

SCOMM

80:20



Official Business

Alaska State Legislature

SENATE

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

FISCAL NOTE

No. 2STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL N

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

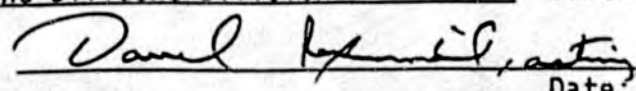
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (PFD)	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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.

Prepared By: Thomas C. Williams
Division: Permanent Fund Dividend DivisionPhone: 465-2323Date: March 6, 1991Approved by Commissioner: 
Agency: RevenueDate: 3/6/91

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

page 1 of 2

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.

7-LS0570S

Cook

3/26/91

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:

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, 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

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].

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 _____
21 (signature of individual,
22 parent, guardian, or other
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).

WORK DRAFT

WORK DRAFT

WORK DRAFT

7-LS0570P

Cook

3/23/91

Rep. Evan

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:

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A BILL

FOR AN ACT ENTITLED

1 "An Act relating to eligibility for permanent fund dividends of certain individuals, and to
2 a temporary grant program; 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 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. PERMANENT FUND DIVIDENDS FOR CERTAIN INDIVIDUALS. (a) Notwithstanding
9 AS 43.23.005(a)(3), an individual absent from the state while serving in the military forces of the United
10 States, or a spouse or dependent of that individual, is eligible to receive a 1991 permanent fund dividend
11 if the commissioner of revenue determines that the individual, spouse, or dependent is otherwise
12 qualified and was qualified to receive a dividend for 1990.

13 (b) Notwithstanding AS 43.23.015(c), an individual absent from the state while serving in the
14 military forces of the United States and stationed in the Persian Gulf war zone may execute a power of

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

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

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

17 * Sec. 3. GRANTS FOR THE ESTATES OF CERTAIN INDIVIDUALS. (a) The Department of
18 Revenue shall pay a grant equal to the 1991 permanent fund dividend to the estate of an individual who
19 was

20 (1) killed while serving in the military forces of the United States in the Persian Gulf war
21 zone at any time during January 1, 1991, through March 31, 1991; and

22 (2) qualified to receive a 1990 permanent fund dividend and would have been qualified
23 for a 1991 permanent fund dividend if the individual had not been killed.

24 (b) The personal representative of an individual's estate may apply for a grant under this section
25 at any time during the 1991 or 1992 permanent fund dividend application period. The department shall
26 prescribe and furnish an application form.

27 * Sec. 4. Sections 2 and 3 of this Act takes effect immediately under AS 01.10.070(c).

28 * Sec. 5. Section 1 of this Act takes effect January 1, 1992.

7-LS0570M ✓
Cook
3/20/91

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:

Referred:

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

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7 military forces of the United States, or for the spouse and dependents of that individual.**

**8 * Sec. 2. PERMANENT FUND DIVIDENDS FOR CERTAIN INDIVIDUALS. (a) Notwithstanding
9 AS 43.23.005(a)(3), an individual absent from the state while serving in the military forces of the United
10 States, or a spouse or dependent of that individual, is eligible to receive a 1991 permanent fund dividend
11 if the commissioner of revenue determines that the individual, spouse, or dependent is otherwise
12 qualified and was qualified to receive a dividend for 1990.**

**13 (b) Notwithstanding AS 43.23.015(c), an individual absent from the state while serving in the
14 military forces of the United States and stationed in the Persian Gulf war zone may execute a power of**

1 attorney authorizing another person to apply for the 1991 permanent fund dividend on behalf of the
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4 period if no application was submitted on the individual's behalf during the 1991 application period and
5 the individual otherwise qualifies for a 1991 dividend. The dividend shall be paid in the same manner
6 as prior year dividends under AS 43.23.025(a)(1)(C) and 43.23.055(3) and (7).

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

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

17 * Sec. 3. Section 2 of this Act takes effect immediately under AS 01.10.070(c).

18 * Sec. 4. Section 1 of this Act takes effect January 1, 1992.