

1 IN THE SENATE

BY HENSLEY, KERTTULA, ABOOD
AND ELIASON

2

SENATE BILL NO. 444

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to eligibility for permanent fund
7 dividends and providing civil penalties for certain
8 conduct involving permanent fund dividends; and
9 providing for an effective date."

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

11 * Section 1. AS 43.23.005(a) is amended to read:

12 (a) An individual is eligible to receive one permanent fund
13 dividend each year in an amount to be determined under AS 43.23.025 if
14 the individual applies to the department, and if

15 (1) on the date of application the individual is a state
16 resident; [AND]

17 (2) the individual was a state resident for a period of at
18 least six consecutive months immediately preceding April 1 of the
19 current dividend year; and

20 (3) on the date of application the individual is physically
21 present in the state.

22 * Sec. 2. AS 43.23.015(b) is amended to read:

23 (b) The department shall prescribe and furnish an application
24 form for claiming a permanent fund dividend. The application must
25 contain a statement of eligibility and a certification of residency in
26 substantially the following form:

27 I certify that

28 () I am a state resident on the date of this ap-
29 plication, [AND] I have been a state resident for at

1 least six months immediately preceding April 1 of the
2 current dividend year, and I am physically present as
3 defined in AS 43.23.095 on the date of this applica-
4 tion; or

5 () (name), the individual on whose behalf I am
6 applying, is a state resident on the date of this
7 application, [AND] has been a state resident for at
8 least six months immediately preceding April 1 of the
9 current dividend year, and is physically present as
10 defined in AS 43.23.095 on the date of this applica-
11 tion.

12 I understand that a false claim of eligibility
13 [RESIDENCY] to obtain a permanent fund dividend for
14 myself or for another is a criminal offense, [AND]
15 that if convicted I will forfeit future [PERMANENT
16 FUND] dividends, and that I must repay all [PERMA-
17 NENT FUND] dividends that have been paid to me. I
18 understand that if I wilfully misrepresent, exer-
19 cise gross negligence, or recklessly disregard a
20 material fact regarding my eligibility for a perma-
21 nent fund dividend I will forfeit the dividend, be
22 subject to a civil fine of up to \$5,000, and lose
23 my eligibility for the next five dividends. I un-
24 derstand that these penalties are [THIS PENALTY IS]
25 in addition to any criminal penalties imposed.

26 _____
27 (signature of individual,
28 parent, guardian, or other
29 authorized representative)

1 * Sec. 3. AS 43.23.035 is amended by adding a new subsection to read:

2 (c) An individual who, in claiming a permanent fund dividend,
3 wilfully misrepresents, exercises gross negligence, or recklessly
4 disregards a material fact pertaining to eligibility forfeits the
5 dividend, is subject to a civil fine of up to \$5,000, and loses eli-
6 gibility to receive the next five dividends following the forfeited
7 dividends. The commissioner may commence proceedings in court to
8 enforce this subsection.

9 * Sec. 4. AS 43.23.095 is amended to read:

10 Sec. 43.23.095. DEFINITIONS. In this chapter,

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

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

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

15 (4) "dividend fund" means the fund established by AS 43.-
16 23.045;

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

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

20 (7) "physically present" means being physically present in
21 the state, or, if not physically present, absent only

22 (A) for medical treatment that is not available in the
23 state;

24 (B) for service in Congress; or

25 (C) to accompany, as a spouse or dependent, an indi-
26 vidual who is eligible for a permanent fund dividend under (A) or
27 (B) of this paragraph;

28 (8) "state resident" means an individual who is physically
29 present [IN THE STATE] with the intent to remain permanently in the

1 state or, if the individual is not physically present [IN THE STATE],
2 intends to return to the state and

3 (A) is absent only for any of the following reasons:

4 (i) medical treatment that is not available in
5 the state;

6 (ii) service in the Congress; or

7 (iii) to accompany, as a spouse or dependent, an
8 individual who is eligible for a permanent fund dividend
9 under (i) or (ii) of this subparagraph; or

10 (B) has not been absent during the six months immedi-
11 ately preceding April 1 for more than five consecutive years and
12 is absent only for any of the following reasons:

13 (i) [(A)] vocational, professional, or other spe-
14 cific education for which a comparable program was not
15 reasonably available in the state;

16 (ii) [(B)] secondary or postsecondary education;

17 (iii) [(C)] military service;

18 [(D) MEDICAL TREATMENT

19 (E) SERVICE IN CONGRESS;]

20 (iv) [(')] other reasons that [WHICH] the commis-
21 sioner may establish by regulation; or

22 (v) [(G)] service in the Peace Corps;

23 (9) [(8)] "year" means a calendar year.

24 * Sec. 5. This Act takes effect January 1, 1989.