

HB

201

24-LS0674/G
Cork
#5/05

CS FOR HOUSE BILL NO. 201(STA) *as amended*

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES CHENAULT, Ramras, Elkins

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to an application for a permanent fund dividend for a member of the
2 armed forces of the United States serving on active duty outside of the state who is
3 eligible for hostile fire or imminent danger pay; and providing for an effective date."

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

5 * Section 1. AS 43.23.011 is amended by adding a new subsection to read:

6 (d) An individual may, under (a) - (c) of this section, complete, sign, and file
7 an application on behalf of a member of the armed forces of the United States who is
8 serving on active duty outside of the United States if the

9 (1) individual has a power of attorney from the member of the armed
10 forces that authorizes, in specific or general terms, the individual to file that
11 application; and

12 (2) member of the armed forces is eligible during the application
13 period under (a) of this section for hostile fire or imminent danger pay.

14 * Sec. 2. This Act takes effect January 1, 2006.

*Not
anytime*

Div of Law Christy
P.O.A.

~~_____~~

Gives up "intent
to return" fraud

Match fire pay

March 29, 2005

The Honorable Paul Seaton, Chair
House State Affairs Committee
State Capitol
Juneau, AK 99801

Dear Representative Seaton:

During today's House State Affairs meeting on HB 201, I offered to provide language that would limit the scope of the bill to military receiving hostile fire or imminent danger pay. That change, patterned on the language in AS 43.23.011, would be as follows:

Section 1. AS 43.23.015. line 10; insert the words... "during the dividend application period for hostile fire or imminent danger pay while"...

The new provision would then read: **An individual may complete, sign, and file an application on behalf of a member of the armed forces of the United States who is eligible during the dividend application period for hostile fire or imminent danger pay while serving on active duty outside of the United States if the individual has a power of attorney from the member of the armed forces that authorizes, in specific or general terms, the individual to file that application.**

I am gathering the information you requested about individuals who we have heard were adversely affected in applying for the 2005 dividend because of their military assignment. I hope to have that over to the committee tomorrow.

In that same hearing today there was testimony by legislative staff that a fraud tip had been given to the PFD and that the PFD had done nothing to investigate the case. I have researched that case and while the details are confidential, I would like the committee to know the following: PFD received an anonymous fraud tip on October 22, 2004 stating that the individual had moved out of state in September 2004. The individual's file was flagged for further investigation if a 2005 application should be received. In February 2005, we received another fraud tip including the same information. The second fraud tip was noted in the individual's file. To date, no 2005 application has been received. To

Representative Paul Seaton
March 29, 2005
Page 2

date, the individual has committed no known fraud. However, if an application is received, the case will be fully investigated and prosecuted if appropriate.

If you have any questions, please let me know.

Sincerely,

Sharon Barton
Director

cc: Representative Mike Chenault
Jerry Burnett, DOR Legislative Liaison
Tom Boutin, DOR Deputy Commissioner

STATE OF ALASKA

**REPRESENTATIVE
MIKE CHENAULT**

Official Business

Interim:
145 Main St. Loop, Second Floor
Kenai, Alaska 99511
(907) 283-7223
Fax: (907) 283-3075

Session:
Capitol Building, Room 432
Juneau, Alaska 99801-1182
(907) 465-3779
Toll Free: (800) 469-3779
Fax: (907) 465-2833

HOUSE OF REPRESENTATIVES

Sponsor Statement

HB 201 "An act relating to an application for a permanent fund dividend for a member of the armed services of the United States serving on active duty outside the state of Alaska"

The purpose of this bill is to permit the person who has power of attorney for an individual who is serving on active duty with the United States armed services outside the state of Alaska to sign and file a permanent fund application for said individual.

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 9, 2005

SUBJECT: Permanent fund dividends for members of the armed forces;
sectional summary (HB 201)

TO: Representative Mike Chenault,
Co-chair, House Finance Committee
Attn: Erich DeLand

FROM: Tamara Brandt Cook
Director

TBC

Sec. 1. Permits another person to complete and file a permanent fund dividend application for a member of the United States armed forces who is serving outside of the country. The person must have a power of attorney from the member of the armed forces that authorizes the person to file the application.

Sec. 2. The effective date is January 1, 2006, the day before the beginning of the filing period for 2006 permanent fund dividend applications.

TBC:med
05-166.med

Sectional

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 201
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
 Title Perm Fund Dividend Apps of Military RDU Revenue Programs & Support
 Component Permanent Fund Dividend
 Sponsor Chenault
 Requester _____ Component No. 981

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 201 would allow a power of attorney to complete, sign and file an application for a military member stationed outside of the US. A total of 6,205 applicants claimed a military absence from the state in 2004. The PFD does not track how many of these individuals were stationed outside the US. The bill would not result in any significant increased cost for processing PFD applications.

Prepared by: Sharon Barton Phone 907-465-4785
 Division Permanent Fund Dividend Date/Time 3/16/05 1:21 PM
 Approved by: _____ Date 3/16/2005
 Agency _____

Erich Deland

From: Linda Zimmerman [lzimmerman@kpbsd.k12.ak.us]
Sent: Tuesday, March 15, 2005 10:24 PM
To: Erich Deland
Cc: troy.zimmerman@us.army.mil
Subject: HB 201 testimonial

Erich,

Unfortunately, I will be unable to attend the teleconference regarding HB 201 on Thursday, March 17. :(I have prepared a statement to be read & know that it would have a bigger impact if I was to speak. Being a teacher makes it difficult for me to be present at the time. Thank you for all you have done & all that Rep. Chenault has done with this situation. I pray that HB 201 gets passed quickly!

Linda

My name is Linda Zimmerman. I am a teacher on the Kenai Peninsula. My husband, Troy, is a History & Spanish teacher at the local high school in the town of Nikiski. We have 3 young children. My husband is also an Alaska Natl. Guardsman. My husband has been in the Natl. Guards for 21 years! Although he could have retired in February 2004 after receiving his 20 year letter, he decided to sign on for more years to serve his country.

On October 2004, our world was totally turned upside down. My husband was being deployed & would be overseas for 12 to 18 months serving his country with the Army. Never in a million years did I ever think this would happen to my family. There were a lot of emotions that we went through initially & still are going through. It has been a rollercoaster of emotions, disappointments & frustrations.

One of those frustrations was in January 2005 when I got a call from my husband & he informed me he would be heading "out" soon. I picked up my Permanent Dividen Fund application packet & asked him to help me fill out his so I could submit it with the General Power of Attorney I had. I was told that if I did it online it would be easy. The process was anything BUT easy! I was told via email that,

"Despite the fact that you may have a Power of Attorney for your husband, he is still physically able to sign his own application. He will have to sign before he will receive his 2005 dividend. When the application is processed, it will go through the intial review stage, and your husband will be mailed a letter requesting his signature. If you are in contact with your husband and he can sign the application and get it USPS postmarked back to us by March 31, 2005, you may want to do that. Or, you can mail in the application and we will process it and send your husband a signature page. Please ensure you provide us with a copy of the Power of Attorney so we have it for our records and can discuss his application with you." (taken from the actual rejection email I received)

Now, I am a person who follows protocol & rules as a teacher, but I was so frustrated & confused by this rejection letter. My husband was going into a Combat Zone & the PFD office was more concerned over follow the proper protocol! I knew that I was not the only military spouse going through this, so that is when I decided to contact Representative Mike Chenault's office. I was told at a meeting the month before my husband left that having General Power of Attorney meant I could conduct official business on behalf of my husband's part. I even sent the PFD office a copy of the General Power of Attorney paperwork along with the 2 sets of orders for my husband. I sent 13 pages of documentation that proved that I in fact had General Power of Attorney for my husband. In the next 3 to 4 weeks, NEVER did the PFD office leave a message at my work phone number, home phone number or my cellular number All of which they had. I found this very impersonal. All of my contact with them was via email. I tried calling the PFD office & I even left messages, but I never spoke to a human being.

Although my husband has email/computer access, I can count on 1 hand the number of times my husband has emailed me from Iraq. The soldiers have to sign up for their time on the

computers, & that time is only 20 or 30 minutes long. Internet connection can sometimes be tricky since they use jammers for security reasons, thus breaking phone connections. The power was out for 3 days recently in my husband's area, something unexpected for the soldiers, as is the situation in any war. The soldiers in Iraq & other places in the Middle East have an important job to do. Filing their PFD online is the LAST thing that they want to think about doing after a 12 hour shift of military duty. Also, you can imagine, the mailing system can be rather slow & unreliable when you are half way around the world.

I am very proud to say that my husband is serving his country, as are my children. I know that he has a long & difficult task before him, just as we do on the homefront. The PFD office has NO clue what they are talking about when they ask for my husband's signature, using the internet & sending things via email. My husband is a very busy soldier, doing what soldiers do in a combat situation. THIS takes priority over physically filling out a PFD form. THAT is what General Power of Attorney is for.

It is time that the PFD Dept. take a long hard look at their policies & seriously think about modifying some of the rules & policies, particularly when it comes to military spouses & their soldiers. As time goes by, more & more soldiers from Alaska are being deployed. Other spouses & soldiers will have to deal with the stress & headaches I have had to endure. The situation we military wives are in, is stressful enough! I beg you to please consider passing HB 201, not just for me, but for ALL Alaskan soldiers & their families. My husband is serving his country for goodness sake, doesn't that mean anything to anyone anymore?

Thank you for your time!

Linda L. Zimmerman
4/5th Multiage Educator
Student Council Coordinator
Nikiski North Star Elementary

"The 6 Pillars of CHARACTER COUNTS! Trustworthiness, Respect, Responsibility, Fairness, Caring, & Citizenship. Have you hugged your PILLARS today?"

STATE OF ALASKA

DEPARTMENT OF REVENUE

PERMANENT FUND DIVIDEND DIVISION

FRANK MURKOWSKI, GOVERNOR

State Office Building
PO Box 110460
Juneau, AK 99811-0460
Telephone : 907-465-2323
Fax : 907-465-2096

March 29, 2005

The Honorable Paul Seaton, Chair
House State Affairs Committee
State Capitol
Juneau, AK 99801

Dear Representative Seaton:

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If you have any questions, please let me know.

Sincerely,

Sharon Barton

Director

cc: Representative Mike Chenault
Jerry Burnett, DOR Legislative Liaison
Tom Boutin, DOR Deputy Commissioner

Alaska Statutory General Power Of Attorney

THE POWERS GRANTED FROM THE PRINCIPAL TO THE AGENT OR AGENTS IN THE FOLLOWING DOCUMENT ARE VERY BROAD. THEY MAY INCLUDE THE POWER TO DISPOSE, SELL, CONVEY, AND ENCUMBER YOUR REAL AND PERSONAL PROPERTY, AND THE POWER TO MAKE YOUR HEALTH CARE DECISIONS. ACCORDINGLY, THE FOLLOWING DOCUMENT SHOULD ONLY BE USED AFTER CAREFUL CONSIDERATION. IF YOU HAVE ANY QUESTIONS ABOUT THIS DOCUMENT, YOU SHOULD SEEK COMPETENT ADVICE.

YOU MAY REVOKE THIS POWER OF ATTORNEY AT ANY TIME.

Pursuant to AS 13.26.338 - 13.26.353, I, _____ (Name of principal), of _____ (Address of principal), do hereby appoint _____ (Name and address of agent or agents), my attorney(s)-in-fact to act as I have checked below in my name, place, and stead in any way which I myself could do, if I were personally present, with respect to the following matters, as each of them is defined in AS 13.26.344, to the full extent that I am permitted by law to act through an agent:

THE AGENT OR AGENTS YOU HAVE APPOINTED WILL HAVE ALL THE POWERS LISTED BELOW UNLESS YOU DRAW A LINE THROUGH A CATEGORY; AND INITIAL THE BOX OPPOSITE THAT CATEGORY

- (A) real estate transactions ()
- (B) transactions involving tangible personal property, chattels, and goods ()
- (C) bonds, shares, and commodities transactions ()
- (D) banking transactions ()
- (E) business operating transactions ()
- (F) insurance transactions ()
- (G) estate transactions ()
- (H) gift transactions ()
- (I) claims and litigation ()

(J) personal relationships and affairs ()

(K) benefits from government programs and military service ()

(L) health care services ()

(M) records, reports, and statements ()

(N) delegation ()

(O) all other matters, including those specified as follows: ()

Sign PFD application

IF YOU HAVE APPOINTED MORE THAN ONE AGENT, CHECK ONE OF THE FOLLOWING:

Each agent may exercise the powers conferred separately, without the consent of any other agent.

All agents shall exercise the powers conferred jointly, with the consent of all other agents.

TO INDICATE WHEN THIS DOCUMENT SHALL BECOME EFFECTIVE, CHECK ONE OF THE FOLLOWING:

This document shall become effective upon the date of my signature.

This document shall become effective upon the date of my disability and shall not otherwise be affected by my disability.

IF YOU HAVE INDICATED THAT THIS DOCUMENT SHALL BECOME EFFECTIVE ON THE DATE OF YOUR SIGNATURE, CHECK ONE OF THE FOLLOWING:

This document shall not be affected by my subsequent disability.

This document shall be revoked by my subsequent disability.

IF YOU HAVE INDICATED THAT THIS DOCUMENT SHALL BECOME EFFECTIVE UPON THE DATE OF YOUR SIGNATURE AND WANT TO LIMIT THE TERM OF THIS DOCUMENT, COMPLETE THE FOLLOWING:

This document shall only continue in effect for _____ () years from the date of my signature.

NOTICE OF REVOCATION OF THE POWERS GRANTED IN THIS DOCUMENT

You may revoke one or more of the powers granted in this document. Unless otherwise provided in this document, you may revoke a specific power granted in this power of attorney by completing a special power of attorney that includes the specific power in this document that you want to revoke. Unless otherwise provided in this document, you may revoke all the powers granted in this power of attorney by completing a subsequent power of attorney.

NOTICE TO THIRD PARTIES

A third party who relies on the reasonable representations of an attorney-in-fact as to a matter relating to a power granted by a properly executed statutory power of attorney does not incur any liability to the principal or to the principal's heirs, assigns, or estate as a result of permitting the attorney-in-fact to exercise the authority granted by the power of attorney. A third party who fails to honor a properly executed statutory form power of attorney may be liable to the principal, the attorney-in-fact, the principal's heirs, assigns, or estate for a civil penalty, plus damages, costs, and fees associated with the failure to comply with the statutory form power of attorney. If the power of attorney is one which becomes effective upon the disability of the principal, the disability of the principal is established by an affidavit, as required by law.

IN WITNESS WHEREOF, I have hereunto signed my name this ____ day of __,

Signature of Principal

Acknowledged before me at _____

_____ on _____

Signature of Officer or Notary

ADDITIONAL OPTIONAL PROVISIONS TO STATUTORY FORM POWER OF ATTORNEY

Each of the following provisions may be included in an Alaska statutory form power of attorney:

(1) IF YOU HAVE GIVEN THE AGENT AUTHORITY REGARDING HEALTH CARE SERVICES UNDER SUBDIVISION (L), COMPLETE THE FOLLOWING:

I have executed a separate declaration under AS 18.12, known as a "Living Will."

I have not executed a "Living Will."

I have executed a separate declaration under AS 47.30.950 - 47.30.980 regarding mental health treatment. If I have appointed an attorney-in-fact under AS 47.30.950 - 47.30.980, I authorize that attorney-in-fact and the attorney-in-fact whom I have appointed in this document to serve jointly with consent of each other as to my mental health treatment

separately without each other's consent as to my mental health treatment.

I have not executed a separate declaration under AS 47.30.950 - 47.30.980.

(2) YOU MAY DESIGNATE AN ALTERNATE ATTORNEY-IN-FACT. ANY ALTERNATE YOU DESIGNATE WILL BE ABLE TO EXERCISE THE SAME POWERS AS THE AGENT(S) YOU NAMED AT THE BEGINNING OF THIS DOCUMENT. IF YOU WISH TO DESIGNATE AN ALTERNATE OR ALTERNATES, COMPLETE THE FOLLOWING:

If the agent(s) named at the beginning of this document is unable or unwilling to serve or continue to serve, then I appoint the following agent to serve with the same powers:

First alternate or successor attorney-in-fact

_____ (Name and address of alternate)

Second alternate or successor attorney-in-fact

_____ (Name and address of alternate)

(3) YOU MAY NOMINATE A GUARDIAN OR CONSERVATOR. IF YOU WISH TO NOMINATE A GUARDIAN OR CONSERVATOR, COMPLETE THE FOLLOWING:

In the event that a court decides that it is necessary to appoint a guardian or conservator for me, I hereby nominate (Name and address of person nominated) to be considered by the court for appointment to serve as my guardian or conservator, or in any similar representative capacity.