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HOUSE COMMITTEE REPORT

(7) Date Referred: March 27, 1991 FURTHER REFERRALS: Finance

Date of Committee Action: 4-24-91

The STATE AFFAIRS 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 HCS SB 98 (HSTA) 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: _____ 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-PFD 3-7-91

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Gene Kubera</i>					
<i>T. J. Meyer</i>	✓				
<i>David [unclear]</i>	✓				
<i>[unclear]</i>	✓				
<i>[unclear]</i>	✓				

Gene Kubera
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

No. 2

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL # III 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
OPERATING						
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-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-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.

Thomas C. Williams

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

Approved by Commissioner: *Daniel R. ...*
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.



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

SENATE

Letter of Intent

CSSB 98 (FIN)

An Act relating to eligibility for
permanent fund dividends of certain individuals

It is the intent of the Legislature that the Commissioner construe Section One in narrow terms employing the provisions of this section only when situations arise which truly threaten national security.

It is not the intention of the Legislature that Section One be used to enable military personnel to receive the benefits of this measure if they are involved in routine or relatively minor military service.

It is further the intent of the Legislature that Section Two be liberally construed so as to address unanticipated situations that could result from a war of longer duration.

It is not the Legislature's intention to deny any qualified individual from receiving a dividend as a result of military service during a time of National Military Emergency. The Legislature urges the Commissioner to give wide latitude in carrying out the provisions of Section Two and recognizes it may want to consider expanding the provisions of this section if the situation in the Persian Gulf war requires.

Adopted by Senate: 3/11/91

— Senate Letter of Intent —



Alaska State Legislature

SENATOR DICK SHULTZ

P.O. Box V
Juneau, Alaska 99801
(907) 465-4940
Home: P.O. Box 487
Tok, Alaska 99780

Member
Finance Committee
Transportation Committee
Special Committee on Oil & Gas

Senate
District J

MEMORANDUM OF REQUEST

District 17

ALCAN BORDER
ANDERSON
BIG DELTA
BOUNDARY
CANTWELL
CHICKEN
CHISTOCHINA
CLEAR
COPPER CENTER
DELTA JUNCTION
DENALI PARK
DOT LAKE
DRY CREEK
EAGLE
EAGLE VILLAGE
GAKONA
GLENNALLEN
GULKANA
HEALY
HEALY LAKE
KENNY LAKE
MENDELTONA
MENTASTA LAKE
NABESNA
NELCHINA
NENANA
NORTHWAY
PAXSON
SLANA
TANACROSS
TAZLINA
TETLIN
TOK
TOLSONA
TONSINA

TO: REP. KUBINA / CHAIR. ST. AFFAIRS
FROM: SENATOR SHULTZ
DATE: APRIL 3, 1991
RE: SB 136 & SB 98

I respectfully request a hearing on SB 136 and SB 98 at your earliest convenience.

Neither one of these bills are controversial and your support in their passage will greatly be appreciated.

District 18

BADGER ROAD
EIELSON/MOOSE CREEK
NEWBY
NORTH POLE
PLACK
RICHARDSON
SALCHA

D

HOUSE COMMITTEE REPORT

3-27-91

(5)

Date Referred: March 13, 1991

FURTHER REFERRALS:

State Affairs
Finance

Date of Committee Action: 3-26-91

The HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS 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 for CS for SB 98 (MVA) 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: Senate letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

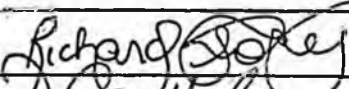
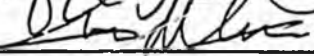
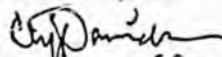
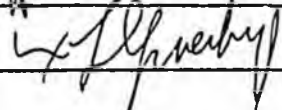
APPROVES PREVIOUS: (Dept/Date)


fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

Senate zero fiscal note(s) Revenue 3/7/91

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
 FOSTER					
 IVAN					
 DAVIDSON					
 GRUENBERG					


- MLV Committee Report SIGNATURE IVAN

7-LS0570V
Cook
4/23/91

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:
Referred:**

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.

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 24 months immediately preceding April 1 of the current dividend year, and I have

1 period if no application was submitted on the individual's behalf during the 1991 application period and
2 the individual otherwise qualifies for a 1991 dividend. The dividend shall be paid in the same manner
3 as prior year dividends under AS 43.23.025(a)(1)(C) and 43.23.055(3) and (7).

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

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

14 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

HOUSE CS FOR CS FOR SENATE BILL NO. 98 (MLV)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Offered: 3/27/91

Referred: State Affairs, 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 24 months immediately preceding April 1 of the current dividend year, and I have

1 been physically present in the State of Alaska in accordance with AS 43.23.005(a)(3)
2 or that requirement has been waived under AS 43.23.005(f) [AT SOME TIME
3 DURING THE PERIOD BEGINNING JULY 1 TWO YEARS BEFORE THE DATE OF
4 APPLICATION AND ENDING ON THE DATE OF THIS APPLICATION]; or unless

5 () (name), the individual on whose behalf I am applying, is a state resident on the date
6 of this application, has been a state resident for at least 24 months immediately preceding
7 April 1 of the current dividend year, and has been physically present in the State of
8 Alaska in accordance with AS 43.23.005(a)(3) or that requirement has been waived
9 under AS 43.23.005(f) [AT SOME TIME DURING THE PERIOD BEGINNING JULY
10 1 TWO YEARS BEFORE THE DATE OF APPLICATION AND ENDING ON THE
11 DATE OF THIS APPLICATION]. unless.

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. PERMANENT FUND DIVIDENDS FOR CERTAIN INDIVIDUALS. (a) Notwithstanding
24 AS 43.23.005(a)(3),

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

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

31 (b) Notwithstanding AS 43.23.015(c), an individual absent from the state while serving in the

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

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

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

18 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

sec 5. Sec 2 take effect July 1, 1991