

SENATE BILL NO. 327

IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY SENATORS CRAFT and Pourchot

Introduced: 1/13/92
Referred: STA, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to qualifications for permanent fund dividends, to dividend applications,
2 and to recovery of an improperly paid dividend; 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. A minor who is too young
8 to establish eligibility for a dividend for a year under (a)(2) or (3) of this section is eligible
9 for the dividend if on the date of application

10 (1) the minor is a state resident; and

11 (2) at least one of the minor's custodial parents or guardians is eligible for
12 a dividend for that year, or the minor is in the custody of the state.

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

14 (b) The department shall prescribe and furnish an application form for claiming a

1 permanent fund dividend. The application must include notice of the penalties provided for
2 under AS 43.23.035 and contain a statement of eligibility and a certification of residency, [IN
3 SUBSTANTIALLY THE FOLLOWING FORM:

4 I CERTIFY THAT

5 () I AM A STATE RESIDENT ON THE DATE OF THIS APPLICATION, I HAVE
6 BEEN A STATE RESIDENT FOR AT LEAST 12 MONTHS IMMEDIATELY
7 PRECEDING APRIL 1 OF THE CURRENT DIVIDEND YEAR, AND I HAVE BEEN
8 PHYSICALLY PRESENT IN THE STATE OF ALASKA AT SOME TIME DURING
9 THE PERIOD BEGINNING JULY 1 TWO YEARS BEFORE THE DATE OF
10 APPLICATION AND ENDING ON THE DATE OF THIS APPLICATION UNLESS
11 THIS REQUIREMENT HAS BEEN WAIVED UNDER AS 43.23.005(f); OR

12 () (NAME), THE INDIVIDUAL ON WHOSE BEHALF I AM APPLYING, IS A
13 STATE RESIDENT ON THE DATE OF THIS APPLICATION, HAS BEEN A STATE
14 RESIDENT FOR AT LEAST 12 MONTHS IMMEDIATELY PRECEDING APRIL 1 OF
15 THE CURRENT DIVIDEND YEAR, AND HAS BEEN PHYSICALLY PRESENT IN
16 THE STATE OF ALASKA AT SOME TIME DURING THE PERIOD BEGINNING
17 JULY 1 TWO YEARS BEFORE THE DATE OF APPLICATION AND ENDING ON
18 THE DATE OF THIS APPLICATION UNLESS THIS REQUIREMENT HAS BEEN
19 WAIVED UNDER AS 43.23.005(f).

20 I UNDERSTAND THAT A FALSE CLAIM OF ELIGIBILITY TO OBTAIN A
21 PERMANENT FUND DIVIDEND FOR MYSELF OR FOR ANOTHER IS A
22 CRIMINAL OFFENSE, THAT IF CONVICTED I WILL FORFEIT FUTURE
23 DIVIDENDS, AND THAT I MUST REPAY ALL DIVIDENDS THAT HAVE BEEN
24 PAID TO ME. I UNDERSTAND THAT IF I WILFULLY MISREPRESENT,
25 EXERCISE GROSS NEGLIGENCE, OR RECKLESSLY DISREGARD A MATERIAL
26 FACT REGARDING MY ELIGIBILITY FOR A PERMANENT FUND DIVIDEND I
27 WILL FORFEIT THE DIVIDEND, BE SUBJECT TO A CIVIL FINE OF UP TO \$5,000,
28 AND LOSE MY ELIGIBILITY FOR THE NEXT FIVE DIVIDENDS. I UNDERSTAND
29 THAT THESE PENALTIES ARE IN ADDITION TO ANY CRIMINAL PENALTIES
30 IMPOSED.
31

1 (SIGNATURE OF INDIVIDUAL,
2 PARENT, GUARDIAN, OR OTHER
3 AUTHORIZED REPRESENTATIVE)]

4 * Sec. 3. AS 43.23.035(b) is amended to read:

5 (b) If the commissioner determines that a permanent fund dividend should not have been
6 claimed by or paid to an individual, the commissioner may use all collection procedures or
7 remedies available for collection of taxes under this title to recover the payment of a permanent
8 fund dividend that was improperly made. Unless the dividend is forfeited under (a) of this
9 section, a [A] notice of an improperly paid dividend must be sent to the individual within two
10 [10] years after the improper payment. If notice is not sent within the two-year [10-YEAR]
11 period, proceedings may not be commenced in court for recovery of the improper payment.

12 * Sec. 4. AS 43.23.095(8) is amended to read:

13 (8) "state resident" means, notwithstanding AS 01.10.055, an individual who is
14 not claiming or accepting the benefits of residency in any other state, and is either physically
15 present in the state or [WITH THE INTENT TO REMAIN PERMANENTLY IN THE STATE
16 OR, IF THE INDIVIDUAL IS NOT PHYSICALLY PRESENT IN THE STATE, INTENDS TO
17 RETURN TO THE STATE AND] is absent only for any of the following reasons:

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

20 (B) secondary or postsecondary education;

21 (C) military service;

22 (D) medical treatment;

23 (E) service in Congress;

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

25 (G) service in the Peace Corps;

26 * Sec. 5. Notwithstanding permanent fund dividend application procedures or deadlines applicable
27 by law or regulation to dividends for 1982 - 1992, a person who qualifies for one or more dividends for
28 those years solely because of the amendment to AS 43.23.095(8) in sec. 4 of this Act may, by May 1,
29 1993, apply for the dividend or dividends. The Department of Revenue shall prepare a form for
30 applications under this section.

31 * Sec. 6. Section 4 of this Act is retroactive to January 1, 1982.

- 1 * **Sec. 7.** Sections 4 - 6 of this Act take effect immediately under AS 01.10.070(c).
- 2 * **Sec. 8.** Sections 1 - 3 of this Act take effect January 1, 1993.