

HOUSE BILL NO. 41

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MARTIN, Finkelstein

Introduced: 1/21/91

Referred: Military and Veterans' Affairs, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to permanent fund dividends for individuals serving in the military and
2 their spouses and dependents; and providing for an effective date."

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

4 * Section 1. AS 43.23.005(c) is amended to read:

5 (c) A parent, guardian, or other authorized representative may claim a permanent fund
6 dividend on behalf of an unemancipated minor or on behalf of a disabled or an incompetent
7 individual who is eligible to receive a payment under this section. The commanding officer,
8 spouse, or parent of an individual in the military forces of the United States who is absent
9 from the state due to a short-term transfer or emergency duty may claim a dividend on
10 behalf of the individual.

11 * Sec. 2. AS 43.23.005 is amended by adding a new subsection to read:

12 (f) Notwithstanding (a)(3) of this section, an individual absent from the state while on
13 a tour of duty in the military forces of the United States or a spouse or dependent accompanying
14 an individual absent from the state while on a tour of duty is eligible to receive a dividend if the

1 individual, spouse, or dependent

2 (1) has been physically present in the state at some time during the month
3 immediately preceding the individual's tour of duty; and

4 (2) is otherwise eligible for the dividend.

5 * Sec. 3. AS 43.23.015(b) is amended to read:

6 (b) The department shall prescribe and furnish an application form for claiming a
7 permanent fund dividend. The application must contain a statement of eligibility and a
8 certification of residency in substantially the following form: I certify that () I am a state
9 resident on the date of this application, I have been a state resident for at least 24 months
10 immediately preceding April 1 of the current dividend year, and I have been physically present
11 in the State of Alaska at some time during the period beginning July 1 two years before the date
12 of application and ending on the date of this application or I have been physically present in
13 accordance with AS 43.23.005(f); or () (name), the individual on whose behalf I am applying,
14 is a state resident on the date of this application, has been a state resident for at least 24 months
15 immediately preceding April 1 of the current dividend year, and has been physically present in
16 the State of Alaska at some time during the period beginning July 1 two years before the date
17 of application and ending on the date of this application or has been physically present in
18 accordance with AS 43.23.005(f). I understand that a false claim of eligibility to obtain a
19 permanent fund dividend for myself or for another is a criminal offense, that if convicted I will
20 forfeit future dividends, and that I must repay all dividends that have been paid to me. I
21 understand that if I wilfully misrepresent, exercise gross negligence, or recklessly disregard a
22 material fact regarding my eligibility for a permanent fund dividend I will forfeit the dividend,
23 be subject to a civil fine of up to \$5,000, and lose my eligibility for the next five dividends. I
24 understand that these penalties are in addition to any criminal penalties imposed.

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(signature of individual,
parent, guardian, or other
authorized representative)

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29 * Sec. 4. AS 43.23.015(d) is amended to read:

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(d) The application and certification of residency of an unemancipated individual under
18 years of age or of a disabled or an incompetent individual must be signed by the individual's

1 parent, legal guardian, or other authorized representative. The application and certification of
2 residency of an individual in the military forces of the United States who is absent from the
3 state due to a short-term transfer or emergency duty may be signed by the individual's
4 commanding officer, spouse, or parent. An individual absent from the state while on active
5 duty in the military forces of the United States or a spouse or dependent accompanying an
6 individual absent from the state while on active duty may apply by sending a copy or
7 facsimile of the application and certification of residency to the department.

8 * Sec. 5. AS 43.23.095(8) is amended to read

9 (8) "state resident" means an individual who is physically present in the state with
10 the intent to remain permanently in the state or, if the individual is not physically present in the
11 state, intends to return to the state and is absent only for any of the following reasons:

12 (A) vocational, professional, or other specific education for which a
13 comparable program was not reasonably available in the state;

14 (B) secondary or postsecondary education;

15 (C) military service or to accompany as a spouse or dependent an
16 individual who is absent due to military service;

17 (D) medical treatment;

18 (E) service in Congress;

19 (F) other reasons which the commissioner may establish by regulation; or

20 (G) service in the Peace Corps;

21 * Sec. 6. This Act is retroactive to January 1, 1991.

22 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).