

HOUSE CS FOR CS FOR SENATE BILL NO. 98 (STATE AFFAIRS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/26/91

Referred: Finance

Sponsor(s): SENATORS SHULTZ, Frank, Adams, Sturgulewski, Uehling, Rodey, Menard, Collins, Duncan, Jones, Fischer, Halford, Zharoff

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to eligibility for permanent fund dividends of certain individuals; and  
2 providing for an effective date."

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

4 \* Section 1. AS 43.23.005 is amended by adding a new subsection to read:

5 (f) In a time of national military emergency, the commissioner may waive the  
6 requirement of (a)(3) of this section for an individual absent from the state while serving in the  
7 military forces of the United States, or for the spouse and dependents of that individual.

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

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

12 I certify that

13 ( ) I am a state resident on the date of this application, I have been a state resident for  
14 at least 12 months [24 MONTHS] immediately preceding April 1 of the current dividend

1 year, and I have been physically present in the State of Alaska at some time during the  
2 period beginning July 1 two years before the date of application and ending on the date  
3 of this application unless this requirement has been waived under AS 43.23.005(f); or

4 ( ) (name), the individual on whose behalf I am applying, is a state resident on the date  
5 of this application, has been a state resident for at least 12 months [24 MONTHS]  
6 immediately preceding April 1 of the current dividend year, and has been physically  
7 present in the State of Alaska at some time during the period beginning July 1 two years  
8 before the date of application and ending on the date of this application unless this  
9 requirement has been waived under AS 43.23.005(f).

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

17 \_\_\_\_\_  
18 (signature of individual,  
19 parent, guardian, or other  
20 authorized representative)

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

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

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

29 (b) Notwithstanding AS 43.23.015(c), an individual absent from the state while serving in the  
30 military forces of the United States and stationed in the Persian Gulf war zone may execute a power of  
31 attorney authorizing another person to apply for the 1991 permanent fund dividend on behalf of the

1 individual. An individual stationed in the Persian Gulf war zone at any time during April 1, 1991  
2 through June 30, 1991, may apply for a 1991 permanent fund dividend during the 1992 application  
3 period if no application was submitted on the individual's behalf during the 1991 application period and  
4 the individual otherwise qualifies for a 1991 dividend. The dividend shall be paid in the same manner  
5 as prior year dividends under AS 43.23.025(a)(1)(C) and 43.23.055(3) and (7).

6 (c) Notwithstanding AS 43.23.015(b), the Department of Revenue shall prescribe and furnish an  
7 application form for claiming a dividend under this section. The department shall adopt regulations  
8 defining the limits of the Persian Gulf war zone and prescribing any additional evidence the department  
9 may require to determine eligibility, including evidence of the applicant's or deceased individual's  
10 assignment to the Persian Gulf war zone during the 1991 application period.

11 \* Sec. 4. Sections 1 and 3 of this Act take effect immediately under AS 01.10.070(c).

12 \* Sec. 5. Section 2 of this Act takes effect July 1, 1991.