

**HOUSE CS FOR CS FOR SENATE BILL NO. 98 (FINANCE)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 5/15/91**

**Referred: Rules**

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

**REPRESENTATIVES Zawacki, Davidson**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to eligibility for permanent fund dividends, to determination of the  
2 amount of a dividend, to notice requirements relating to dividends; and providing for an  
3 effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

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

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

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

14 I certify that

1           ( ) I am a state resident on the date of this application, I have been a state resident for  
2 at least 12 months [24 MONTHS] immediately preceding April 1 of the current dividend  
3 year, and I have been physically present in the State of Alaska at some time during the  
4 period beginning July 1 two years before the date of application and ending on the date  
5 of this application unless this requirement has been waived under AS 43.23.005(f); or

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

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

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

23 \* Sec. 3. AS 43.23.028 is amended by adding a new subsection to read:

24           (b) The notice requirements of (a) of this section do not apply to appropriations from the  
25 dividend fund to the crime victim compensation fund established under AS 18.67.162 or to the  
26 Department of Corrections to the extent that amounts appropriated for a fiscal year do not exceed  
27 the total amount that would have been paid during the previous fiscal year to individuals who  
28 are ineligible to receive dividends under AS 43.23.005(d) if they had been eligible.

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

31           (1) an individual absent from the state while serving in the armed forces of the United

1 States is eligible to receive a 1991 permanent fund dividend if the individual was stationed in the Persian  
2 Gulf war zone or was under military orders suspending the individual's military leave as a result of the  
3 Persian Gulf conflict and the commissioner of revenue determines that the individual qualified for the  
4 1990 dividend and is otherwise qualified for the 1991 dividend;

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

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

16 (c) Notwithstanding AS 43.23.005(a) and 43.23.015(c), if an individual was killed while serving  
17 in the armed forces of the United States and stationed in the Persian Gulf war zone at any time during  
18 January 1, 1991, through June 30, 1991, and if the individual qualified for a 1990 permanent fund  
19 dividend, the personal representative of the individual's estate may apply for the 1991 dividend on behalf  
20 of the individual's estate at any time during the 1991 or 1992 dividend application period.

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

26 \* **Sec. 5.** AS 43.23.025(b) is repealed.

27 \* **Sec. 6.** Sections 1 and 3 - 5 of this Act take effect immediately under AS 01.10.070(c).

28 \* **Sec. 7.** Section 2 of this Act takes effect July 1, 1991.