

CS FOR HOUSE BILL NO. 41 (MLV)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Offered: 3/1/91  
Referred: State Affairs, Finance

Sponsor(s): REPRESENTATIVES MARTIN, Finkelstein, Gonzales, C.Davis, Foster, M.A.Miller, G.Phillips, Larson, Ivan, Bruckman, Taylor, Davidson, Choquette, Gruenberg, Parnell

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to qualifications for permanent fund dividends; and providing for an  
2 effective date."

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

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

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

7 (1) on the date of application the individual is a state resident;

8 (2) the individual was a state resident for a period of at least 12 [24] consecutive  
9 months immediately preceding April 1 of the current dividend year; and

10 (3) the individual has been physically present in the state at some time during the  
11 period beginning July 1

12 (A) two years before the date of application and ending on the date of  
13 application; or

14 (B) four years before the date of application and ending on the date

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**of application if the individual**

**(i) was on active duty in the military forces of the United States during that entire period and this state was the home of record for that individual filed with the military upon entry into military service; or**

**(ii) is a spouse or dependent of an individual described in (i) of this subparagraph.**

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

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

I certify that

( ) I am a state resident on the date of this application, I have been a state resident for at least 12 [24] months immediately preceding April 1 of the current dividend year, and I have been physically present in the State of Alaska in accordance with AS 43.23.005(a)(3) [AT SOME TIME DURING THE PERIOD BEGINNING JULY 1 TWO YEARS BEFORE THE DATE OF APPLICATION AND ENDING ON THE DATE OF THIS APPLICATION]; or

( ) (name), the individual on whose behalf I am applying, is a state resident on the date of this application, has been a state resident for at least 12 [24] months immediately preceding April 1 of the current dividend year, and has been physically present in the State of Alaska in accordance with AS 43.23.005(a)(3) [AT SOME TIME DURING THE PERIOD BEGINNING JULY 1 TWO YEARS BEFORE THE DATE OF APPLICATION AND ENDING ON THE DATE OF THIS APPLICATION].

I understand that a false claim of eligibility to obtain a permanent fund dividend for myself or for another is a criminal offense, that if convicted I will forfeit future dividends, and that I must repay all dividends that have been paid to me. I understand that if I wilfully misrepresent, exercise gross negligence, or recklessly disregard a material fact regarding my eligibility for a permanent fund dividend I will forfeit the dividend, be subject to a civil fine of up to \$5,000, and lose my eligibility for the next five dividends. I understand that these penalties are in addition to any criminal penalties imposed.

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

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4 \* **Sec. 3. PERMANENT FUND DIVIDENDS FOR CERTAIN INDIVIDUALS.** (a) Notwithstanding  
5 AS 43.23.005(a)(3),

6 (1) an individual absent from the state while serving in the military forces of the United  
7 States is eligible to receive a 1991 permanent fund dividend if the commissioner of revenue determines  
8 that the individual qualified for the 1990 dividend and is otherwise qualified for the 1991 dividend;

9 (2) the spouse or dependent of an individual described in (1) of this subsection is eligible  
10 to receive a 1991 permanent fund dividend if the spouse or dependent qualified for a 1990 dividend and  
11 is otherwise qualified for the 1991 dividend.

12 (b) Notwithstanding AS 43.23.015(c), an individual absent from the state while serving in the  
13 military forces of the United States and stationed in the Persian Gulf war zone may execute a power of  
14 attorney authorizing another person to apply for the 1991 permanent fund dividend on behalf of the  
15 individual. An individual that serves in the Persian Gulf war zone at any time during April 1, 1991  
16 through June 30, 1991, may apply for a 1991 permanent fund dividend during the 1992 application  
17 period if no application was submitted on the individual's behalf during the 1991 application period and  
18 the individual otherwise qualifies for a 1991 dividend. The dividend shall be paid in the same manner  
19 as prior year dividends under AS 43.23.025(a)(1)(C) and 43.23.055(3) and (7).

20 (c) Notwithstanding AS 43.23.005(a) and 43.23.015(c), if an individual was killed as a result of  
21 serving in the military forces of the United States and stationed in the Persian Gulf war zone at any time  
22 during April 1, 1991 through June 30, 1991, the personal representative of the individual's estate may  
23 apply for the 1991 permanent fund dividend on behalf of the individual's estate at any time during the  
24 1991 or 1992 permanent fund dividend application period.

25 (d) Notwithstanding AS 43.23.015(b), the Department of Revenue shall prescribe and furnish  
26 an application form for claiming a dividend under this section. The department shall adopt regulations  
27 defining the limits of the Persian Gulf war zone and prescribing any additional evidence the department  
28 may require to determine eligibility, including evidence of the applicant's assignment to the Persian Gulf  
29 war zone during the 1991 application period.

30 \* **Sec. 4.** Section 3 of this Act takes effect immediately under AS 01.10.070(c).

31 \* **Sec. 5.** Sections 1 and 2 of this Act take effect July 1, 1991.