

SB 98

# Alaska State Legislature



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## House of Representatives

Committee on Finance  
P.O. Box V, Juneau, Alaska 99811

### HOUSE FINANCE COMMITTEE

#### LETTER OF INTENT FOR

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

It is the intent of the Legislature by enactment of sec. 3 of SB 98 that the Department of Revenue shall implement AS 43.23.005(d) in accordance with the recent Alaska Supreme Court decision, State of Alaska v. Anthony, No. 3685 (Alaska April 26, 1991). The decision found that it is permissible for the state to prevent incarcerated felons from receiving Permanent Fund Dividend checks, and to use that money for the crime victim compensation fund established under AS 18.67.162, or to cover part of the costs of programs of the Department of Corrections, such as gate money and sex offender treatment. The Department of Revenue should calculate and notify the Legislature of the amount that otherwise would have been paid to incarcerated felons during the prior calendar year, but for the provisions of AS 43.23.005(d), and that amount shall be appropriated for uses designed to help compensate victims and the state for costs associated with the criminal activities of felons.

\_\_\_\_\_  
Representative Navarre, C.C.

\_\_\_\_\_  
date

\_\_\_\_\_  
Representative MacLean, C.C.

\_\_\_\_\_  
date

# HOUSE COMMITTEE REPORT

(11)

Date Referred: April 26, 1991

FURTHER REFERRALS:

Date of Committee Action: 5/14/91

The FINANCE Committee considered:

CSSB 98(FIN)

CS FOR SENATE BILL NO. 98 (FINANCE)

QUALIFY CERTAIN PERSONS FOR PFD'S

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

**RECOMMENDATIONS:**

be replaced with HCS CS SB 98 (FIN)  the same title  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: HOUSE FINANCE letter of Intent

ATTACHES NEW FISCAL NOTE(s): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) REVENUE 3/7/91

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Mike Navarre</u> NAVARRE	✓				
<u>Mark Boyer</u> Boyer	X				
<u>Fred Brown</u> BROWN	✓				
<u>Thomas Koponen</u> KOPONEN	✓				
<u>Demetrius Barnes</u> BARNES	X				
<u>Bob Sharp</u> SHARP	X				
<u>Richard Phillips</u> PHILLIPS	✓				
<u>Donald Hanson</u> HANSON	X				
<u>A. Wini</u> WINI	X				
<u>George Jaked</u> JAKED	X				

Mike Navarre NAVARRE  
CO-CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Bill Version: CSSB 98(FIN)  
(S) Publish Date: 3/7/91

Revision Date: March 6, 1991  
Title: An Act relating to PFDs for Alaskans on Military Duty  
Sponsor: SHULTZ, Frank, Adams et al  
Requestor: \_\_\_\_\_

Agency Affected: Revenue  
BRU: Permanent Fund Dividend Division  
Components: Permanent Fund Dividend Division  
COMPONENT SERIAL NO. 9 8 1

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
<b>OPERATING</b>						
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LANDS & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (PFD)	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year impact: -0-

ANALYSIS: See attached.

Prepared By: Thomas C. Williams Phone: 465-2323  
Division: Permanent Fund Dividend Division Date: March 6, 1991

Approved by Commissioner: David [Signature]  
Agency: Revenue Date: 3/6/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

ALASKA DEPARTMENT OF REVENUE  
PERMANENT FUND DIVIDEND DIVISION  
ANALYSIS

ANALYSIS OF THE EFFECT OF CS SB 98 (FIN) ON THE SIZE OF THE 1991 PFD  
As of March 6, 1991

If Operations Desert Shield and Storm had not occurred, there would likely have been some members of the military who would not have complied with the two-year return rule, either by choice or otherwise. Consequently, those individuals would not have qualified for a 1991 dividend. Depending upon the actual number of those individuals, each Alaskan's dividend might have increased by a relatively small amount.

However, Operations Desert Shield and Storm did occur, impairing the ability of Alaskan military personnel to return home. Consequently, it is virtually impossible to distinguish between:

- a. Those individuals who would not have met the two-year return requirement if Operations Desert Shield and Storm had not occurred; and
- b. Those that were prevented from returning home because of Operations Desert Shield and Storm.

Consequently, we cannot determine how much each Alaskan's dividend would have increased if Operations Desert Shield and Storm had not occurred.

More importantly, because Section 2(a) only allows the 1991 waiver of the two-year return rule to those individuals who were also eligible for a 1990 dividend, this legislation will not in itself result in an increase in the number of eligible military members, spouses or dependents.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HCR 33

Revision Date: May 15, 1991 Department Affected: Department of Revenue

Title: SB 98 BRU: \_\_\_\_\_

Component: \_\_\_\_\_

Sponsor: Senator Schultz

Requestor: HOUSE FINANCE COMMITTEE COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Representative Mike Navarre, Co-Chair *Mike Navarre* 465-3706  
Representative Eileen MacLean, Co-Chair *Eileen MacLean* Phone: 465-3722

Division: \_\_\_\_\_ Date: May 15, 1991

Approved by Commissioner: \_\_\_\_\_

Agency: \_\_\_\_\_ Date: \_\_\_\_\_

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

## 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:

Referred:

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.

HOUSE CS FOR CS FOR SENATE BILL NO. 98 ( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

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 military 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

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 (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

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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

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the total amount that would have been paid during the previous fiscal year to individuals who

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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

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AS 43.23.005(a)(3),

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(1) an individual absent from the state while serving in the military 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 military 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 military 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.

**HOUSE CONCURRENT RESOLUTION NC.**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Introduced:**

**Referred:**

**A RESOLUTION**

**1 Suspending Uniform Rules 41(b), 24(c), and 35 of the Alaska State Legislature concerning**  
**2 Senate Bill No. 98.**

**3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**4** That under Rule 54 of the Uniform Rules of the Alaska State Legislature, the provisions of  
**5** Rule 41(b), Rule 24(c), and Rule 35 of the Uniform Rules, regarding changes to the title of a bill, are  
**6** suspended in consideration of Senate Bill No. 98 so that the title of the bill may be changed to "An Act  
**7** relating to eligibility for permanent fund dividends, to determination of the amount of a dividend, to  
**8** notice requirements relating to dividends; and providing for an effective date."