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Revision Date

REQUEST

Bill/Resolution No: HB 555  
 Title: An act relating to permanent fund dividends  
 Sponsor: Cowdery, Bettisworth, Liska  
 Requestor: House State Affairs  
 Date of Request: 2/2/84

FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: General Government  
 BRU, Program of Subprogram(s) Affected: Permanent Fund Dividend

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<u>OPERATING</u>						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 SUPPLIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
<u>TOTAL OPERATING</u>	-	-0-	-	-	-	-
<u>CAPITAL</u>	-	-	-	-	-	-
<u>REVENUE</u>	-	-0-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<u>TOTAL</u>	-	-0-	-	-	-	-

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: See attached.

Prepared By: Ervin B. Jones  
 Division: Administrative Services  
 Approved by Commissioner: Donna M. Mitchell  
 Agency: Revenue

Phone: 465-2313  
 Date: 2/2/84  
 Date: 2/4/84

Distribution (by Agency preparing fiscal note):

Legislative Finance  
 Legislative Sponsor  
Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

Analysis

Section 1 provides for payment of permanent fund dividends to "legal aliens" who are otherwise qualified.

The proposed change would codify the existing administrative regulation 15 AAC 23.020(c) which makes the same provision. The department requires aliens to identify themselves and provide proof of legal status before making payments.

I see no effect, fiscal or otherwise, on the department from this legislation.

**CHAPTER 23.  
ALASKA PERMANENT FUND DIVIDEND**

**Article**

1. Permanent Fund Dividend Program  
(15 AAC 23.010—15 AAC 23.300)
2. 1982 Permanent Fund Dividend  
Distribution  
(15 AAC 23.400—15 AAC 23.600)
3. Permanent Fund Dividend Distribution:  
1983 and Subsequent Years  
(15 AAC 23.605—15 AAC 23.795)

**ARTICLE 1.  
PERMANENT FUND DIVIDEND PROGRAM**

**Section**

10. Application procedure
20. Eligibility
30. Definition of state resident
40. Allowable absences
50. Proof of eligibility
60. Calculation of amount of a dividend  
payment
70. Method of receiving payment
80. Disallowance of claims and assessments  
of overpayments
90. Assignment and attachment of dividends
300. Definitions

**15 AAC 23.010. APPLICATION PROCEDURE.** (a) An individual may apply annually for a dividend payment calculated in accordance with 15 AAC 23.060 based on years of residency in the state after December 31, 1958.

(b) An application for a 1979 dividend payment must be filed by November 15, 1980. An application with a postmark of November 15 or earlier will be considered timely filed. All other applications will be rejected.

(c) For applications filed for 1980 and years following, an application for a dividend payment must be filed by September 1, of the year following the year for which the dividend is claimed. An application with a postmark of September 1 or earlier will be considered timely filed. When September 1 falls on a Saturday, Sunday, or other legal holiday as defined in AS 44.12.010, the filing will be considered timely if it is filed on the next succeeding day which is not a Saturday, Sunday, or a legal holiday.

(d) An individual who fails to file a timely application under this section is not entitled to a dividend payment for the preceding year. The individual may include that year of residency in applications for dividends in future years if the individual is otherwise eligible. (Eff. 4/30/80, Reg. 74; am 7/25/80, Reg. 75; am 8/20/81, Reg. 79)

Authority: AS 43.23.010  
AS 43.23.060

**15 AAC 23.020. ELIGIBILITY.** (a) In order to qualify for a dividend, an individual must be a state resident as defined in 15 AAC 23.030 during all or part of the year for which the dividend is claimed. The individual must also be a state resident on the date of the application for the dividend, and the individual must be 18 years of age or older during all or part of the year for which the dividend is claimed. The year in which a person is born does not count towards the computation of a dividend payment; all other full years of residency in the state before reaching age 18 may be counted toward the computation of a dividend payment.

(b) The individual applying for a dividend payment must personally sign the certification of residency and eligibility contained on the application form. However, (1) in the case of an incapacitated applicant, the application may be signed by a parent or other relative or by an official in charge of a public or private agency having custody of that applicant; (2) in the case of an applicant who is not incapacitated, the application may, upon a showing of good cause, be signed by a legal guardian or other authorized representative having a power of attorney. In each case in which the application is not signed by the individual claimant, evidence of the authority of the person signing on behalf of the claimant must be attached to the application and the circumstances requiring the signature by someone other than the applicant must be clearly set out. An application may not be made on behalf of a deceased state resident. A personal representative may redeem a dividend payment already applied for and process it as part of the estate of the deceased individual.

(c) An alien, with resident alien status, otherwise qualifying under this chapter is eligible. (Eff. 4/30/80, Reg. 74; am 7/25/80, Reg. 75; am 8/20/81, Reg. 79)

Authority: AS 43.23.010  
AS 43.23.100

15 AAC 23.030. DEFINITION OF STATE RESIDENT. (a) A state resident is an individual physically present in the state who intends to remain permanently in the state, or if not physically present in the state, was a resident immediately before departure from the state, intends to return to the state and is absent for one or more of the allowable reasons set forth in 15 AAC 23.040. Calendar years during which an absence not allowed by 15 AAC 23.040 occurs may not be claimed by the individual or counted toward the computation of a dividend payment.

(b) An individual's intent to remain permanently in the state, or to return permanently to the state, will be assessed on the basis of the totality of the relevant circumstances. A calendar year during which an individual claimed residence in any other state for purposes of exercising or obtaining significant local rights or benefits including, but not limited to, voting in a state or local election, qualifying for resident tuition at a college or university, may not be claimed by that individual. (Eff. 4/30/80, Reg. 74; am 7/25/80, Reg. 75)

Authority: AS 43.23.010  
AS 43.23.100

15 AAC 23.040. ALLOWABLE ABSENCES.

(a) Absence for purposes of pursuing postsecondary education is an allowable absence. "Postsecondary education" means enrollment in good standing as a full-time or part-time student as defined in AS 14.40.806(2) and (3) at a college, university, or junior or community college accredited by the accreditation association for the region in which the college or university is located for purposes of pursuing an associate, baccalaureate or graduate degree program.

(b) Absence from the state for active service in a branch of the armed forces of the United States by one who was a state resident immediately before the absence is allowable if the person demonstrates at all times during that ser-

vice an intent to return to the state and remain permanently. For purposes of the preceding sentence, it is rebuttably presumed

(1) that a state resident who is drafted into military service has the requisite intent to return to the state and remain permanently, during the initial period of enlistment and one additional period of enlistment;

(2) that a state resident who volunteers for military service has the requisite intent to return to the state and remain permanently, during the first five years of that service;

(3) that a person who, before departing, had lived in the state only as a member of the armed forces of the United States does not have the requisite intent to return to the state and remain permanently, except that if that person served in the state for at least one full standard tour of duty before departing, then the person is presumed to have the requisite intent during the first five years after departing;

(4) that if, at the end of a period in which a person is presumed to have the requisite intent to return to the state and remain permanently, the United States is engaged in war or similar military hostilities, then the person continues to have that intent until such a time, after the war or military hostilities have ended or an armistice declared, as the person is discharged or could be honorably discharged without re-enlisting or otherwise voluntarily extending his or her term of military service.

(c) Service in the United States Congress as a Representative or Senator for the State of Alaska is an allowable absence. Service in Congress includes an absence by an individual while serving on the staff of a Representative or Senator for the State of Alaska, if the individual was a state resident immediately before departure.

(d) Absence from the state for purposes of employment by the Alaska State Government, including employment in a field office, is an allowable absence if the individual was a resident of the state immediately before departure.

(e) Absence for purposes of receiving medical treatment is an allowable absence. "Medical

# Agents arrest aliens

FEB. 18, 1984

By TOM KIZZIA  
Daily News reporter

The arrest here Thursday of a brother and sister from Yugoslavia is the latest incident in what immigration officials say is a new wave of immigration from Macedonia to Alaska.

Mefail Aliu, 29, and Safije Zekiri, 28, were arrested Thursday at a Government Hill residence and charged with being in the United States illegally. The arrests bring to seven the number of Yugoslav-Albanians arrested as illegal aliens in Anchorage in the past five months.

Several of those arrested have applied for political asylum, saying they don't want to return to live under communism in the land of the Winter Olympics.

"Everyone says that," said Robert Eddy, deputy district director of the Immigration and Naturalization Service. "But a person has to establish a well-founded fear of persecution for political or religious reasons."

The recent arrests have been of Yugoslavs of Albanian extraction, whose land was incorporated into Yugoslavia when that country was formed after World War I.

A growing community of these Yugoslav-Albanians lives in Anchorage and Bethel. While most are legal immigrants, some have entered illegally through Mexico, officials said.

The Yugoslav-Albanians who have been arrested are all from the province of Kosovo, where an active separatist movement is under way, officials said. They claim they face persecution at home because of their minority status as Albanians.

Eddy said that the State Department had recommended against political asylum on the few requests from Alaska so far involving Yugoslav emigres. The State Department Bureau of Human Rights and Humanitarian Affairs is required to make a recommendation in each case.

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See Page B-2, ILLEGAL

## Illegal aliens from Yugoslavia arrested by INS agents

Continued from Page B-1

that if they come from an Iron Curtain country there is a prima facie case in their favor, but they still must establish that if they returned they would be worse off than others in their society," Eddy said.

It is generally more difficult to make a claim for asylum against Yugoslavia, an autonomous country which in some ways straddles the Iron Curtain, Eddy said.

A deportation hearing for Aliu and Zekiri has been set for Feb. 28.

"They said their reason for leaving Yugoslavia was they were tired of living under communist rule," investigator John Gerardo said.

Aliu has been freed on a \$2,500 bond and Zekiri was freed on her own recognition.

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felony convictions involving narcotics, theft and assault. His request for asylum was denied.

The current wave of arrests began Sept. 29, 1983, when Ajdin Kadriu, Rasim Kadriu, Saip Kadriu and Nesat Redzeqi were picked up in one night. Nedzat Miftari was arrested Jan. 4, and Mehmed Limanoski turned himself in Feb. 10, Gerardo said.

Mefail Celikoski, a Yugoslav-Albanian who left his family behind in a mountain village in 1980, faces a deportation hearing after he finishes a prison term for bootlegging and escape. He escaped last March from the minimum-security prison in Palmer, where he was serving a two-year sentence for selling alcohol in Bethel. He was sentenced Dec. 23 to three additional years in prison for the escape.

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