

**HB**

**201**

# STATE OF ALASKA

REPRESENTATIVE  
MIKE CHENAULT

Official Business

Interim:  
145 Main St. Loop, Second Floor  
Kenai, Alaska 99611  
(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

04/26/05

To: Senator Therriault, Chair  
Senator Wagoner, Vice Chair  
Senator Huggins, Member  
Senator Davis, Member  
Senator Elton, Member

From: Representative Mike Chenault

Subject: Request for Senate State Affairs Committee Hearing

This office respectfully requests a hearing of the Senate State Affairs Committee on HB 201 "An act relating to an application for a permanent fund dividend for a member of the armed forces of the United States serving on active duty outside of the state; and providing for an effective date" at your earliest convenience.

If you have further questions on the scheduling of this committee hearing, please contact Sue Wright in Room 505 (907) 465-3779.

Thank you for your time and cooperation.

# STATE OF ALASKA

REPRESENTATIVE  
MIKE CHENAULT

Official Business

Interim:  
145 Main St. Loop, Second Floor  
Kenai, Alaska 99611  
(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

04/22/05

To: Senator Therriault, Chair  
Senator Wagoner, Vice Chair  
Senator Huggins, Member  
Senator Davis, Member  
Senator Elton, Member

From: Representative Mike Chenault



Subject: Request for Senate State Affairs Committee Hearing

This office respectfully requests a hearing of the Senate State Affairs Committee on HB 201 "An act relating to an application for a permanent fund dividend for a member of the armed forces of the United States serving on active duty outside of the state; and providing for an effective date" at your earliest convenience.

If you have further questions on the scheduling of this committee hearing, please contact Sue Wright in Room 505 (907) 465-3779.

Thank you for your time and cooperation.

# STATE OF ALASKA

**REPRESENTATIVE  
MIKE CHENAULT**

Official Business

Interim:  
145 Main St. Loop, Second Floor  
Kenai, Alaska 99611  
(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

## 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 husbaad 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 PF 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?"

# Correct use makes power of attorney useful tool

A power of attorney is a very powerful document where one person designates another person to act as their agent. A power of attorney can be very useful but, if misused, can also be damaging to the person granting the power.

The grantor becomes irrevocably bound by the actions of the agent who uses a valid power of attorney. A general power of attorney allows the agent to do almost anything in the name of the person giving the permission.

### Do I need a power of attorney?

If you are available to manage all of your affairs, then you do not need a power of attorney.

If you are deployed, TDY or otherwise unavailable to conduct your affairs, then you may need to give someone the power to conduct them for you.

With a power of attorney, your agent can act in your place.

Do not give someone a power of attorney unless it is absolutely necessary.

Do not get a power of attorney simply because your chain of command says you need one. It is important to select a grantee who is trustworthy and reliable.

There are two types of powers of attorney.

With a general power of attorney, your agent has the authority to manage and conduct all of your affairs. This includes, but is not limited to:

- sell, lease and buy property for you
- enter into contracts for you,
- represent you in any claim or litigation involving you or your interests,
- sign and cash checks for you,
- prepare, execute and file tax returns.
- receive money for you, and
- receive Leave and Earnings Statements

There are limitations with a general power of attorney

These limitations include:

- Your grantee may not cancel your life insurance policies or change any of your beneficiaries.
- Your grantee may not act for you when representing someone else.
- Your grantee may not change any allotments in your paycheck.
- All powers of attorney are subject to the acceptance policies of the organizations with which you are dealing. Some organizations may require a special power of attorney.

This is a limited power of attorney in which you give the grantee authority only to act for you in specific matters.

For example, you can give someone a special power of attorney to sign for government quarters or pick up your POV.

Army Emergency Relief requires a special POA if you wish to give your agent authority to act on your behalf with them.

The Finance office does not require a special POA but it does require the use of specific language. So, while you can use either power of attorney with the Finance office, the language must be specific. Dependents with general powers of attorney may only obtain a Leave and Earnings Statement from the Finance office.

If you want your agent to have broader authority to deal with the Finance office, you can have these options placed in your GPOA:

- cash checks
- change savings deposit program
- start allotment
- stop savings deposit program
- change allotment
- start thrift savings program
- stop allotment
- change thrift savings program
- file claims
- stop thrift savings program
- obtain service relief loan
- stop BAH
- start savings deposit programs or change pay options such as monthly pay or direct deposit.



When Soldiers deploy, a power of attorney is usually needed for the family.

All powers of attorney must be completed in ink. Do not sign until you are in the presence of the notary public.

It is U.S. Army Alaska policy that powers of attorney not exceed one year. However, if you are deploying for a period of a year or more, your POA may be drafted to allow it to expire beyond the date of your expected redeployment.

If you find it necessary to give someone a power of attorney, give the most specific, least powerful, shortest duration power of attorney possible.

Retain a copy of the power of attorney for yourself. Copies should not be certified.

Check with the person or place that you intend to have the power of attorney used. Make sure the power of attorney will be accepted and find out if any special language or instructions are necessary. Many businesses and institutions will not transact business with agents using powers of attorney. No law requires them to do so.

Register the power of attorney with the clerk of courts at the court house in the area where it is to be used. There is usually a fee for this.

A power of attorney can be revoked at any time by the grantor.

The best way to revoke a power of attorney is to destroy it. If you cannot destroy the power of attorney, the next best thing is to execute a revocation of power of attorney.

Have a copy served on the agent named in the power of attorney. You should be able to prove that the agent was served.

Furnish a copy of the revocation to any place you think the agent might use the power of attorney. Make notification of revocation through an advertisement in the appropriate newspaper.

Register the revocation with the clerk of courts where the power of attorney might be used.

Soldiers with questions concerning powers of attorney should contact their Legal Assistance Office at 384-0371 for Fort Richardson or 353-6534 for Fort Wainwright.

# 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						
<b>TOTAL OPERATING</b>	<b>0.0</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						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</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 (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 \_\_\_\_\_