

**HB**

**2**

**HFIN**

**FILE**

(11)

Date Referred to Committee: January 13, 1997

FURTHER REFERRALS:

Date of Committee Action: 1/30/97

The **FINANCE** Committee considered:

**HB 2**

HOUSE BILL NO. 2

PERMANENT FUND DIVIDEND ELIGIBILITY

"An Act allowing, for the purposes of permanent fund dividend eligibility, an individual to accompany, as the spouse or minor or disabled dependent, another eligible resident who is absent for any of the following reasons: vocational, professional, or other specific education for which a comparable program is not reasonably available in the state; secondary or postsecondary education; military service; medical treatment; service in the Congress or in the peace corps; to care for the individual's terminally ill parent, spouse, sibling, child, or stepchild; for up to 220 days to settle the estate of the individual's deceased parent, spouse, sibling, child, or stepchild; to care for a parent, spouse, sibling, child, or stepchild with a critical life-threatening illness whose treatment plan, as recommended by the attending physician, requires travel outside of the state for treatment at a medical speciality complex; or other reasons that the commissioner of revenue may establish by regulation; requiring, for the purposes of permanent fund dividend eligibility, a state resident to have the intent to remain indefinitely; relating to the eligibility for 1992, 1993, 1994, 1995, 1996, and 1997 permanent fund dividends of certain spouses and dependents of eligible applicants; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 2 (Fin)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

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

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

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<del>Care Theriault</del> Theriault	<del>X</del>			
Terry Martin	X			
Vic Kohring	X			
Pat Davies	X			
Ben Grunendorf	X			
Paul Moses			X	
G Davis	X			
Kelly	X			
Richard Foster	X			
Stanley	X			
Nelder	X			

CHAIR'S SIGNATURE

Care Theriault Stanley  
Theriault Stanley

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
 Title: Permanent Fund Dividend Eligibility BRU: Revenue Operations  
 Component: Permanent Fund Dividend Division  
 Sponsor: Representative Kott  
 Requestor: House Finance COMPONENT SERIAL NO. 981

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	11.0					
TRAVEL						
CONTRACTUAL						
SUPPLIES	2.5					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>13.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>						

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Oth Permanent Fund Dividend	13.5					
<b>TOTAL</b>	<b>13.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY97) cost \$ 0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY	2.0					

**ANALYSIS:** (Attach a separate page if necessary)

(See Attached Analysis)

Prepared by: Nanci A. Jones, Director Phone: 907/465-2323  
 Division: Permanent Fund Dividend Date: January 15, 1997  
 Approved by Commissioner: Wilson L. Condon Date: January 15, 1997  
 Agency: Revenue

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Alaska Department of Revenue  
Permanent Fund Dividend Division

Fiscal Analysis of HB 2 - Permanent Fund Dividend Eligibility  
As of January 15, 1997

This bill adds an additional allowable absence for applicants who accompany another eligible resident out of state as the spouse, minor dependent, or disabled dependent of the eligible resident. In addition to adding the allowable absence for spouses, it retroactively reopens the filing period from 1997 back to 1992 for applicants who were previously denied for being absent to accompany their spouse. This bill also makes clerical changes by replacing the word "permanently" with "indefinitely" in reference to remaining in the state. It also separates the list of allowable absences from the definition of a state resident.

We estimate that 11,000 applicants in years 1992 through 1998, in addition to 3,000 applicants who were not previously on file for any prior dividend year (section 4), may be made eligible for dividends by the passage of this bill.

No additional costs will be incurred for applicants filing for the 1998 dividend. The division will have to redetermine eligibility for years 1992 through 1997. Since 1992, we have denied applicants who have accompanied their spouses without going further to see if an applicant otherwise qualifies. Additional costs will also be incurred due to re-opening the filing period for those applicants who did not file in any of those years.

The applications will fall into three basic categories: 1) applicants eligible in all other respects, 2) applicants who must supply additional information before their eligibility can be determined, and 3) applicants who have other items that need verification and review in order to determine eligibility.

Because the bill specifically makes eligibility for any prior year dividends directly dependent upon whether the applicant qualifies for the 1998 dividend, we will not be able to begin the process of determining eligibility until May of 1998, once the 1998 file is complete. This process will require two temporary Specialist's One positions for 60 days in order to research the current and prior files to determine eligibility. The cost for two temporary positions are \$11,000.

The amount of supplies and additional postage will be minimal at \$2500.

**CS FOR HOUSE BILL NO. 2(FIN)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES KOTT AND MULDER, Kubina, Martin, Davies, Williams**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act allowing, for the purposes of permanent fund dividend eligibility, an  
2 individual to accompany, as the spouse or minor or disabled dependent, another  
3 eligible resident who is absent for any of the following reasons: vocational,  
4 professional, or other specific education for which a comparable program is not  
5 reasonably available in the state; secondary or postsecondary education; military  
6 service; medical treatment; service in the Congress or in the peace corps; to care  
7 for the individual's terminally ill parent, spouse, sibling, child, or stepchild; for  
8 up to 220 days to settle the estate of the individual's deceased parent, spouse,  
9 sibling, child, or stepchild; to care for a parent, spouse, sibling, child, or stepchild  
10 with a critical life-threatening illness whose treatment plan, as recommended by  
11 the attending physician, requires travel outside of the state for treatment at a  
12 medical speciality complex; or other reasons that the commissioner of revenue may

1 establish by regulation; requiring, for the purposes of permanent fund dividend  
 2 eligibility, a state resident to have the intent to remain indefinitely; relating to  
 3 the eligibility for 1992, 1993, 1994, 1995, 1996, and 1997 permanent fund  
 4 dividends of certain spouses and dependents of eligible applicants; and providing  
 5 for an effective date."

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

7 \* Section 1. AS 43.23.005(a) is amended to read:

8 (a) An individual is eligible to receive one permanent fund dividend each year  
 9 in an amount to be determined under AS 43.23.025 if the individual

10 (1) [THE INDIVIDUAL] applies to the department;

11 (2) [ON THE DATE OF APPLICATION THE INDIVIDUAL] is a  
 12 state resident on the date of application;

13 (3) [THE INDIVIDUAL] was a state resident for at least the calendar  
 14 year immediately preceding January 1 of the current dividend year;

15 (4) [THE INDIVIDUAL] has been physically present in the state at  
 16 some time during the prior two calendar years before the current dividend year; [AND]

17 (5) [THE INDIVIDUAL] is

18 (A) a citizen of the United States;

19 (B) an alien lawfully admitted for permanent residence in the  
 20 United States;

21 (C) an alien with refugee status under federal law; or

22 (D) an alien that has been granted asylum under federal law;

23 and

24 (6) was, during the entire period described in (3) of this subsection,  
 25 present in the state or, if absent, was absent only as allowed in AS 43.23.008.

26 \* Sec. 2. AS 43.23 is amended by adding a new section to read:

27 Sec. 43.23.008. Allowable absences. An otherwise eligible individual who is  
 28 absent from the state during the calendar year immediately preceding the current  
 29 dividend year remains eligible for the dividend if the individual was absent for any of

1 the following reasons:

2 (1) vocational, professional, or other specific education for which a  
3 comparable program was not reasonably available in the state;

4 (2) secondary or postsecondary education;

5 (3) military service;

6 (4) medical treatment;

7 (5) service in the Congress;

8 (6) service in the peace corps;

9 (7) to care for the individual's terminally ill parent, spouse, sibling,  
10 child, or stepchild;

11 (8) for up to 220 days to settle the estate of the individual's deceased  
12 parent, spouse, sibling, child, or stepchild;

13 (9) to care for a parent, spouse, sibling, child, or stepchild with a  
14 critical life-threatening illness whose treatment plan, as recommended by the attending  
15 physician, requires travel outside the state for treatment at a medical speciality  
16 complex;

17 (10) other reasons that the commissioner may establish by regulation;

18 or

19 (11) accompanying another eligible resident who is absent for a reason  
20 permitted under this section as the spouse, minor dependent, or disabled dependent of  
21 the eligible resident.

22 \* Sec. 3. AS 43.23.095(8) is amended to read:

23 (8) "state resident" means an individual who is physically present in the  
24 state with the intent to remain indefinitely [PERMANENTLY] in the state under the  
25 requirements of AS 01.10.055 or, if the individual is not physically present in the state,  
26 intends to return to the state and remain indefinitely [PERMANENTLY] in the state  
27 under the requirements of AS 01.10.055 [, AND IS ABSENT ONLY FOR ANY OF  
28 THE FOLLOWING REASONS:

29 (A) VOCATIONAL, PROFESSIONAL, OR OTHER SPECIFIC  
30 EDUCATION FOR WHICH A COMPARABLE PROGRAM WAS NOT  
31 REASONABLY AVAILABLE IN THE STATE;

- 1 (B) SECONDARY OR POSTSECONDARY EDUCATION;  
 2 (C) MILITARY SERVICE;  
 3 (D) MEDICAL TREATMENT;  
 4 (E) SERVICE IN CONGRESS;  
 5 (F) OTHER REASONS WHICH THE COMMISSIONER MAY  
 6 ESTABLISH BY REGULATION;  
 7 (G) SERVICE IN THE PEACE CORPS;  
 8 (H) TO CARE FOR THE INDIVIDUAL'S TERMINALLY ILL  
 9 PARENT, SPOUSE, SIBLING, CHILD, OR STEPCHILD;  
 10 (I) FOR UP TO 220 DAYS TO SETTLE THE ESTATE OF  
 11 THE INDIVIDUAL'S DECEASED PARENT, SPOUSE, SIBLING, CHILD,  
 12 OR STEPCHILD; OR  
 13 (J) TO CARE FOR A PARENT, SPOUSE, SIBLING, CHILD,  
 14 OR STEPCHILD WITH A CRITICAL LIFE-THREATENING ILLNESS  
 15 WHOSE TREATMENT PLAN, AS RECOMMENDED BY THE ATTENDING  
 16 PHYSICIAN, REQUIRES TRAVEL OUTSIDE THE STATE FOR  
 17 TREATMENT AT A MEDICAL SPECIALTY COMPLEX];

18 \* Sec. 4. PERMANENT FUND DIVIDENDS FOR CERTAIN SPOUSES AND  
 19 DEPENDENTS. (a) Notwithstanding the provision in AS 43.23.015(a) that the residency of  
 20 an individual's spouse may not be the principal factor relied upon in determining the residency  
 21 of the individual, an individual is eligible for a 1992, 1993, 1994, 1995, 1996, or 1997  
 22 dividend even if the individual was absent from the state while accompanying, as the spouse,  
 23 minor dependent, or disabled dependent, another person who was eligible for that dividend and  
 24 was absent for a reason permitted under AS 43.23.008 or 43.23.095(8), as those statutes read  
 25 at the time of the absence. An individual is eligible for a prior year dividend under this  
 26 subsection regardless of whether the individual previously applied for the prior year dividend  
 27 but only if the individual

- 28 (1) would have been otherwise eligible for the prior year dividend; and  
 29 (2) applies for the prior year dividend during the 1998 application period.

30 (b) The Department of Revenue shall prescribe and furnish an application form for  
 31 claiming a prior year dividend under this section.

1 \* Sec. 5. This Act takes effect January 1, 1998.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

January 29, 1997

**SUBJECT:** Permanent fund dividend eligibility (HB2)

**TO:** Representative John Davies

**FROM:** Tamara Brandt Cook  
Director *TBC*

HB 2 in Section 4 changes the law so that certain residents who did not qualify for prior year permanent fund dividends will qualify for those dividends. The bill would make a resident eligible for a prior year dividend whether or not the resident had previously applied for that prior year dividend, so long as the other criteria set out in the bill are satisfied. You have asked whether a change to the bill to limit eligibility to those residents who had previously applied for the prior year dividend would be susceptible to equal protection challenge. I believe that there is a significant possibility that such a change would be vulnerable to an equal protection challenge. ) ↘

The change would create two classifications of residents who in other respects relating to eligibility do not differ--those who, although they did not qualify for the dividend under the law as it existed, nevertheless, applied for the dividend and those who did not apply. In order for a classification to be valid under state equal protection analysis it must be reasonable, not arbitrary, and must bear a fair and substantial relation to a legitimate governmental objective. Depending on the importance of the individual's interest involved, a greater or lesser burden will be placed on the state to show that fair and substantial relationship. The state test is essentially one of balancing. The court will assess (1) the legitimacy of the state purpose purportedly furthered by the provision, and (2) the extent to which the relationship between the purpose and the means chosen to achieve it is fair and substantial. (State v. Erickson, 574 P.2d 1 (1978); Wilson v. Municipality of Anchorage, 669 P.2d 569 (1983)) An individual's interest in receiving a dividend is accorded a low level of protection under the state equal protection clause, because only an economic interest is implicated and that interest is not based on the need of the applicant. (Underwood v. State, 881 P.2d 322 (1994))

While there may be other goals behind the proposed change to HB 2, the only state goal that occurs to me is one of administrative convenience, that is, it will undoubtedly be easier to make prior year dividends available to the small number of people who are made eligible for the dividends and who also had previously applied for them rather than to the larger group of people who are made eligible for the dividends but who never applied for them. I am not

Representative John Davies

January 29, 1997

Page 2

sure that administrative convenience alone will be enough to justify the difference in treatment even under a low level of equal protection analysis, although it might be enough.

After all, at the time of application for those prior year dividends the people covered by HB 2 did not qualify for them. Is it reasonable for the state to expect a person to apply for a dividend for which the person does not qualify? What if the person did not apply because the permanent fund division told the person he or she would not qualify or because the person had applied the year before and been turned down? Why should a person who accurately ascertained that he or she did not qualify and so did not apply for a dividend be treated differently from a person who ignorantly, if optimistically, filed the application? On the other hand, if administrative convenience is, indeed, the only goal behind the proposed change to HB 2, that goal could be achieved without treating people differently by simply making prior year dividends available to no one and applying the change in eligibility requirements only to new dividend years.

TBC:glc

97-030.glc

# Alaska State Legislature House of Representatives

## COMMITTEE ASSIGNMENTS:

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## Sponsor Statement HB 2

This bill resolves the damage done by a particular court ruling. The ruling's effects have unintentionally excluded spouses from receiving permanent fund dividends in the event an individual leaves the state under an "allowable absence" and the spouse accompanies the individual.

Historically the spouse was allowed to piggy-back on the individual leaving the state under an allowable absence. A court ruling changed this status by stating that marriage can not be the reason used to determine a person's residence eligibility. Unintentionally, the effect of this ruling has disrupted the allowable absences traditionally accepted which include a spouse accompanying an individual for purposes of military service, medical treatment and educational pursuits. Students who leave the state on allowable absences remain eligible for the permanent fund while their spouses who accompany them are ineligible. Similarly, service members who leave the state on allowable absences remain eligible for the permanent fund while the spouses are ineligible.

Through monetary incentives the ruling has effectively encouraged families to break apart for lengthy periods of time. The situation is deplorable and will be remedied by HB 2.

HB 2 excuses an individual from an absence of the state when the reason for the absence includes accompanying another eligible resident, who is absent for a reason permitted under this section, as the spouse, minor dependent, or disabled dependent of the eligible resident.

Effective January 1, 1998 HB 2 will restore to spouses the status they had prior to the Superior Court's unfortunate ruling. In addition, this bill will permit Alaskans who, because of the Court's ruling, did not previously qualify, to apply for prior year dividends, provided they: (1) would have been otherwise eligible for prior year dividends; (2) are eligible for the 1998 dividend; and (3) apply for the prior year dividend during the 1998 application period.

A bill similar to HB 2 passed the House last session by a 38-0 vote. HB 2 is good public policy. I urge your support.



Representative Pete Kott



#2  
Withdraw

**AMENDMENT**

**OFFERED IN THE HOUSE  
TO: HB 2**

**BY REPRESENTATIVE THERRIAULT**

**Page 4, lines 26 - 27  
after "subsection"**

**delete "regardless of whether the individual previously applied for the  
prior year dividend but"**

**Page 4, line 28**

**Insert new subsection (1)**

**"(1) Applied in a timely manner for the prior year dividend;"**

**ReNUMBER subsections accordingly.**

ROLL CALL: HOUSE FINANCE COMMITTEE

DATE 1/30/97  
 SUBJECT Ames 1 HB2

MEMBER	YES	NO
DAVIES, JOHN	✓	
DAVIS, GARY	✓	
FOSTER		✓
GRUSSENDORF	✓	
KELLY		✓
KOHRING		✓
MARTIN		✓
MOSES		✓
MULDER		✓
HANLEY	✓	
TERRIAULT	✓	

TOTAL 5 | 6

PASSED \_\_\_\_\_  
 FAILED 5-6

AMENDMENT

*Failed*

#1

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: HB 2

Page 2, line 2:

Delete "indefinitely;"

Insert "permanently;"

Page 3, line 24:

Delete "indefinitely"

Insert "permanently"

Page 3, line 26:

Delete "indefinitely"

Insert "permanently"

of the legislature. (§ 1 ch

ive-day recount provision of AS  
workin, 407 P.2d 587 (Alaska

AS 01.10.090. — See City of  
d Union Ins. Co., 598 P.2d 957  
ABC Bd. v. Odom Corp., 671 P.2d

First Nat'l Bank, 660 P.2d 406

law heretofore or hereaf-  
clause shall be construed  
any provision of this Act,  
invalid, the remainder of  
ces shall not be affected

frustrate, the right of the people  
ative. *McAlpine v. University of  
Alaska* 1988).

number of voters have already  
ative, a reviewing court should  
ble portion of the proposed bill  
conditions are met: (1) standing  
of the proposed bill can be given  
ting the impermissible portion  
lly change the spirit of the mea-  
vident from the content of the  
umstances surrounding its prop-  
ers and subscribers would prefer  
d as altered, rather than to be  
irety. *McAlpine v. University of  
Alaska* 1988).

l simultaneously. — The fact  
utes, one, the permanent fund  
ins an explicit non-severability  
a tax exemption statute, which  
a clause are enacted simulta-  
a legislative intent that the  
*Williams v. Zobel*, 619 P.2d 422

of the 1972 amendment to  
30, relating to the granting of  
which portion discriminated  
was held severable. *Lynden  
532 P.2d 700 (Alaska 1975).*  
*v. Baker*, 393 P.2d 893 (Alaska  
te, 460 P.2d 77 (Alaska 1963);  
t of Labor, 16 Bankr. 308 (D.

State, 705 P.2d 1280 (Alaska Ct.  
Municipality of Anchorage, 803  
App. 1990); *Sonneman v. Hickel*,  
1992); *State v. Palmer*, 882 P.2d  
owe v. Burton, 884 F. Supp. 1372

*Campbell*, 536 P.2d 105 (Alaska  
eck, 565 P.2d 159 (Alaska 1977).

**Sec. 01.10.040. Words and phrases.** (a) Words and phrases shall be construed according to the rules of grammar and according to their common and approved usage. Technical words and phrases and those which have acquired a peculiar and appropriate meaning, whether by legislative definition or otherwise, shall be construed according to the peculiar and appropriate meaning.

(b) When the words "includes" or "including" are used in a law, they shall be construed as though followed by the phrase "but not limited to." (§ 2 ch 62 SLA 1962; am § 1 ch 21 SLA 1991)

**Effect of amendments.** — The 1991 amendment,  
effective June 11, 1991, added subsection (b).

**Legislative history reports.** — For the purpose of

the enactment of (b) of this section by § 1, ch. 21, SLA  
1991 (HCS CSSB 86 (Jud)), see 1991 House Journal  
Supplement No. 10, May 13, 1991.

#### NOTES TO DECISIONS

**Judicial construction.** — The court is required to  
construe words and phrases according to their "com-  
mon and approved usage" unless such words and  
phrases have acquired peculiar meaning by virtue of  
statutory definition or judicial construction. *Lynch v.  
McCann*, 478 P.2d 835 (Alaska 1970).

**Applied in State,** Dep't of Revenue v. Debenham  
Elec. Supply Co., 612 P.2d 1001 (Alaska 1980); *United  
States Jaycees v. Richardet*, 666 P.2d 1008 (Alaska  
1983); *Lambert v. State*, 694 P.2d 791 (Alaska 1985);  
*State v. Eluska*, 698 P.2d 174 (Alaska Ct. App. 1985);  
*State v. Resek*, 706 P.2d 706 (Alaska Ct. App. 1985);  
*Julsen v. Julsen*, 741 P.2d 642 (Alaska 1987); *State v.  
Anderson*, 749 P.2d 1342 (Alaska 1988); Department  
of Community & Regional Affairs v. Sisters of Provi-  
dence, 752 P.2d 1012 (Alaska 1988); *Alaska Int'l  
Constructors v. Kinter & Alaska Workers' Comp. Bd.*,  
755 P.2d 1103 (Alaska 1988); *Cleland v. State*, 759

P.2d 553 (Alaska Ct. App. 1988); *State v. Strange*, 785  
P.2d 563 (Alaska Ct. App. 1990); *Wylie v. State*, 797  
P.2d 651 (Alaska Ct. App. 1990); *Hughes v. Harrelson*,  
844 P.2d 1106 (Alaska 1993).

**Quoted in Employment Sec. Comm'n v. Wilson, 461  
P.2d 425 (Alaska 1969); *Thorsheim v. State*, 469 P.2d  
383 (Alaska 1970); *State v. City of Anchorage*, 513 P.2d  
1104 (Alaska 1973); *Gerlach v. State*, 699 P.2d 358  
(Alaska Ct. App. 1985); *Walker v. State*, 742 P.2d 790  
(Alaska Ct. App. 1987); *Mustafoski v. State*, 867 P.2d  
824 (Alaska Ct. App. 1994).**

**Stated in Velez v. State, 762 P.2d 1297 (Alaska Ct.  
App. 1988).**

**Cited in Murphy v. City of Wrangell, 763 P.2d 229  
(Alaska 1988); *Barrett v. State*, 772 P.2d 559 (Alaska  
Ct. App. 1989); *Fagan v. State*, 779 P.2d 1258 (Alaska  
Ct. App. 1989).**

**Sec. 01.10.050. Tense, number, and gender.** (a) Words in the present tense include the past and future tenses, and words in the future tense include the present tense.

(b) Words in the singular number include the plural, and words in the plural number include the singular.

(c) Words of any gender may, when the sense so indicates, refer to any other gender.  
(§ 3 ch 62 SLA 1962; am § 3 ch 58 SLA 1982)

#### NOTES TO DECISIONS

**Quoted in D.A.W. v. State, 699 P.2d 340 (Alaska  
1985); *Hughes v. Harrelson*, 844 P.2d 1106 (Alaska  
1993).**

**Cited in State v. Dunlop, 721 P.2d 604 (Alaska  
1986).**

**Sec. 01.10.055. Residency.** (a) A person establishes residency in the state by being physically present in the state with the intent to remain in the state indefinitely and to make a home in the state.

(b) A person demonstrates the intent required under (a) of this section

(1) by maintaining a principal place of abode in the state for at least 30 days or for a longer period if a longer period is required by law or regulation; and

(2) by providing other proof of intent as may be required by law or regulation, which may include proof that the person is not claiming residency outside the state or obtaining benefits under a claim of residency outside the state.

(c) A person who establishes residency in the state remains a resident during an absence from the state unless during the absence the person establishes or claims residency in another state, territory or country, or performs other acts or is absent under

circumstances that are inconsistent with the intent required under (a) of this section to remain a resident of this state. (§ 1 ch 67 SLA 1983)

#### NOTES TO DECISIONS

**Jurisdiction over divorce action.** — This section does not affect the common-law rule that Alaska courts have jurisdiction over a divorce action when one of the parties is domiciled in Alaska, where

"domicile" is defined as physical presence plus an intent to remain permanently *Perito v. Perito*, 758 P.2d 895 (Alaska 1988).

**Sec. 01.10.060. Definitions.** In the laws of the state, unless the context otherwise requires,

- (1) "action" includes any matter or proceeding in a court, civil or criminal;
- (2) "daytime" means the period between sunrise and sunset;
- (3) "month" means a calendar month unless otherwise expressed;
- (4) "municipality" means a political subdivision incorporated under the laws of the state that is a home rule or general law city, a home rule or general law borough, or a unified municipality;
- (5) "nighttime" means the period between sunset and sunrise;
- (6) "oath" includes affirmation or declaration;
- (7) "peace officer" means
  - (A) an officer of the state troopers;
  - (B) a member of the police force of a municipality;
  - (C) a village public safety officer;
  - (D) a United States marshal or deputy marshal; and
  - (E) an officer whose duty it is to enforce and preserve the public peace;
- (8) "person" includes a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person;
- (9) "personal property" includes money, goods, chattels, things in action, and evidences of debt;
- (10) "property" includes real and personal property;
- (11) "real property" is coextensive with land, tenements, and hereditaments;
- (12) "signature" or "subscription" includes the mark of a person who cannot write, with the name of that person written near the mark by a witness who writes the witness's own name near the name of the person who cannot write; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names to the sworn statement;
- (13) "state" means the State of Alaska unless applied to the different parts of the United States and in the latter case it includes the District of Columbia and the territories;
- (14) "writing" includes printing. (§ 4 ch 62 SLA 1962; am § 2 ch 66 SLA 1965; am § 10 ch 117 SLA 1968; am § 19 ch 74 SLA 1985; am § 1 ch 60 SLA 1990)

**Revisor's notes.** — Reorganized in 1985 to alphabetize the defined terms.

**Cross references.** — For additional definition of "peace officer", see AS 11.81.900(b); for listing of peace officers for purposes of the Fish and Game Code, see AS 16.05.150; for a definition of "police officer", see AS 18.65.290.

**Effect of amendments.** — The 1990 amendment rewrote paragraph (7).

**Opinions of attorney general.** — The statutory framework of the Alaska Statutes viewed as a whole contemplates that for any publicly employed law enforcement officer, to be considered a peace officer within the meaning of present paragraph (7), he or she must be empowered with a full range of police duties and authority and must be currently function-

ing on essentially a full-time basis in that role. September 18, 1977, Op. Att'y Gen.

Law enforcement officers within the category "peace officers" as used in present paragraph (7) include, but are not limited to, state troopers, fish and wildlife protection officers and police officers employed by police departments of incorporated municipalities. September 18, 1977, Op. Att'y Gen.

Law enforcement officers with limited police authority with respect to specific statutes or ordinances are not police officers and are not necessarily peace officers either, at least within the meaning of present paragraph (7). September 18, 1977, Op. Att'y Gen.

Comparing the classification of "peace officer" in present paragraph (7) with that of "police officer," it is apparent that police officers, as defined in AS

18.65.290(2), are always peace officers performing full police duties that are exercised on a full-time basis. However, the converse of this is never be the case; that is, peace officers do not automatically vest one with the authority of a peace officer since peace officers are not members of a police department and do not have the power to enforce all the penal laws of the state. September 18, 1977, Op. Att'y Gen.

Because AS 11.55.020 (now AS 11.55.020) only "peace officers" from the police department are prohibited against carrying concealed weapons including state employees charged with enforcing present paragraph (7) of this section. December 22, 1988, Op. Att'y Gen.

**Retirement plan interest.** — The court did not err in holding that a federal tax lien can attach to debtor's interest in a retirement pension plan, as such interest constitutes "property" within the meaning of the United States, 152 Bankr. 615 (Bankr. D. Alaska, 1992).  
**State as "person".** — Subsections (A) through (E) necessarily exclude political entities from the definition of "person". Accordingly, the State is properly considered a "person" for purposes of applying the rule of judicial disqualification. AS 22.20.020. *Mustafoski v. State*, 900 P.2d 1000 (Alaska Ct. App. 1994).

**Sec. 01.10.065. Certified copies.** Required by the laws of the state to be used. (§ 1 ch 66 SLA 1965)

A

#### Section

70. Time statutes become law and
80. Computation of time

**Collateral references.** — 73 Statutes, §§ 342-373.  
82 C.J.S., Statutes, §§ 399-440.

**Sec. 01.10.070. Time statutes become law.** The legislature become law after the legislature being overridden or, when the legislature expires the day after expiration of the term of the Alaska Constitution. According to the Alaska Constitution, by concurrence of the legislature, by concurrence of the legislature, by another effective date.

(b) The actual effective date of a statute is by starting with the day after the legislature is vetoed or the day after the veto is overridden or the day after the legislature action by art. II, § 17 of the Alaska Constitution becoming effective at 12:01

**Sec. 43.23.095. Definitions.** In this chapter,

(1) "Alaska permanent fund" means the fund established by art. IX, § 15 of the state constitution;

(2) [Repealed, § 38 ch 168 SLA 1990.]

(3) [Repealed, § 38 ch 168 SLA 1990.]

(4) "disabled" means physically or mentally unable to complete and sign an application due to a serious emotional disturbance, visual, orthopedic, or other health impairment, or developmental disability that is attributable to mental retardation, cerebral palsy, epilepsy, autism or other cause; "disabled" does not mean "incompetent";

(5) "dividend fund" means the fund established by AS 43.23.045;

(6) "individual" means a natural person;

(7) "permanent fund dividend" means a right to receive a payment from the dividend fund;

(8) "state resident" means an individual who is physically present in the state with the intent to remain permanently in the state under the requirements of AS 01.10.055 or, if the individual is not physically present in the state, intends to return to the state and remain permanently in the state under the requirements of AS 01.10.055, and is absent only for any of the following reasons:

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

(B) secondary or postsecondary education;

(C) military service;

(D) medical treatment;

(E) service in Congress;

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

(G) service in the Peace Corps;

(H) [Effective January 1, 1997.] to care for the individual's terminally ill parent, spouse, sibling, child, or stepchild;

(I) [Effective January 1, 1997.] for up to 220 days to settle the estate of the individual's deceased parent, spouse, sibling, child, or stepchild; or

(J) [Effective January 1, 1997.] to care for a parent, spouse, sibling, child, or stepchild with a critical life-threatening illness whose treatment plan, as recommended by the attending physician, requires travel outside the state for treatment at a medical specialty complex;

(9) "year" means a calendar year. (§ 1 ch 102 SLA 1982; am § 3 ch 55 SLA 1983; am § 6 ch 68 SLA 1990; am § 38 ch 168 SLA 1990; am § 16 ch 4 SLA 1992; am § 2 ch 73 SLA 1996)

**Revisor's notes.** — Section 15, ch. 99, SLA 1985, amends present (7) of this section. The amendment is effective if § 1, ch. 99, SLA 1985 is repealed (see § 25, ch. 99, SLA 1985). If the amendment becomes law, the paragraph will read: "(7) 'permanent fund dividend' means a credit to an annuity account or a cash payment under this chapter;".

In addition, § 16, ch. 99, SLA 1985, also effective upon the repeal of § 1, ch. 99, SLA 1985, enacts AS 43.23.110 — 43.23.130. If § 16, ch. 99, SLA 1985 becomes law, the new sections will read:

**"Article 2. Annuity Program.**

**"Sec. 43.23.110. Annuity investment fund.** (a) The annuity investment fund is established as a separate fund in the state treasury. The annuity investment fund consists of money transferred from the dividend fund and income earned by the annuity investment fund. Notwithstanding AS 37.13.145, an amount equal to the permanent fund dividends taken

as annuity credits under this chapter shall be annually transferred from the dividend fund to the annuity investment fund.

"(b) Money in the annuity investment fund shall be invested by the commissioner of revenue in investments authorized under AS 39.35.110. The commissioner of administration shall credit the net income of the annuity investment fund to the individual annuity accounts.

"(c) The legislature may annually appropriate to the Department of Administration an amount sufficient to pay monthly annuity payments for the subsequent fiscal year under AS 43.23.130 from the annuity investment fund. Funds appropriated under this subsection shall be transferred from the annuity investment fund to the Department of Administration in order to meet the current demands of the annuity program.

"(d) The legislature may annually appropriate from the annuity investment fund an amount sufficient to administer the annuity program. Any costs of admin-

istration funded under this subsection shall be allocated equitably among all individual accounts.

"(e) Notwithstanding AS 39.35 section, the commissioner of revenue shall transfer part of the annuity investment fund to the insurance contracts purchased from individuals that have a Best's policyholder rating better and belong to Best's financial group at the time of purchase.

**"Sec. 43.23.120. Annuity program.** The annuity program is administered by the Department of Administration. The commissioner shall adopt regulations necessary to administer the annuity program.

"(b) The commissioner shall maintain records of individual accounts and make annuity payments under the program.

**"Sec. 43.23.130. Payment of annuity.** An individual with one or more annuity accounts may receive an annuity upon reaching age 65.

"(b) An annuity under this section shall be paid based upon the principal in the person's annuity account. The annuity may be paid as a straight life annuity or as an annuity plan authorized by the Department of Administration. The size of the annuity shall not vary on account of the individual's choice.

"(c) An individual need not be a resident of this state to be eligible to receive an annuity from an individual's account.

"(d) Except as provided in (b), an annuity account may not be transferred from one individual to another.

"(e) If a person elects to credit a permanent fund dividend to an annuity account, the person may make an irrevocable election to receive death benefits with respect to the annuity account if the person dies before age 65 and that person has received benefits in at least one year, or

**Prohibiting permanent fund dividends to illegal aliens.** — An administrative rule which restricts permanent fund dividends to aliens with resident alien status is within the delegated authority of the Department of Revenue to regulate the eligibility of individuals for permanent fund dividends. The Department of Revenue is constitutional under the state constitution's protection clauses. Limiting the dividends to those who are lawful permanent residents is a matter normally related to legitimate objectives of the annuity program. State, Dept of Revenue, 621 (Alaska 1993).

**Absence from medical treatment.** — "Absence from medical treatment", as defined in this section, is merely an absence from the state of the individual, but implies some specification by medical personnel; thus:

**Sec. 43.23.100. Definition.**

ed. *Nunquam*  
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(p)st/. Lat.  
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ration alleges  
defendant, and  
e promised to

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at is not due.  
mistake, the  
by an action

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unfit to be

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the purpose  
himself or of  
ses his geni-  
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Penal Code.

of "taking  
male child,"  
non sense of  
er. Accord-  
or attempt

sexual intercourse, but according to others, it is not necessary that the liberties or familiarities should have related to the private parts of the child. See *Obscene*.

*Indecent publications*. Such as are offensive to modesty and delicacy; obscene; lewd; tending to the corruption of morals. *Dunlop v. U. S.*, 165 U.S. 466, 17 S.Ct. 375, 41 Ed. 799. See *Obscene*.

*Public indecency*. This phrase has no fixed legal meaning, is vague and indefinite, and cannot, in itself, imply a definite offense. The courts, by a kind of judicial legislation, in England and the United States, have usually limited the operation of the term to public displays of the naked person, the publication, sale, or exhibition of obscene books and prints, or the exhibition of a monster,—acts which have a direct bearing on public morals, and affect the body of society. *Irven v. State*, 138 Tex.Cr.R. 368, 136 S.W.2d 608, 609. See *Obscene*; also, *Indecent exposure*, above.

*Indecimable* /indēs(ə)məbəl/. In old English law, that which is not titheable, or liable to pay tithe.

*Inde datæ leges ne fortior omnia posset* /indiy dēytiy liyjiy ziy fōrsh(iy)ər ōnn(iiy)ə pōsət/. Laws are made to prevent the stronger from having the power to do everything.

*Indefeasible* /indēfīyəzəbəl/. That which cannot be defeated, revoked, or made void. This term is usually applied to an estate or right which cannot be defeated.

*Indefensus* /indēfēnsəs/. Lat. In old English practice, undefended; undenied by pleading. A defendant who makes no defense or plea.

*Indefinite*. Without fixed boundaries or distinguishing characteristics; not definite, determinate, or precise. Term is more synonymous with temporary than with permanent; indefinite contemplates that condition will end at unpredictable time, whereas "permanent" does not contemplate that condition will cease to exist. *Twisdale v. Womack & Martel, Fla.*, 148 So.2d 21, 23.

*Indefinite failure of issue*. A failure of issue not merely at the death of the party whose issue is referred to, but at any subsequent period, however remote. A failure of issue whenever it shall happen, sooner or later, without any fixed, certain, or definite period within which it must happen.

*Indefinite legacy*. See *Legacy*.

*Indefinite number*. A number which may be increased or diminished at pleasure.

*Indefinitum æquipollet universali* /indēfənāytəm ēkwəpōlət yūwnəvərsēyləy/. The undefined is equivalent to the whole.

*Indefinitum supplet locum universalis* /indēfənāytəm sūplət lōwkəm yūwnəvərsēyləs/. The undefined or general supplies the place of the whole.

*In delicto* /in dəlīktow/. In fault. See *In pari delicto*.

*Indemnification*. In corporate law, the practice by which corporations pay expenses of officers or directors who are named as defendants in litigation relating to

corporate affairs. In some instances corporations may indemnify officers and directors for fines, judgments, or amounts paid in settlement as well as expenses. See also *Indemnify*; *Indemnity*; *Insurance (Directors' and officers' (D&O) liability insurance)*.

*Indemnify* /indēmnfāy/. To restore the victim of a loss, in whole or in part, by payment, repair, or replacement. To save harmless; to secure against loss or damage; to give security for the reimbursement of a person in case of an anticipated loss falling upon him. To make good; to compensate; to make reimbursement to one of a loss already incurred by him. Several states by statute have provided special funds for compensating crime victims. See also *Contribution*; *Hold harmless agreement*; *Indemnity*; *Reparation*; *Restitution*; *Subrogation*.

*Indemnis* /indēmns/. Lat. Without hurt, harm, or damage; harmless.

*Indemnitee* /indēmniēiy/. The person who, in a contract of indemnity, is to be indemnified or protected by the other.

*Indemnitor* /indēmniətər/. The person who is bound, by an indemnity contract, to indemnify or protect the other.

*Indemnity* /indēmniēiy/. Reimbursement. An undertaking whereby one agrees to indemnify another upon the occurrence of an anticipated loss. *Dawson v. Fidelity & Deposit Co. of Md., D.C.S.D.*, 189 F.Supp. 854, 865. A contractual or equitable right under which the entire loss is shifted from a tortfeasor who is only technically or passively at fault to another who is primarily or actively responsible. *Moorhead v. Waelde, La.App.*, 499 So.2d 387, 389. Compare *Contribution*; *Subrogation*. See also *Double indemnity*; *Exoneration*; *Indemnify*.

The benefit payable under an insurance policy.

Immunity from the punishment of past offenses. *Lawson v. Halifax-Tonopah Min. Co.*, 36 Nev. 591, 135 P. 611, 613.

The term is also used to denote the compensation given to make a person whole from a loss already sustained; as where the government gives indemnity for private property taken by it for public use. See *Condemnation*; *Eminent domain*; *Expropriation*; *Just compensation*.

*Indemnity against liability*. As contrasted with indemnity against loss, which is an obligee's right to compensation for a loss already sustained, it is an obligee's right to indemnification at the time a liability arises. The claim arises upon the obligor's default, regardless of whether the obligee has suffered loss. *Central National Bank of Poteau v. McDaniel, Okl.App.*, 734 P.2d 1314, 1316. See also *Subrogation*.

*Indemnity bond*. An undertaking given by an obligor to reimburse an obligee for any loss suffered due to the conduct of the obligor or a third person. *State Street Bank v. U.S. Fid. & Guar.*, 181 Ill.App.3d 1081, 132 Ill.Dec. 216, 539 N.E.2d 779, 780.

FROM BLACK'S LAW DICTIONARY  
Sixth Edition

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a. Perils of the  
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imony and the corresponding ability of the other  
spouse to pay. *Cann v. Cann*, Fla.App., 334 So.2d 325,  
328. This is also known in some jurisdictions as perma-  
nent alimony. *Maxcy v. Estate of Maxcy*, 485 So.2d  
1077, 1078. State statutes which provide for alimony  
payments only from husbands, and not wives, have been  
held unconstitutional. *Orr v. Orr*, 99 S.Ct. 1102. See  
also Alimony; Permanent alimony.

**Periodic tenancy.** Generic term descriptive of a tenan-  
cy, from week to week, month to month, or year to year.

**Periodic tenancy** is one continuing tenancy subject to  
termination at various rental periods rather than a  
series of individual and new tenancies. *Rosow Oil Co.,  
Inc. v. Heiman*, 72 Wis.2d 696, 242 N.W.2d 176, 180. An  
estate that continues for successive periods unless termi-  
nated at end of a period by notice. *State v. Fin &  
Feather Club, Me.*, 316 A.2d 351, 357.

**Peripheral rights.** Those rights which surround or  
spring from other rights.

**Periphrasis.** Circumlocution; use of many words to  
express the sense of one.

**Perish.** To come to an end; to cease to be; to die.

**Perishable.** Subject to speedy and natural decay (e.g.  
fruits, vegetables, dairy products, meat). But, where the  
time contemplated is necessarily long, the term may  
embrace property liable merely to material depreciation  
in value from other causes than such decay.

**Perishable commodity.** A relative term used to de-  
scribe a product, like fruit or fresh vegetables, which  
quickly deteriorates in quality and value. In re *Rosen-  
baum Grain Corporation*, C.C.A.III., 83 F.2d 391, 393.

**Perishable goods.** Goods which quickly decay and lose  
their value if not put to their intended use within a  
short period of time.

**Perjuri sunt qui servatis verbis juramenti decipiunt  
aures eorum qui accipiunt** /pəɹjʊrəɪ sɪnt kwəɪ  
sərvətɛɪtəs vɜrbəs ʤurəmɛntəɪ dəsɪpijənt ɔriɪz iɪɔrəm  
kwəɪ əksɪpijənt/. They are perjured, who, preserving  
the words of an oath, deceive the ears of those who  
receive it.

**Perjury.** In criminal law, the willful assertion as to a  
matter of fact, opinion, belief, or knowledge, made by a  
witness in a judicial proceeding as part of his evidence,  
either upon oath or in any form allowed by law to be  
substituted for an oath, whether such evidence is given  
in open court, or in an affidavit, or otherwise, such  
assertion being material to the issue or point of inquiry  
and known to such witness to be false. A false state-  
ment knowingly made in a proceeding in a court of  
competent jurisdiction or concerning a matter wherein  
an affiant is required by law to be sworn as to some  
matter material to the issue or point in question. *Hen-  
ry v. Deen*, 310 N.C. 75, 310 S.E.2d 326, 335.

A person is guilty of perjury if in any official proceed-  
ing he makes a false statement under oath or equivalent  
affirmation, or swears or affirms the truth of a state-  
ment previously made, when the statement is material

and he does not believe it to be true. Model Penal Code,  
§ 241.1. See also 18 U.S.C.A. §§ 1621, 1623.

Subornation of perjury is procuring another to commit  
perjury. See 18 U.S.C.A. § 1622.

For unsworn declarations under penalty of perjury,  
see 28 U.S.C.A. § 1746.

See also False swearing; Two witness rule.

**Perks.** See Perquisites.

**Per legem terræ** /pɜr liɪjəm tɛhriɪ/. Lat. By the law of  
the land; by due process of law.

**Permanent.** Continuing or enduring in the same state,  
status, place, or the like, without fundamental or  
marked change, not subject to fluctuation, or alteration,  
fixed or intended to be fixed; lasting; abiding; stable;  
not temporary or transient. *Hiatt v. Department of  
Labor and Industries*, 48 Wash.2d 843, 297 P.2d 244, 246.  
Generally opposed in law to "temporary," but not al-  
ways meaning "perpetual."

As to permanent Injunction; Nuisance, and Trespass;  
see those titles.

**Permanent abode.** A domicile or fixed home, which the  
party may leave as his interest or whim may dictate, but  
which he has no present intention of abandoning. See  
also Domicile; Residence.

**Permanent alimony.** An allowance for the support and  
maintenance of a spouse during his or her lifetime, and  
its purpose is to provide nourishment, sustenance and  
the necessities of life to a former spouse who has neither  
the resources nor ability to be self-sustaining. *Cann v.  
Cann*, Fla.App., 334 So.2d 325, 329. See also Alimony;  
Periodic alimony.

**Permanent disability.** Generally, permanent disability  
is one which will remain substantially the same during  
remainder of workers' compensation claimant's life.  
*Subsequent Injuries Fund v. Industrial Acc. Commis-  
sion*, 226 Cal.App.2d 136, 37 Cal.Rptr. 844, 849. A  
permanent disability is one which causes impairment of  
earning capacity, impairment of normal use of member,  
or competitive handicap in open labor market. *State  
Compensation Ins. Fund v. Industrial Acc. Commission*,  
59 Cal.2d 45, 27 Cal.Rptr. 702, 707, 377 P.2d 902.

Within insurance policies does not mean that disabili-  
ty must continue throughout life of insured, but it  
connotes idea that disability must be something more  
than temporary, and at least presumably permanent.

See also Disability; Permanent injury.

**Permanent employment.** As provided for by contract,  
means only that employment is to continue indefinitely  
and until either party wishes to sever relation for some  
good reason. *Speegle v. Board of Fire Underwriters of  
Pacific*, Cal.App., 158 P.2d 426, 429.

**Permanent financing.** Long term loan which replaces  
bridge or interim financing; e.g., mortgage loan used to  
repay construction loan.

**Permanent injury.** One where situation has stabilized  
and permanent damage is reasonably certain. *Haugen  
Trust v. Warner*, 204 Mont. 508, 665 P.2d 1132, 1135.  
Physical or mental impairment or disability which will  
last throughout life, or injury reasonably certain to be

# Alaska State Legislature House of Representatives

## COMMITTEE ASSIGNMENTS:

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## Sectional Analysis HB 2

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**Section 1:** Amends the style of writing in AS 43.23.005. Part (6) of this section provides that individuals must be present in the state for the entire calendar year, unless the absence is allowable under AS 43.23.008.

**Section 2:** This is a new section, 43.23.008, which clarifies the allowable absences of an individual in the calendar year immediately preceding the current dividend year. This section includes a new provision, (11), which establishes that a spouse may accompany an individual outside the state, if that individual is leaving under an allowable absence, and remain eligible for the permanent fund.

**Section 3:** This section modifies the definition of a state resident. It allows a person to remain in the state "indefinitely" rather than "permanently." Part of this section is deleted and replaced by the language contained in Section 2 of the bill.

**Section 4:** This section is entirely new. It allows those who did not receive a permanent fund dividend, because of the court ruling, to apply for a previous year's dividend. An individual is eligible for a 1992, 1993, 1994, 1995, 1996, or 1997 dividend even if the individual was absent from the state while accompanying as the spouse, minor dependent, or disabled dependent, another person who was eligible for that dividend and was absent under an allowable absence. The individual is eligible if the individual:

(1) would have been otherwise eligible for the prior year dividend;

(2) is eligible for the 1998 dividend; and

(3) applies for the prior year dividend during the 1998 application period.

The Department of Revenue is instructed to prescribe and furnish an application form for those in this situation.

**Section 5:** This section establishes an effective date of January 1, 1998.



Representative Pete Kott

