

Offered: 5/4/88
Referred: Rules

5-1919N

Original sponsors: Hensley, Kerttula,
Abood and Eliason

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 444 (Judiciary)

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) the individual has been physically present in the state
21 at some time during the period beginning July 1 two years before the
22 date of application and ending on the date of application.

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

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

28 I certify that

29 () I am a state resident on the date of this ap-

1 plication, [AND] I have been a state resident for at
2 least six months immediately preceding April 1 of the
3 current dividend year, and I have been physically
4 present at some time during the period beginning
5 July 1 two years before the date of application and
6 ending on the date of this application; or

7 () (name), the individual on whose behalf I am
8 applying, is a state resident on the date of this
9 application, [AND] has been a state resident for at
10 least six months immediately preceding April 1 of
11 the current dividend year, and has been physically
12 present at some time during the period beginning
13 July 1 two years before the date of application and
14 ending on the date of this application.

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

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

(c) An individual who, in claiming a permanent fund dividend, or an individual who, in certifying another person's eligibility, wilfully misrepresents, exercises gross negligence, or recklessly disregards a material fact pertaining to eligibility forfeits the dividend, is subject to a civil fine of up to \$5,000, and loses eligibility to receive the next five dividends following the forfeited dividends. The commissioner may commence proceedings in court to enforce this subsection.

* Sec. 4. This Act takes effect January 1, 1989.