by the commissioner in the same manner pro-
28 vided for the investment of the Alaska permanent fund under AS 37.13.-
29 120. Money in the dividend fund and any interest earned from investment

1 of money in the dividend fund shall be used to pay permanent fund divi-
2 dends annually [AND TO REPAY LOANS FROM THE GENERAL FUND AS PROVIDED IN
3 (c) OF THIS SECTION].

4 * Sec. 12. AS 43.23.050(b) is amended to read:

5 (b) Notwithstanding any contrary provision of law, each [EACH]
6 year the commissioner shall transfer to the dividend fund 50 percent of
7 the income of the Alaska permanent fund [WHICH WAS] earned during the
8 fiscal year ending on June 30 of the current [PRECEDING] year and [WHICH
9 IS] available for distribution [UNDER AS 37.13.140].

10 * Sec. 13. AS 43.23.050 is amended by adding new subsections to read:

11 (d) Each year the department shall pay from the dividend fund all
12 permanent fund dividends payable to eligible individuals for the current
13 year and all permanent fund dividends for prior years, including inter-
14 est, payable that year to eligible individuals. The money remaining
15 each year after these payments are made, and any interest earned from
16 investment of money in the dividend fund, remains in the fund to pay
17 claims for prior year permanent fund dividends.

18 (e) The department shall review the status of the fund every four
19 years beginning in 1985 to determine whether there is sufficient money
20 in the fund to pay future claims for prior year permanent fund divi-
21 dends. On August 1 of the year of a review the commissioner shall
22 certify the amount of excess or deficient funds, as the case may be. If
23 there is an excess, the amount of income described in AS 43.23.030(1)
24 shall be increased by the amount of the excess for purposes of deter-
25 mining the value of a permanent fund dividend under AS 43.23.030 to be
26 paid in the following year. If there is a deficiency, the amount of
27 income described in AS 43.23.030(1) shall be reduced by the amount of
28 the deficiency for purposes of determining the value of a permanent fund
29 dividend under AS 43.23.030 to be paid in the following year.

1 * Sec. 14. AS 43.23.060 is amended by adding a new paragraph to read:

2 (5) adopt regulations under the Administrative Procedure Act
3 (AS 44.62) that establish procedures and time limits for an individual
4 upon emancipation or upon reaching majority to apply for permanent fund
5 dividends not received during minority because the parent, guardian, or
6 other authorized representative did not apply on behalf of the indi-
7 vidual.

8 * Sec. 15. AS 43.23.070 is amended by adding a new subsection to read:

9 (d) No exemption is available under this section for permanent
10 fund dividends taken to satisfy child support obligations required by
11 court order or decision of the child support enforcement agency under
12 AS 47.23.140 - 47.23.220.

13 * Sec. 16. AS 43.23.080 is repealed and reenacted to read:

14 Sec. 43.23.080. ELIGIBILITY FOR STATE PROGRAMS. No program admin-
15 istered by the state or any of its instrumentalities or municipalities,
16 the eligibility for which is based on financial need, shall consider a
17 permanent fund dividend as income or resources unless required to do so
18 by federal law or regulation.

19 * Sec. 17. AS 43.23 is amended by adding a new section to read:

20 Sec. 43.23.087. ELIGIBILITY FOR PUBLIC ASSISTANCE. (a) In deter-
21 mining the eligibility of an individual under a public assistance
22 program administered by the Department of Health and Social Services and
23 in which eligibility for assistance is based on financial need, the
24 Department of Health and Social Services may not consider a permanent
25 fund dividend as income or resources received by the recipient of public
26 assistance or by a member of the recipient's household unless required
27 to do so by federal law or regulation. The Department of Health and
28 Social Services shall notify all recipients of public assistance of the
29 effects of receiving a permanent fund dividend.

1 (b) An individual who is denied medical assistance under Title XIX
2 of the federal Social Security Act (42 U.S.C. 1396 et seq.) solely
3 because of the receipt of a permanent fund dividend by the individual or
4 by a member of the individual's household is eligible for state-funded
5 medical assistance under the general relief assistance program (AS 47.-
6 25.120 - 47.25.300). The individual shall receive, for a period not to
7 exceed four months, the same level of medical assistance as the indi-
8 vidual would have received under Title XIX of the federal Social Security
9 Act had there been no permanent fund dividend program.

10 (c) An individual who is denied assistance solely because permanent
11 fund dividends received by the individual or a member of the individual's
12 household are counted as income or resources under federal law or regu-
13 lation is eligible for cash assistance under the general relief assis-
14 tance program (AS 47.25.120 - 47.25.300). Notwithstanding the limit in
15 AS 47.25.130, the individual is entitled to receive, for a period not to
16 exceed four months, the same amount as the individual would have re-
17 ceived under other public assistance programs had there been no permanent
18 fund dividend program.

19 * Sec. 18. LOANS FORGIVEN. Any loans made to the dividend fund from the
20 general fund under AS 43.23.050(c), repealed in sec. 21 of this Act, out-
21 standing on the effective date of sec. 21 of this Act, are forgiven.

22 * Sec. 19. 1982 PERMANENT FUND DIVIDEND DISTRIBUTION. (a) An individual
23 is eligible to receive one permanent fund dividend for 1982 if the individual
24 applies to the department, and if on the date of application the individual

25 (1) is a state resident; and

26 (2) has been a state resident for a period of at least six con-
27 secutive months immediately preceding the date of application.

28 (b) The amount of each dividend for 1982 is \$1,000.

29 (c) The requirement of application to the department under (a) of this

1 section is satisfied if

2 (1) an individual before the effective date of this section and
3 during 1982 filed an application with the department under AS 43.23.010;

4 (2) an individual files an application with the department under
5 this section within the time limits established by the department in regula-
6 tions adopted under (e) of this section; or

7 (3) a parent, guardian, or other authorized representative claims
8 a permanent fund dividend on behalf of an unemancipated minor or an incompe-
9 tent individual who is eligible to receive a payment under this section.

10 (d) A minor or an incompetent individual may not maintain a claim
11 against the state or an officer or employee of the state based on the manner
12 in which the parent, guardian, or authorized representative other than a
13 public agency of the state managed or disposed of permanent fund dividends
14 received on behalf of the minor or incompetent individual.

15 (e) As soon as possible after the effective date of this section, the
16 department shall issue warrants for permanent fund dividends to eligible
17 individuals who before the effective date of this section and during 1982
18 filed applications with the department under AS 43.23.010. The department
19 shall make application forms available to all other applicants and may con-
20 tinue to use the application forms prepared under AS 43.23.020(b) for appli-
21 cations under this section. The department shall adopt as emergency regula-
22 tions under AS 44.62.250 procedures and time limits for claiming a permanent
23 fund dividend under this section. The deadline for claiming a permanent fund
24 dividend under this section may not be later than 120 days after the effec-
25 tive date of this section. Payments shall be made as soon as possible after
26 the department determines that an applicant is eligible for the payment.

27 (f) The provisions of this section and AS 43.23.015, 43.23.035, 43.23.-
28 055(3), 43.23.065, 43.23.075, 43.23.085, and 43.23.095 as set out in sec. 1
29 of this Act apply to the distribution of permanent fund dividends during

1 1982, notwithstanding any contrary provisions of AS 43.23 and notwithstanding
2 the fact that those provisions may not be enacted into law before the effec-
3 tive date of this section.

4 (g) Income of the Alaska permanent fund for fiscal year 1982 transferred
5 to the dividend fund may not be used for payment of permanent fund dividends
6 during 1982, but must remain in the dividend fund and be used for payment of
7 permanent fund dividends during 1983 along with the fiscal year 1983 earnings
8 of the Alaska permanent fund transferred to the dividend fund.

9 (h) The permanent fund dividend distribution under this section is in
10 place of any distribution under AS 43.23 for the years 1979 - 1981.

11 * Sec. 20. Section 4, ch. 21, SLA 1980, is repealed.

12 * Sec. 21. AS 43.23.010(d) and 43.23.050(c) are repealed.

13 * Sec. 22. AS 43.23.010, 43.23.014, 43.23.020, 43.23.030, 43.23.040,
14 43.23.050, 43.23.060, 43.23.070, 43.23.080, 43.23.090, and 43.23.100 are re-
15 pealed.

16 * Sec. 23. Sections 6, 7, 9, 13, and 14 of this Act are repealed.

17 * Sec. 24. (a) This section applies only to the determination of the
18 value of a permanent fund dividend to be paid in 1983 and applies only if
19 permanent fund dividends are distributed under sec. 19 of this Act on or
20 after July 15, 1982, and if, after that date, the United States Supreme Court
21 decides that AS 43.23.010 is valid.

22 (b) Notwithstanding any contrary provisions of AS 43.23.030, by
23 December 1, 1982, the commissioner of revenue shall give public notice of the
24 value of each permanent fund dividend to be paid in 1983. The commissioner
25 shall determine that value by

26 (1) determining the amount of income of the Alaska permanent fund
27 for fiscal year 1982 and fiscal year 1983 transferred to the dividend fund
28 under AS 43.23.050(b);

29 (2) determining the number of permanent fund dividends that would

1 have been paid during 1982 if sec. 19 of this Act had not taken effect and an
2 estimate of the number of permanent fund dividends for a prior year under
3 AS 43.23.014; and

4 (3) dividing the amount determined in (1) of this subsection by
5 the amount determined in (2) of this subsection.

6 * Sec. 25. If secs. 2 - 5 and 14 of this Act take effect under the
7 provisions of sec. 27 of this Act, then all other provisions of AS 43.23, as
8 enacted in ch. 21, SLA 1980 and as amended in secs. 8, 10 - 12, and 15 - 17
9 of this Act, remain in effect.

10 * Sec. 26. Notwithstanding the provisions of AS 43.23.014(c), enacted in
11 sec. 6 of this Act, which require an individual to file an application for
12 prior year permanent fund dividends within one year after reaching 18 years
13 of age, an individual may file a claim during 1983 for permanent fund divi-
14 dends for all prior years for which the individual is eligible if that
15 individual has turned 18 years of age on or before the last day for filing an
16 application during 1983.

17 * Sec. 27. Sections 2 - 5, 14, 23, and 25 of this Act take effect 60 days
18 after the date that the United States Supreme Court decides that AS 43.23.010
19 is invalid but also decides that AS 43.23.010 would not violate the United
20 States Constitution if the amount of a permanent fund dividend were deter-
21 mined by accumulated years of residency in the state beginning on or after
22 January 1, 1979.

23 * Sec. 28. Sections 1 and 22 of this Act take effect 60 days after the
24 date that the United States Supreme Court decides that AS 43.23.010 is in-
25 valid because the amount of a permanent fund dividend is determined by accu-
26 mulated years of residency in the state whether those years are counted
27 before or after January 1, 1979.

28 * Sec. 29. Sections 6 - 13, 15 - 18, 20, 21, 24, and 26 of this Act take
29 effect immediately in accordance with AS 01.10.070(c).

1 * Sec. 30. Section 19 of this Act takes effect on the date that the
2 United States Supreme Court decides that AS 43.23.010 is for any reason
3 invalid or on July 15, 1982, if the United States Supreme Court has not
4 reached a decision as to the validity of AS 43.23.010 by that date.

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