

ALASKA LEGISLATURE

1606

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

## ENOUGH IS ENOUGH!!!!

WE, THE UNDERSIGNED agree that minors should not be using tobacco products and that all Alaskans should deter youth tobacco use. However, **we are opposed to the extreme proposal to increase cigarette taxes by \$1.00 per pack or \$10.00 per carton!** This outrageous proposal would not stop Alaska's youth from gaining access to tobacco products. What it would do is encourage black markets where smugglers do not ask for proper identification. Let's instead focus our resources and energies on truly effective, meaningful ways to keep tobacco from youngsters -- counter peer pressure and focus on parental involvement and responsibility for children regarding smoking.

Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Kristina Mendenhall</i>	Kristina Mendenhall	Box 2886	Soldotna AK	99669	260-5289
<i>Monette Martin</i>	Monette Martin	Box 3438	Soldotna AK	99669	
<i>Michael K. Robertson</i>	Michael Robertson	Box 2611	Soldotna AK	99669	260-3569
<i>Paul Carlsgaard</i>	PAUL CARLSGAARD	PO Box 954	Sterling AK	99672	262-3591
<i>Doug Bradshaw</i>	DOUG BRADSHAW	Box 1041	STERLING AK	99672	262-0585
<i>Greg Gonzalez</i>	GREG GONZALEZ	PO BOX 536	STERLING	99672	262 6526
<i>Steven Clark</i>	Steven Clark	P.O. Box 440	Sterling	99672	2-1783
<i>Jessica Alto</i>	JESSICA ALTO	10519 SAUR HILL #451	Kenai AK	99641	
<i>Gary Jensen</i>	GARY JENSEN	PO 125-51	STERLING	99672	
<i>Carl F. Gortley</i>	Carl F. Gortley	Box 1088	Sterling	672	2-1085
<i>Daphne Lindley</i>	Daphne Lindley	PO BOX 6211	Sterling	99672	262-0874
<i>Derrick Grant</i>	Derrick Grant	P.O. 41	Sterling	" "	262-2253

Return to: NORTHERN SALES COMPANY OF ALASKA, P.O. BOX 8102, KETCHIKAN, AK, 99901

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Kathleen L. Sadler</i>	KATHLEEN L. SADLER	P.O. Box 432	STERLING	99672	262-7664
<i>Jan Sadler</i>	Jan Sadler	P.O. Box 195	STERLING	99672	262-1118
<i>P. Johnson</i>	Pam Johnson	PO Box 772	Sterling	091672	
<i>Patricia Mallett</i>	Patricia Mallett	P.O. Box 455	Sterling	99672	262-2991
<i>Eric Mallett</i>	ERIC Mallett	P.O. Box 455	Sterling	99672	262-2991
<i>Don Dobson</i>	Don Dobson	P.O. Box 1065	Sterling	99672	262-9211
<i>Thomas Lee</i>	TOM LEE	PO BOX 375	STERLING	99672	262-2975
<i>Keryl Steger</i>	KERYL STEGER	HCI BOX 3190	STERLING	99672	262-9844
<i>Kimberly Lindley</i>	Kimberly Lindley	PO Box 1314	STERLING	99672	262-2733
<i>Bill Meyer</i>	"	Box 66	"	"	—
<i>Jeffery A. Noy</i>	"	Box 933	Soldotna	99669	262-5348
<i>Arthur D. Fent</i>		P.O. Box 902	Sterling AK	99672	262-2698

Return to: **NORTHERN SALES COMPANY OF ALASKA, P.O. BOX 8112, KETCHIKAN, AK, 99901**

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Thomas Hibbs</i>	Thomas Hibbs	P.O. Box 384	sterling AK	99672	262-7645
<i>Dusty Cook</i>	Dusty Cook SR	P.O. Box 693	sterling AK	99672	260-3594
<i>Neil R. Arthur</i>	Neil R Arthur	Po Box 1014	sterling AK	99672	262-5211
<i>Eric VanFleet</i>	ERIC VANFLEET	PO BOX 323	STERLING AK	99672	260-3476
<i>Lynne L. Powell</i>	RENÉE L. POWELL	P.O. Box 124	Sterling AK	99672	262-7813
<i>Lynn Baker</i>	Lynn Baker	P.O. Box 289	Sterling AK	99672	260-3328
<i>Tammie Lyons</i>	Tammie Lyons	PO BOX 1039	Sterling, AK	99672	260-5931
<i>Michael J. Lum</i>	Michael J Lum	PO Box 1214	Sterling AK	99672	262-2999
<i>M.G. Morisky</i>	M.G. Morisky	PO Box 1023	Sterling AK	99672	260-9102
<i>Lindy Cormier</i>	LINDY CORMIER	P.O. BOX 1057	STERLING AK	99672	262-3933
<i>Eric VanFleet</i>	Eric VanFleet	AK1 Box 139	Sterling AK	99672	260-9969
<i>Michael Revis</i>	Michael Revis	PO BOX 1089	Sterling	99672	262-9345

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<i>[Handwritten Signature]</i>	<i>[Handwritten Name]</i>	<i>[Handwritten Address]</i>	<i>[Handwritten City]</i>	<i>[Handwritten Zip]</i>	<i>[Handwritten Phone]</i>
<i>[Handwritten Signature]</i>	JOHN S. THOMPSON	PO BOX 3816	SOLDOTNA	99669	262-0649
<i>[Handwritten Signature]</i>	Brent Blumentritt	PO Box 2773	Soldotna	99669	262-4268
<i>[Handwritten Signature]</i>	Peter Wiklund	PO Box 110	Sterling	99672	262-9600
<i>[Handwritten Signature]</i>	MIKE ANDRUS	PO BOX 341	SOLDOTNA	99669	262-4460
<i>[Handwritten Signature]</i>	Ray Fireman	PO BOX 3671	Soldotna	99669	262-5973
<i>[Handwritten Signature]</i>	John Pace	190 W. PARK AVE PO BOX 99669	Sol	669	260-2626
<i>[Handwritten Signature]</i>	TIM WALSH	PO BOX 1265	STERLING	672	262-8379
<i>[Handwritten Signature]</i>	WILLIAM HONER	PO BOX 61	Sterling	672	262-6687
<i>[Handwritten Signature]</i>	Billy R West	PO BOX 551	Sterling	99672	262-2843
<i>[Handwritten Signature]</i>	THOMAS H. MAHAN	P.O. BOX 262 STERLING AK 99672			262-9750
<i>[Handwritten Signature]</i>	Tim Heffernan	Box 748 Sterling	STERLING	99672	262-1010

Return to:

NORTHERN SALES COMPANY OF ALASKA, U.P.O. BOX 8112, SKEETCHIKAN, AK, 99901

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>John Eckhardt</i>	John Eckhardt	230 Iowa	Kenai	99611	NA
<i>Kelly Wolf</i>	KELLY WOLF	13715 LYNN CT	STERLING, AK		262-2244
<i>George O. Smith</i>	GEORGE O. SMITH	P.O. Box 637	SEWARD, AK.	99664	<del>0</del>
<i>Tina Bunch</i>	Tina Bunch	P.O. Box 952	Soldotna AK	99669	NA
<i>JAN WHITE</i>	JAN WHITE	Box 867	Sterling AK	99672	262-1003
<i>CARIE FENA</i>	CARIE FENA	P.O. Box 902	STERLING, AK	99672	262-2698
<i>Leland McFarland</i>	Leland McFarland	103 Heinrich St.	Soldotna	99669	262-4320
<i>Rick V. Sauer</i>	Rick V. Sauer	P.O. Box 4312	Soldotna	99669	262-0617
<i>Roger L. Hughes Jr</i>	Roger L. Hughes Jr	5209 King SALMON DR	Kenai	99611	283-5462
<i>Kenn W. Cassidy</i>	Kenn W. Cassidy	126 Sterling	Sterling	99672	262-9641
<i>Tracy McVey</i>	TRACY McVEY	3845 East 77 Ave	Kenai		
<i>Christy Walker</i>	CHRISTY WALKER	P.O. Box 1140	STERLING	99672	262-9065

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>James Bluchman</i>	JAMES BLUCHMAN	P.O. Box 746	Sterling AK	99672	262-2569
<i>Ward Showalter</i>	WARD SHOWALTER	P.O. Box 84	Sterling, AK	99672	262-6580
<i>Susan M. Jameson</i>	SUSAN M. JAMESON	P.O. Box 989	Sterling AK	99672	262-0827
<i>Jackie W. Hargrove</i>	JACKIE W. HARGROVE	P.O. Box 1175	STERLING AK	99672	260-5819
<i>Connie Adams</i>	CONNIE ADAMS	P.O. Box 837	Sterling AK	99672	262-6779
<i>Bessie L. Avery</i>	BESSIE L. AVERY	P.O. Box 4214	SOLDOTNA AK	99669	398-4210
<i>James Kenner</i>	JAMES KENNER	P.O. BOX 1657	SOLDOTNA, AK.	99669	262-2964
<i>Bobby Thrasher</i>	BOBBY THRASHER	P.O. Box 652	STERLING, AK	99672	262-7265
<i>Jessy Bussdieck</i>	JESSY BUSSDIECK	Box 3744	Sterling AK	99672	260-9166
<i>William Edwards</i>	WILLIAM EDWARDS	PO BOX 1329	STERLING AK	99672	
<i>Jonathan Smith</i>	JONATHAN SMITH	PO BOX 1198	Sterling AK	99672	260-2610
<i>Laura Ludwick</i>	LAURA LUDWICK	P.O. Box 1228	sterling, AK	99672	262-8812

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>D. Riley</i>	Daniel Riley	Box 254	Stelling	99672	262 6734
<i>Sandra Schauble</i>	SANDRA SCHAUBLE	PO Box 363	STERLING	99672	262-1869
<i>Michael D Kelly</i>	Michael D Kelly	PO Box 524	Sterling	99672	262-1605
<i>Yvonne Kay Baker</i>	YVONNE KAY BAKER	13477 STEPHENSON ST	ANCHORAGE	99515	345-0826
<i>Lyle Lubner</i>	Lyle Lubner	Rt Box 1228 Sterling	Sterling	99672	262-6199
<i>P.J. Coll</i>	P.J. Coll	Box 1067	Sterling	99672	262-5737
<i>Craig Powell</i>	Craig Powell	P.O. Box 995	SOLDOTNA	99669	262-1910
<i>S. Vinzant</i>	S VINZANT	PO Box 3422	SOLDOTNA	99669	262-3119
<i>Tom Boone</i>	Tom Boone	Box 765	sterling	99672	262-4097
<i>Lana Barnes</i>	Lana Barnes	Box 4313	Sild.	99669	—
<i>Stuart DeGuita</i>	Stuart DeGuita	Box 301	sterling	99672	262-2982
<i>Mary Ann Mills</i>	Mary Ann Mills	Box 143	sterling	99672	262-5403

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Nancy H. Wall</i>	Nancy Wall	Box 642	Sterling	99672	262-4944
<i>Max F. Kingsley</i>	max Kingsley	Box 2728	Kenai	99611	260-4932 <small>miss.</small>
<i>Sheila Raske</i>	Sheila Raske	P.O. Box 653	Sterling	99672	2-7748
<i>Frank Noble</i>	<i>F. Noble</i>	10-Box 705	Sterling	99672	2-7454
<i>Randy Smith</i>	Randy Smith	HCO1 Box 3003	Sterling AK	99672	262-3970
<i>John Landess</i>	JOHN LANDESS	P.O. Box 252	STERLING AK	99672	
<i>L. Johnson</i>	Lillian Johnson	Box 686	Sterling	99672	262-0411
<i>H. Adams</i>	Gerlinda S Adams	Box 882	Sterling	99672	262-6341
<i>Sonya Gillaspie</i>	Sonya Gillaspie	Box 56	Sterling	99672	398-1023
<i>Irene Jeffers</i>	Irene Jeffers	Box 883	Sterling	99672	262-1648
<i>M. Sausedo</i>	M. Sausedo	Box 1055	Sterling	99672	262-9311
<i>Stanley A. Jeffers</i>	Stanley A. Jeffers	Box 883	Sterling AK	99672	262-1448

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>[Handwritten Signature]</i>	Michael Worfield	Po Box 341	Sterling AK	99672	907-260-462
<i>[Handwritten Signature]</i>	Ruth Sheldon	Po Box 16	Sterling, AK	99672	262-6730
<i>[Handwritten Signature]</i>	Zade Nickel	PO BOX 1035	STERLING AK	99672	260-2638
<i>[Handwritten Signature]</i>	Louis K. Brunner	6950 Grant-D	Sterling AK	99672	262-4868
<i>[Handwritten Signature]</i>	Angela Alexander	P.O. Box 253	Sterling AK	99672	2-3163
<i>[Handwritten Signature]</i>	David Pederson	P.O. Box 152	STERLING AK	99672	2-4198
<i>[Handwritten Signature]</i>	Terry Meier	PO. Box 937	Sterling AK	99672	260-3762
<i>[Handwritten Signature]</i>	WALTER L. SATHS	PO. Box 1138	STERLING AK	99672	262-4917
<i>[Handwritten Signature]</i>	JASON E. MURPHY	P.O. Box 6921	W. Kiski, AK	99635	3776-2160
<i>[Handwritten Signature]</i>	JASON E. STEVENS	PO. BOX 1229	STERLING AK	99672	1-888-896-2030
<i>[Handwritten Signature]</i>	NICHOLAS J. PLASTINO	P.O. BOX 1121	STERLING AK	99672	---
<i>[Handwritten Signature]</i>	Irene Bradford	HC1 Box 3139	Sterling AK	99672	262 5281

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Dale Wering</i>	Dale Wering	Box 3012	Soldotna, AK	99669	262-1520
<i>Richard White</i>	Richard White	Box 867	Sterling AK.	99672	2-1003
<i>Rodney Baker</i>	Rodney Baker	13437 Stephenson St.	Anchorage, AK	99515	345-0826
<i>Roger Meyer</i>	ROGER MEYER	Box 945	STERLING AK	99672	2-4556
<i>Alvin Shelden</i>	Alvin Shelden	P O Box 16	Sterling F.R.K.	99672	262-6730
<i>Harvey Johnson</i>	HARVEY JOHNSON	P O Box 686	STERLING	99672	262-0411
<i>Michael Foust</i>	Michael Foust	P O Box 413	Sterling	99672	262-9839
<i>Callen W. Skenness</i>	CELLEN W. SKENNESS	P.O. Box 4376	STERLING	99672	262-1328
<i>Kathy Becher</i>	Kathy Becher	P.O.B 1289	Sterling	99672	262-7984
<i>Trixie Robinson</i>	Trixie Robinson	P.O.B 1292	Sterling	99672	mead 262-3839
<i>Ehren Johnson</i>	Ehren Johnson	P.O.B 3017	Soldotna	99669	262-5944
<i>Bob Lamborn</i>	Bob Lamborn	Box 414	Sterling	99672	262-3824

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Samuel Carter</i>	SAMUEL CARTER	EX 2119 STERLING 99672	Sterling	99672	NA
<i>Lisa Kowalkowski</i>	LISA KOWALKOWSKI	P.O. Box 4365 Soldotna	Soldotna	99669	
<i>Perry Hudson</i>	PERRY HUDSON	Box 128 Sterling	Sterling	99672	—
<i>Chris</i>					
<i>George Woods</i>	George Woods	Box 1011 Sterling	AK	99672	
<i>Kathleen Barrad</i>	Kathleen Barrad	Box 1008 Sterling	Sterling AK	99672	
<i>Fred E. Zumbuhl</i>	Fred E. Zumbuhl	HC-1 Box 3006 Sterling	Sterling	99672	—
<i>Lloyd E. Mercer</i>	Lloyd E. Mercer	HC-1 Box 152-C	Soldotna AK	99669	
<i>Matt Johnson</i>	Matt Johnson	P.O. Box 3017	Soldotna	99669	—
<i>Patricia Claypool</i>	Patricia Claypool	P.O. Box 1119	Sterling, AK	99672	
<i>Frank Noble</i>	Frank Noble	P.O. Box 203	Sterling AK	99672	
<i>Cecil Duggins</i>	CECIL DUGGINS	230 Iowa	KENAI AK	99611	—

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Jacqueline Harris</i>	JACQUELINE HARRIS	P.O. Box 903	Sterling	99672	2-3258
<i>James Spalding</i>	JAMES SPALDING	PO Box 2701	Kenai	99611	2 123-8
<i>Kristy Hughes</i>	Kristy Hughes	5209 King Solomon Dr	Kenai	99611	3-5462
<i>E.P. Maciarello</i>	E.P. MACIARELLO	PO BOX 1296	STERLING	99672	262-2297
<i>Scott Steger</i>	SCOTT STEGER	PO BOX 886	Sterling	99672	262 8758
<i>Tom Painter</i>	TOM PAINTER	PO BOX 296	Sterling	99672	262-9828
<i>Denise Potaracke</i>	DENISE POTARACKE	P.O. Box 195	SOLDOTNA	99669	262 5819
<i>Marianne Mendenhall</i>	Marianne Mendenhall	PO Box 623	Sterling AK	99672	262-7653
<i>Cris Lindley</i>	Cris Lindley	P.O. Box 624	Sterling AK	99672	262-0824
<i>Pete Bucher</i>	Pete Bucher	PO BOX 470	S II	II	0 7798
<i>Shawn Stewart</i>	Shawn Stewart	PO Box 481	Sterling	99672	262-5110
<i>Matt Faulkner</i>	Matt Faulkner	PO Box 734	Sterling AK	99672	262-3249

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City	Address	City	Zip Code	Phone #
City	44125 McLellan Ct	Soldotna	99669	262-1729
Yes	HC2 Box 623	SOLDOTNA	99669	262-0882
ADD	HC-1 Box 1140	KENAI	99611	776-8233
hag	Box 62 -	SOLDOTNA	99661	2-5334
Kirk	Box 163	Anchor Point	99556	235-8564
lard	Box 328	Anchor Point	99556	235-2977
alter	Box 352	SOLDOTNA		262-4615
Brown	POB 1026	STERLING	99672	262-1807
AN	Box 525	STERLING	99672	262-4615
Millard	P.O. Box 787	Sterling	99672	262-9396
Is	HC2 3300	sterling	99672	262-6588
Hin	PO Box 1296	sterling	99672	262-3562

ES COMPANY OF ALASKA, P.O. BOX 8112, KETCHIKAN, AK, 99901

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Signature	PRINT Name	Address	City	Zip Code	Phone #
Jean M. Kennedy	JEAN KENNEDY	16861 RANSOM RIDGE	ANCH	99516	315-6662
Mike D. Vaughn	Mike D. Vaughn	13377 Diggins DR	ANCH.	99515	348-0721
Jeri L. Jones	Jeri L. Jones	16505 ANCHOR	ANCH.	99516	345-5326
Jeremiah Shultz	Jeremiah Shultz	16316 George Bell Cir	ANCH	99515	<del>345-0710</del>
T.R. Farrington	T.R. FARRINGTON	17330 BERTJEAN ST	ANCH	99516	345-2618
Walter D. Larson	WALTER D. LARSON	16200 BLACK BEAR	ANCHORAGE	99516	345-4585
J.W. Cox	J.W. COX	8051 RABBIT CRK RD	ANCH	99516	345-1702
Mickey Sartin	Mickey Sartin	13630 JAMES WAY	ANCH.	99515	345-2943
Fern Baker	FERN BAKER	PO. BOX 111345	ANCH.	99511	349-3523
James Stewart	James Stewart	3858 CARWELLE DR.	ANCH	99502	243-5817
Daniel E. Stone	Daniel E. Stone	Box 111414	ANCH	99511	345-5783
Mark Glover	Mark Glover	12801 Gail St	ANCH	99515	345-7262

Return to: NORTHERN SALES COMPANY OF ALASKA, P.O. BOX 8112, KETCHIKAN, AK, 99901

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Signature	PRINT Name	Address	City	Zip Code	Phone #
	Randy Doty	#12 7505 Glenn Hwy	Anchorage	99504	333-1072
	DANA M. GRANT	7115 AK ST	Anch.	99515	522-8532
	Ray Bohl	8819 W 81st	Anchorage	99582	349-2888
	SCOTT CAGLEY	1631 HELEN DR.	ANCHORAGE	99575	345-9001
	CHEYL WOLD	3021 PORCUPINE TRAIL	ANCHORAGE AK	99516	3456038
	Amanda L. Creech	2111 Innes Cir.	Anchorage AK	99501	345-4780
	SHARON A. DALSKY	3200 E. 151st AVE	ANCH	99516	345-2039
	Dr. D. Wilson	5015 Willow Ln	Wasilla	99654	892-2008
	Bob Wold	12869A Wasilla, AK	Wasilla, AK	99654	376-7231
	SHAWN LARSON	6624 Cranberry #B	Anch. AK.	99502	243-3585
	John W. FAY	ANCHORAGE	AK	99516	NO PHONE
	Terrence P. Parker	4541 Timberline Cr.	Anch	99516	345-7071

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Linda Bell</i>	Linda Bell	Box 353	Sterling	99672	262-3547
<i>Louise Murray</i>	Louise Murray	Box 633	STERLING	99672	262-6676
<i>Donald Gibbs</i>	DONALD GIBBS	304 Sterling Cr	Kenn	99611	283-5486
<i>Mary K Mallett</i>	MARY K MALLET	P.O. Box 797	Sterling, AK	99672	262-2869
<i>Jackie Chunley</i>	Jackie Chunley	Box 171	Seld. AK	99669	262-6012
<i>Twyla Sherrill</i>	Twyla Sherrill	P.O. Box 84	Sterling, AK	99672	262-6580
<i>Brian Mahan</i>	Brian Mahan	PO Box 816	Kahof	99610	260-4112
<i>Karen Young</i>	Karen Young	PO Box 1101	Sterling	99672	
<i>Leslie Murphy</i>	Leslie Murphy	Box 1192	Sterling	99672	252-4307
<i>Lura Fulton</i>	Lura Fulton	Box 1153	Sterling	99672	262-1710
<i>Steven Spicer</i>	Steven Spicer	Box 1091	Sterling	99672	262-3839
<i>Tom Beazley</i>	Tom Beazley	Box 818	Sterling	99672	260-3644

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should deter  
**1.00 per pack**  
tobacco products.  
instead focus  
on peer pressure

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GTX

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Signature	PRINT Name	Address	City	Zip Code
	ANTHONY J. CORCORAN	307 3716	SEWARD AK	99664
	DENNIS GAULT	Box 922	Seward	99664
	JESSE J. GLOVER	7456	PALMER	99645
	KEN SCHOENING	Box 44	SEWARD AK	99664
	R. AGENT	Box 2101	SEWARD AK	99664
	M. FLANNAGAN	Box 3873	11	11
	Paul Sexton	Box 1188	11	6
	STEVE BECKEN	Box 1012	11	6
	Antonio Hernandez Jr.	Box 44	Seward	AK
	Antonio Hernandez Jr.	P.O. Box 232	Seward	" "
*	Rebecca Kiser	P.O. Box 2551	Seward, AK	99664
	ROSE BORJA	P.O. Box 873	Seward AK.	99664

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Signature	PRINT Name	Address	City	Zip Code
<i>Kelly Brass</i>	Kelly Brass	P.O. Box 245	Seward AK	99664
<i>Robert Orlando</i>	Robert Orlando	P.O. Box 733	Seward AK.	99664
<i>James Pucher</i>	JAMES PUCHER	P.O. Box 573	MOOSE PASS AK	99631
<i>Richard C. Foley</i>	Richard C. Foley	P.O. Box 1353	Seward AK	99664
<i>Richard Foley</i>	Rich Foley	Gen Delivery	Seward AK	99664
<i>Linda Thomas</i>	Linda Thomas	Gen Delivery	Seward AK	99664
<i>James W. Graves</i>	<del>Jim</del> Tim Graves	PO BOX 251	Seward AK	99664
<i>Liam Ingram</i>	Liam Ingram	Po Box 2775	Seward AK	99664
<i>Dianna M. Lawrence</i>	DIANNA M LAWRENCE	PO Box 2115	Seward AK	99664
<i>Tawnie Bennett</i>	Tawnie Bennett	Box 2029	Seward AK	99664
<i>Mechan McLeod</i>	Mechan McLeod	Box 1896	Seward AK	99664
<i>Michael Basinger</i>	MICHAEL BASINGER		SEWARD AK	99664

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Doug McKee</i>	Doug McKee	Box 82	Moose Pass	99631	288-3181
<i>Leona McKee</i>	Leona McKee	PO Box 26	Moose Pass	99631	288-3151
<i>Janette Spifford</i>	Janette Spifford	HC01 Box 262	Kenai	99644	1762172
<i>Virginia Estes</i>	VIRGINIA ESTES	Box 542	Moose Pass	99631	288-5034
<i>Judy Merritt</i>	Judy Merritt	PO Box 588	Moose Pass		
<i>Pam Perkins</i>	Pam Perkins	Box 91	Moose Pass	99631	288-3151
<i>Mary Nelson</i>	Mary Nelson	Box 555	Moose Pass	99631	288-5017
<i>Melanie Rønborg</i>	Melanie Rønborg	Box 561	Moose Pass	99631	288-3172
<i>Frank Estes</i>	FRANK ESTES	Box 542	MOOSE PASS	99631	288-5034
<i>Sandra Harris</i>	Sandra Harris	Box 592	Moose Pass	99631	288-3171
<i>Linda Loz</i>	Linda Loz	Box 51	Moose Pass	99631	288-3686

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Barbara K. Webb</i>	Barbara K. Webb	13811 Karen St.	Anchorage	99545	345-8224
<i>DAVID EDMISTON</i>	DAVID EDMISTON	347 Dailay Ave, D-1	Anchorage, AK	99575	349-8358
<i>Stefan Andreevoff</i>	Stefan Andreevoff	Cape St	Anchorage	99503	—
<i>Holly Bouscher</i>	Holly Bouscher	5801 Rabbit Creek	Anchorage, AK	99516	345-0230

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Kevin Lally</i>	Kevin Lally	PO Box 1252 <del>Star</del>	Sterling AK	99672	262-5308
<i>Paul DeBrock</i>	Paul DeBrock	po Box 1002	ST AK	99673	262-6592
<i>[Signature]</i>	Donna Kruka	Box 844	Sterling	99672	262 7757
<i>Greg Mallis</i>	Greg Mallis	High Ave	Sterling	99672	262-3762
<i>Jay Dan</i>	Jay Dan	PO Box 982	Sterling	99672	262-6076
<i>[Signature]</i>	Patricia Ann Jensen	Marine Ave #40	Soldotna AK	99669	
<i>[Signature]</i>	Cynthia Sausedo	P.O. Box 1055	Sterling, AK	99672	none
<i>Tim Manick</i>	TIM MANICK	P.O. Box 1132	Sterling AK	99672	262-6753
<i>Jeanne Ross</i>	Jeanne Ross	P.O. Box 1132	STERLING AK	99672	262-6753
<i>[Signature]</i>	Laura MacCann	PO Box 1281	Soldotna AK	99669	2-6122

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Dennis Backstrom</i>	Dennis Backstrom	P.O. Box 496	sterling	99672	260-4807
<i>Mike P. Burdick</i>	MIKE P Burdick	Box 465	Soldotna	99669	262-9107
<i>Roger Ager</i>	ROGER AGER	P.O. BOX 1305	STERLING	99672	260-3707
<i>Arthur Congdon</i>	ARTHUR CONGDON	P.O. BOX 175	STERLING	99672	
<i>Richard M. Lane</i>	Richard M. Lane	Gen Del. Substn	Soldotna	99669	262-8839
<i>David L. White</i>	David L. White	Box 3486 HCL	Sterling AK.	99672	262-4797
<i>Gary Fuller</i>	GARY FULLER	P.O. BOX 743	STERLING AK.	99672	262-7551
<i>Rebecca Redden</i>	Redden Rebecca	HCL 1305	Kenai	99601	770-6294
<i>Cindy Tappe</i>	CINDY TAPPE	P.O. BOX 1136	Sterling	99672	262-3655
<i>Lynn A. Lund</i>	Lynn A Lund	P.O. BOX 1214	Sterling	99672	2-2949
<i>Samuel P. Brown</i>	Samuel P Brown	PO Box 1161	Soldotna	99669	262-7984
<i>Robert M. Twelley</i>	ROBERT M. TWELLEY	PO BOX 1180	STERLING	99672	

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Ed Minnamon</i>	ED Minnamon	415 PHYLIPS WY.	Ketchikan Ak.	99611	203-4755
<i>Jerry Terp</i>	JERRY TERP	948 STERLING			
<i>Colleen Boulden</i>	Colleen Boulden	PO Box 67	Sterling AK	99672	262-7569
<i>Debbie Smith</i>	Debbie Smith	HC-01 Box 3003	Sterling AK	99672	262-3970
<i>Steve G. Hils</i>	STEVE G. HILS	Box 853	STERLING AK	99672	262-7525
<i>Dale C. Sumbel</i>	Dale C. Sumbel	Box 313	Soldotna AK	99669	262-5947
<i>Tiffany Faust</i>	TIFFANY FAUST	Box 413	Sterling AK	99672	2-9839
<i>Pat Rowland</i>	PAT ROWLAND	HOV BOX 3857	STERLING AK	99672	262-3859
<i>Dan Phelps</i>	DAN PHELPS	POY 1254	Sterling AK	99672	0-9284
<i>Ralph Calkins</i>	RALPH CALKINS	Box 768	STERLING AK	99672	0-5225
<i>Laurie Cramer</i>	LAURIE CRAMER	PO Box 768	STERLING AK	99672	0-5225
<i>Denny J.D. Walker</i>	Denny J.D. Walker	Box 1146	STERLING AK	99672	06095

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Melissa Bilby</i>	MELISSA BILBY	P.O. Box 767	Sterling	99672	262-6679
<i>Jane Walther</i>	Jane Walther	P.O. Box 940	Sterling	99672	262-2548
<i>Edward Sanders</i>	Edward Sanders	PO Box 949	Sterling	99672	260-3069
<i>Joe Chumbley</i>	Joe Chumbley	PO Box 171	Soldotna	99669	262-3250
<i>Lucinda Peterson</i>	Lucinda Peterson	PO Box 2525	Soldotna	99669	260-3255
<i>Sandra Minkel</i>	Sandra Minkel	P.O. Box 1058	Sterling	99672	262-1985
<i>Cindy Smith</i>	Cindy Smith	P.O. Box 668	Soldotna	99669	262-0668
<i>Tracy D. Eberhardt</i>	Tracy D. Eberhardt	RCO1 Box 3830	Sterling	99672	262-6360
<i>Moll Leach</i>	Moll Leach	3777 5th	Soldotna	99669	2984
<i>Darlene Fisher</i>	Darlene Fisher	PO Box 1012	Sterling	99672	262-2768
<i>Shannon Percy</i>	Shannon Percy	P.O. Box 1150	Sterling	99672	260-4855
<i>G. Kendall</i>	G. Kendall	P.O. Box 2933	Soldotna	99669	262-6130

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Leo Naimow</i>	Leo Naimow	P.O. Box 909	STERLING	99672	260-4843
<i>Spencer Bass</i>	Spencer Bass	P.O. box 901	Sterling	99672	262-0488
<i>Ale C. Lundell</i>	Ale C. Lundell	P.O. Box 512	SOLDOTNA	99669	262-5917
<i>Connie Berg</i>	Connie Berg	P.O. Box 1712	4th Cir AK	99701	283-3042
<i>Perry Hawkins</i>	Perry Hawkins	P.O. Box 1712	SOLDOTNA AK	99669	283-2254
<i>Bill Sheldon</i>	Bill Sheldon	P.O. 503	Sterling AK	99672	260-4032
<i>Debbie Ray</i>	Debbie Ray	P.O. Box 1112	Sterling	99672	260-4032
<i>Mike Holstved</i>	Mike Holstved	P.O. Box 1315	Sterling	99672	260-4108
<i>Brandon Jones</i>		9127 Cranberry Way	Wich AK	99502	243-1177
<i>Curtis Harris</i>	CURTIS HARRIS	6242 COLLINS WAY	ANCHORAGE	99502	275-8513
<i>David Coland</i>	David Coland	9121 Cranberry St	Anchorage	99502	243-5026

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Signature	PRINT Name	Address	City	Zip Code	Phone #
<i>Theresa Richter</i>	Theresa Richter	P.O. Box 1372	Soldotna	99649	283-4112
	TERRY VAUGHT		Sterling		262-2847
<i>Nancy Hamilton</i>	Nancy Hamilton	810 Peninsula Dr #2	Kenai	99611	283-7099
<i>J.C. Powell Jr.</i>	J.C. POWELL JR.	P.O. Box 124	STERLING	99672	2621815
<i>Mildred Hirt</i>	MILDRED-HIRT	P.O. Box 542	SOLDOTNA, AK	99669	260-3342
<i>Roy W. Johnson Jr.</i>	Roy W. Johnson Jr.	P.O. Box 1146	Sterling, AK	99672	262-1262
<i>Herbert Middleton</i>	Herbert Middleton	P.O. Box 22	Sterling, AK	99672	262-6709
<i>Joan Clonts</i>	Joan Clonts	P.O. Box 201	Sterling AK	99672	262-2645
<i>Doug Schneider</i>	Doug Schneider	10819 Sterling Hwy #389	KENAI AK	99611	242-4122
<i>Bobbi Anderson</i>	Bobbi Anderson	P.O. Box 40516	Soldotna, AK	99669	283-7097
<i>Ray DeJure</i>	Ray DeJure	Ray P.O. Box 1112	Sterling	99672	262-4032
<i>Paul Carlsgaard</i>	PAUL CARLSGAARD	P.O. Box 954	Sterling	99672	262-3591

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Signature	PRINT Name	Address	City	Zip Code	Phone #
	Brian Hall	Box 110-691	ANCHORAGE	99511	349-5421
	Amy Rostinga	12221 AVION ST	ANCHORAGE	99516	345-7448
	Lynn McBryer	12221 AVION ST	ANCH	99516	345-7448
	Barbara Lynd	12240 Ellen Ave #3	Anch	99515	522-6484
	Cliff Head Rodel	15350 Old Seward	ANCHORAGE	99516	CELL 242-8407
	Craig C. Fret	12811 Chapel Cir	Anch	99516	345-1979
	Kenneth Lang	1731 GEORGE BROWN CIRCUS	ANC.	99515	345-6476
	JONATHAN C. LANG	5806 PERRY DRIVE	A/A	99504	333-0854
	JAMES STEWAR	3858 Garcelle Dr.	Anch / AK	99502	243-5897
	Brett O'Brien	13381 Spendlow dr	ANC / AK	99516	345-2152
	Pamela Freeman	1301 E. Klatt Rd.	Anch / AK	99515	349-8763

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GTX

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 ...ruly effective, meaningful ways to keep tobacco from youngsters -- counter peer pressure  
 ...parental involvement and responsibility for children regarding smoking.

INT Name	Address	City	Zip Code
F. K. Schburn	POF 2351	Seward AK	99664
St. M. Pierri	Box 3284	Seward AK	99664
Reguette	Box 1226	Seward	—
Costigan	1245	Seward	99664
A. Krasnensky	POB 295	Seward	99664
Stodolund	P.O. Box 104	Seward AK	99664
E. Jensen	20 Box 973 Soldotna AK 99662	Soldotna AK	99669
J. Maurice	Box 3143 Seward AK	Seward AK	99664
es Wines	Box 417	" "	" "
Johnson	Box 1253	SEWARD, ALASKA	99664
Johnson	Box 1253	SEWARD, ALASKA	99664
DEVINNEY	Box 263	SEWARD ALASKA	99664

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**HB**

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**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:

LABOR & COMMERCE, CHAIRMAN  
MILITARY & VETERANS AFFAIRS, CHAIRMAN  
COMMUNITY & REGIONAL AFFAIRS  
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FAX 694-8949

SESSION:  
STATE CAPITOL  
JUNEAU, AK 99801-1182  
PHONE (907) 465-3777  
FAX (907) 465-2819

## 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	✓	
THERRIAULT	✓	

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  
s, 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 police officer since peace officers are not members of a police department and do not possess 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, 1985, 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*, 90 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
80. Computation of time

**Collateral references.** — 73 Alaska 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. Act of the legislature, by concurrence with the legislature, another effective date.

(b) The actual effective date of a statute is by starting with the day after the statute is vetoed or the day after the veto is overridden or the day after the statute is enacted 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 shall be paid as a straight life annuity plan authorized by the Department of Administration. The size of the annuity shall not vary on account of the individual's account.

"(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, that person may make an irrevocable election to receive death benefits with respect to that annuity account if that 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 eligible recipients of permanent fund dividends. This action is constitutional under the state constitution's protection clauses. Limiting the dividends to those who are lawful permanent residents is rationally related to legitimate objectives of the 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 patient, but implies some specification by medical personnel; thus:

**Sec. 43.23.100. Definition.**

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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 data leges ne fortior omnia posset* /indiy dēytiy liyjiy ziy fōrsh(iy)ər ōmn(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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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 permanent 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 tenancy, 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 terminated 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 describe a product, like fruit or fresh vegetables, which quickly deteriorates in quality and value. In re *Rosenbaum 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 sɜrvətɛɪtəs 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 statement 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. *Henry v. Deen*, 310 N.C. 75, 310 S.E.2d 326, 335.

A person is guilty of perjury if in any official proceeding he makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a statement 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 always 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. Commission*, 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 disability 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:

LABOR & COMMERCE, CHAIRMAN  
MILITARY & VETERANS AFFAIRS, CHAIRMAN  
COMMUNITY & REGIONAL AFFAIRS  
RESOURCES  
INTERNATIONAL TRADE / TOURISM  
LEGISLATIVE COUNCIL



## Sectional Analysis HB 2

INTERIM:  
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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



**HB**

**2**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/26/97

REPORTED OUT OF  
FURTHER: SSC 2/9/98

DATE TURNED  
IN TO OFFICE: 2/10/98

Finance Committee considered CS FOR HOUSE BILL NO. 2(FIN)

## PERMANENT FUND DIVIDEND ELIGIBILITY

and recommends:

be replaced with S CS CS HB 2 ( FIN )

adopt previous      CS      (      )

attached amendment(s)

adopt Letter of Intent by      Committee

further referral to the      Committee

**Senate Bill:**

same title

new title

**House Bill:**

same title

technical change

new: SCR#     

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Kell. E. Kelly</i>	✓	<i>Paul Powell</i>	✓		
<i>W. H. ...</i>	✓	<i>Earl Adams</i>	✓		
		<i>James ...</i>	✓		
		<del>...</del>			
Co-Chair: <i>...</i>		Co-Chair: <i>...</i>			✓
Co-Chair: <i>...</i>	✓	Co-Chair: <i>...</i>			

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal

DOR, Perm. Fund	2/10/98	Ø	

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

0-LS0040\R  
Cook  
2/2/98

*moved by Sen. Phillips.  
Sen. Adams objection  
withdrawn - adopted*

**SENATE CS FOR CS FOR HOUSE BILL NO. 2(FIN)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTIETH LEGISLATURE - SECOND SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES KOTT AND MULDER, Kubina, Martin, Davies, Williams, Hudson, Rokeberg, Ryan, James, Elton, Croft**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act requiring, for purposes of permanent fund dividend eligibility, an  
2 individual to have been physically present in the state for at least 72 consecutive  
3 hours during the prior two years before the current dividend year; relating, for  
4 purposes of permanent fund dividend eligibility, to allowable absences for  
5 secondary and postsecondary education on a full-time basis, vocational, professional,  
6 or other education on a full-time basis when a comparable program is not  
7 reasonably available in the state, serving on active duty as a member of the  
8 armed forces of the United States, receiving continuous medical treatment or  
9 convalescing if the treatment or convalescence is not based on a need for climatic  
10 change, providing care for certain relatives with critical life-threatening illnesses,  
11 providing care for certain terminally ill relatives, settling the estates of certain  
12 relatives, serving as a member of the United States Congress, serving on the staff

1 of a member from this state of the United States Congress, serving as an  
2 employee of the state, serving as a full-time volunteer in the Peace Corps,  
3 accompanying certain ill minors, accompanying another eligible resident who is  
4 absent for an allowable reason as the spouse, minor dependent, or disabled  
5 dependent of the eligible resident, or for any reason consistent with an  
6 individual's intent to remain a state resident; requiring, for purposes of permanent  
7 fund dividend eligibility, an eligible individual who is absent for more than 180  
8 days during a qualifying year to have been a resident for at least six consecutive  
9 months immediately before leaving the state; making ineligible, for purposes of  
10 permanent fund dividend eligibility, certain individuals who are absent for more  
11 than 180 days during each of 10 qualifying years; requiring, for purposes of  
12 permanent fund dividend eligibility, a state resident to have the intent to remain  
13 indefinitely; relating to the qualifying year and defining that term for purposes  
14 of the permanent fund dividend program; relating to the eligibility for 1998  
15 permanent fund dividends of certain spouses and dependents of eligible individuals;  
16 and providing for an effective date."

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

18 \* Section 1. AS 23.40.210(e) is amended to read:

19 (e) In this section, "state resident" means an individual who is physically  
20 present in the state with the intent to remain permanently in the state under the  
21 requirements of AS 01.10.055 or, if the individual is not physically present in the state,  
22 intends to return to the state and remain permanently in the state under the  
23 requirements of AS 01.10.055 [,] and is absent only temporarily for reasons allowed  
24 under AS 43.23.008 [AS 43.23.095(8)] or a successor statute.

25 \* Sec. 2. AS 43.23.005(a) is amended to read:

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

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

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

6 (3) [THE INDIVIDUAL] was a state resident during [FOR AT  
7 LEAST] the entire qualifying [CALENDAR YEAR IMMEDIATELY PRECEDING  
8 JANUARY 1 OF THE CURRENT DIVIDEND] year;

9 (4) [THE INDIVIDUAL] has been physically present in the state for  
10 at least 72 consecutive hours at some time during the prior two [CALENDAR] years  
11 before the current dividend year; [AND]

12 (5) [THE INDIVIDUAL] is

13 (A) a citizen of the United States;

14 (B) an alien lawfully admitted for permanent residence in the  
15 United States;

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

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

18 and

19 (6) was, at all times during the qualifying year, physically present  
20 in the state or, if absent, was absent only as allowed in AS 43.23.008.

21 \* Sec. 3. AS 43.23.005(d) is amended to read:

22 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual is  
23 not eligible for a permanent fund dividend for a dividend year when

24 (1) during the qualifying [CALENDAR YEAR IMMEDIATELY  
25 PRECEDING THAT DIVIDEND] year the individual was sentenced as a result of  
26 conviction in this state of a felony;

27 (2) during all or part of the qualifying [CALENDAR YEAR  
28 IMMEDIATELY PRECEDING THAT DIVIDEND] year, the individual was  
29 incarcerated as a result of the conviction in this state of a

30 (A) felony; or

31 (B) misdemeanor if the individual has been convicted of two or

1 more prior crimes as defined in AS 11.81.900.

2 \* Sec. 4. AS 43.23 is amended by adding a new section to read:

3 **Sec. 43.23.008. Allowable absences.** (a) Subject to (b) and (c) of this  
4 section, an otherwise eligible individual who is absent from the state during the  
5 qualifying year remains eligible for a current year permanent fund dividend if the  
6 individual was absent

7 (1) receiving secondary or postsecondary education on a full-time basis;

8 (2) receiving vocational, professional, or other specific education on a  
9 full-time basis for which, as determined by the Alaska Commission on Postsecondary  
10 Education, a comparable program is not reasonably available in the state;

11 (3) serving on active duty as a member of the armed forces of the  
12 United States;

13 (4) receiving continuous medical treatment recommended by a licensed  
14 physician or convalescing as recommended by the physician that treated the illness if  
15 the treatment or convalescence is not based on a need for climatic change;

16 (5) providing care for a parent, spouse, sibling, child, or stepchild with  
17 a critical life-threatening illness whose treatment plan, as recommended by the  
18 attending physician, requires travel outside the state for treatment at a medical  
19 specialty complex;

20 (6) providing care for the individual's terminally ill parent, spouse,  
21 sibling, child, or stepchild;

22 (7) settling the estate of the individual's deceased parent, spouse,  
23 sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;

24 (8) serving as a member of the United States Congress;

25 (9) serving on the staff of a member from this state of the United States  
26 Congress;

27 (10) serving as an employee of the state in a field office or other  
28 location;

29 (11) serving as a full-time volunteer in the Peace Corps;

30 (12) accompanying a minor who is absent under (4) of this subsection;

31 (13) accompanying another eligible resident who is absent for a reason

1 permitted under this subsection as the spouse, minor dependent, or disabled dependent  
2 of the eligible resident;

3 (14) for any reason consistent with the individual's intent to remain a  
4 state resident, provided the absence or cumulative absences do not exceed

5 (A) 180 days if the individual is not claiming an absence under  
6 (1) - (13) of this subsection;

7 (B) 120 days in addition to any absence or cumulative absences  
8 claimed under (1) or (2) of this subsection if the individual is not claiming an  
9 absence under (3) - (13) of this subsection; or

10 (C) 45 days in addition to any absence or cumulative absences  
11 claimed under (1) - (13) of this subsection.

12 (b) An individual who is otherwise eligible, and who is absent for more than  
13 180 days during the qualifying year remains eligible for a current year dividend only  
14 if the individual was a resident of the state for at least six consecutive months  
15 immediately before leaving the state.

16 (c) An otherwise eligible individual who has been eligible for the immediately  
17 preceding 10 dividends despite being absent from the state for more than 180 days in  
18 each of the related 10 qualifying years is only eligible for the current year dividend  
19 if the individual was absent 180 days or less during the qualifying year. This  
20 subsection does not apply to an absence under (a)(8) or (9) of this section or to an  
21 absence under (a)(13) of this section if the absence is to accompany an individual who  
22 is absent under (a)(8) or (9) of this section.

23 \* Sec. 5. AS 43.23.028(a) is amended to read:

24 (a) By October 1 of each year, the commissioner shall give public notice of  
25 the value of each permanent fund dividend for that year and notice of the information  
26 required to be disclosed under (3) of this subsection. In addition, the stub attached to  
27 each individual dividend check and direct deposit advice must:

28 (1) disclose the amount of each dividend attributable to income earned  
29 by the permanent fund from deposits to that fund required under art. IX, sec. 15,  
30 Constitution of the State of Alaska;

31 (2) disclose the amount of each dividend attributable to income earned

1 by the permanent fund from appropriations to that fund and from amounts added to  
2 that fund to offset the effects of inflation;

3 (3) disclose the amount by which each dividend has been reduced due  
4 to each appropriation from the dividend fund, including amounts to pay the costs of  
5 administering the dividend program and the hold harmless provisions of AS 43.23.075;

6 (4) include a statement that an individual is not eligible for a dividend  
7 when

8 (A) during the qualifying [CALENDAR YEAR  
9 IMMEDIATELY PRECEDING THAT DIVIDEND] year the individual was  
10 convicted of a felony;

11 (B) during all or part of the qualifying [CALENDAR YEAR  
12 IMMEDIATELY PRECEDING THAT DIVIDEND] year, the individual was  
13 incarcerated as a result of the conviction of a

14 (i) felony; or

15 (ii) misdemeanor if the individual has been convicted of  
16 two or more prior crimes;

17 (5) include a statement that the legislative purpose for making  
18 individuals listed under (4) of this subsection ineligible is to

19 (A) obtain reimbursement for some of the costs imposed on the  
20 state criminal justice system related to incarceration or probation of those  
21 individuals;

22 (B) provide funds for payments to crime victims and for grants  
23 for the operation of domestic violence and sexual assault programs;

24 (6) disclose the total amount that would have been paid during the  
25 previous fiscal year to individuals who were ineligible to receive dividends under  
26 AS 43.23.005(d) if they had been eligible;

27 (7) disclose the total amount appropriated for the current fiscal year  
28 under (b) of this section for each of the funds and agencies listed in (b) of this section.

29 \* Sec. 6. AS 43.23.095(8) is amended to read:

30 (8) "state resident" means an individual who is physically present in the  
31 state with the intent to remain indefinitely [PERMANENTLY] in the state under the

1 requirements of AS 01.10.055 or, if the individual is not physically present in the state,  
2 intends to return to the state and remain indefinitely [PERMANENTLY] in the state  
3 under the requirements of AS 01.10.055 [, AND IS ABSENT ONLY FOR ANY OF  
4 THE FOLLOWING REASONS:

5 (A) VOCATIONAL, PROFESSIONAL, OR OTHER SPECIFIC  
6 EDUCATION FOR WHICH A COMPARABLE PROGRAM WAS NOT  
7 REASONABLY AVAILABLE IN THE STATE;

8 (B) SECONDARY OR POSTSECONDARY EDUCATION;

9 (C) MILITARY SERVICE;

10 (D) MEDICAL TREATMENT;

11 (E) SERVICE IN CONGRESS;

12 (F) OTHER REASONS WHICH THE COMMISSIONER MAY  
13 ESTABLISH BY REGULATION;

14 (G) SERVICE IN THE PEACE CORPS;

15 (H) TO CARE FOR THE INDIVIDUAL'S TERMINALLY ILL  
16 PARENT, SPOUSE, SIBLING, CHILD, OR STEPCHILD;

17 (I) FOR UP TO 220 DAYS TO SETTLE THE ESTATE OF  
18 THE INDIVIDUAL'S DECEASED PARENT, SPOUSE, SIBLING, CHILD,  
19 OR STEPCHILD; OR

20 (J) TO CARE FOR A PARENT, SPOUSE, SIBLING, CHILD,  
21 OR STEPCHILD WITH A CRITICAL LIFE-THREATENING ILLNESS  
22 WHOSE TREATMENT PLAN, AS RECOMMENDED BY THE ATTENDING  
23 PHYSICIAN, REQUIRES TRAVEL OUTSIDE THE STATE FOR  
24 TREATMENT AT A MEDICAL SPECIALTY COMPLEX];

25 \* Sec. 7. AS 43.23.095 is amended by adding a new paragraph to read:

26 (10) "qualifying year" means the year immediately preceding January 1  
27 of the current dividend year.

28 \* Sec. 8. APPLICATION. AS 43.23.008(c), enacted by sec. 4 of this Act, applies only to  
29 periods of absence during January 1, 1998, and thereafter.

30 \* Sec. 9. PERMANENT FUND DIVIDENDS FOR CERTAIN SPOUSES AND  
31 DEPENDENTS. (a) Notwithstanding the provision in AS 43.23.015(a) that the residency of

1 an individual's spouse may not be the principal factor relied upon in determining the residency  
2 of the individual, an individual is eligible for a 1998 dividend if the individual was absent  
3 from the state while accompanying, as the spouse, minor dependent, or disabled dependent,  
4 another person who was eligible for that dividend and was absent for a reason permitted  
5 under AS 43.23.095(8), as that statute read at the time of the absence. An individual is  
6 eligible for a 1998 dividend under this subsection only if the individual would have been  
7 otherwise eligible for the 1998 dividend and

8 (1) applied for the 1998 dividend during the 1998 application period; or  
9 (2) if the individual did not apply during the 1998 application period, applies  
10 for the 1998 dividend during the 1999 application period.

11 (b) The Department of Revenue shall prescribe and furnish an application form for  
12 claiming a 1998 dividend under (a)(2) of this section.

13 \* **Sec. 10.** Section 9 of this Act is retroactive to January 1, 1998.

14 \* **Sec. 11.** Sections 9 and 10 of this Act take effect immediately under AS 01.10.070(c).

15 \* **Sec. 12.** Sections 1 - 8 of this Act take effect January 1, 1999.

*moved Sen. Pearce  
w/o objection, adopted.*

AMENDMENT

OFFERED IN THE SENATE

TO: SCS CSHB 2(FIN), Draft version "R"

SENATE FINANCE  
COMMITTEE

Amendment Number: 1

Bill Number: HB2

Sponsor: Pearce Date: 2/9/98

Logged In By: Goltani  
0

1 Page 5, lines 12 - 15:

2 Delete all material and insert:

3 "(b) An individual may not claim an allowable absence under (a)(1) - (13) of  
4 this section unless the individual was a resident of the state for at least six consecutive  
5 months immediately before leaving the state."

AMENDMENT

moved Sen. Pearce  
w/o objection, adopted

OFFERED IN THE SENATE

TO: SCS CSHB 2(FIN), Draft version "R"

SENATE FINANCE  
COMMITTEE

Amendment Number: 2  
Bill Number: HB 2  
Sponsor: Pearce Date: 2/9/98  
Logged In By: Goltani

- 1 Page 8, line 10:
- 2 Delete "during"
- 3 Insert "before the end of"

SENATE FINANCE  
COMMITTEE

Amendment Number: 3  
Bill Number: HB 2  
Sponsor: Torgerson Date: 2/9/98  
Logged In By: MBRowland

0-LS0040\R.1

Cook

2/6/98

moved by Sen. Torgerson  
accepted

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR TORGERSON

TO: SCS CSHB 2(FIN), Draft version "R"

- 1 Page 2, line 3, following "minors,":
- 2       Insert "serving as a volunteer with the Federal Emergency Management Agency,"
  
- 3 Page 4, following line 30:
- 4       Insert a new paragraph to read:
- 5                       "(13) serving as a volunteer with the Federal Emergency Management
- 6       Agency;"
  
- 7 Renumber the following paragraphs accordingly.
  
- 8 Page 5, line 6:
- 9       Delete "(1) - (13)"
- 10       Insert "(1) - (14)"
  
- 11 Page 5, line 9:
- 12       Delete "(3) - (13)"
- 13       Insert "(3) - (14)"
  
- 14 Page 5, line 11:
- 15       Delete "(1) - (13)"
- 16       Insert "(1) - (14)"
  
- 17 Page 5, line 21:
- 18       Delete "(a)(13)"
- 19       Insert "(a)(14)"

SUBJECT: HB 2 amend # 5 (Parnell)  
DATE: \_\_\_\_\_

SUBJECT: \_\_\_\_\_  
DATE: \_\_\_\_\_

	YEA	NAY
SENATOR PHILLIPS	✓	
SENATOR DONLEY		✓
SENATOR TORGERSON		✓
SENATOR PARNELL	✓	
SENATOR ADAMS	✓	
SENATOR SHARP	✓	
SENATOR PEARCE	✓	
TOTAL:	<u>5</u>	<u>2</u> passed

	YEA	NAY
SENATOR DONLEY		
SENATOR TORGERSON		
SENATOR PARNELL		
SENATOR ADAMS		
SENATOR PHILLIPS		
SENATOR SHARP		
SENATOR PEARCE		
TOTAL:	<u>        </u>	<u>        </u>

SUBJECT: HB 2 amend # 4 (Pearce)  
DATE: 9 Feb 1998

SUBJECT: HB 2 amend # 3 (Torgerson)  
DATE: 9 Feb 1998

	YEA	NAY
SENATOR TORGERSON	✓	
SENATOR PARNELL		✓
SENATOR ADAMS		✓
SENATOR PHILLIPS		✓
SENATOR DONLEY pass		✓
SENATOR SHARP		✓
SENATOR PEARCE	✓	
TOTAL:	<u>2</u>	<u>4</u> 5 failed

	YEA	NAY
SENATOR PARNELL	✓	
SENATOR ADAMS		✓
SENATOR PHILLIPS	✓	
SENATOR DONLEY	✓	
SENATOR TORGERSON	✓	
SENATOR SHARP		✓
SENATOR PEARCE	✓	
TOTAL:	<u>5</u>	<u>2</u> passed

SENATE FINANCE  
COMMITTEE  
Amendment Number: 1  
Bill Number: HB 2  
Sponsor: Torgerson Date: 5/7  
Logged In By: Joltane

5/7/97

**AMENDMENT**

Offered in the Senate

By Senator Torgerson

TO: CSHB 2(FIN)

- 1 Page 3, line 9:
- 2 insert:
- 3 **(7) service as a volunteer with the Federal Emergency**
- 4 **Management Agency:"**
- 5
- 6 Renumber the following subsections accordingly.

2/9/98

Revision Date: February 10, 1998 Dept. Affected: Revenue  
 Title: Permanent Fund Dividend Eligibility BRU: Revenue Operations  
 Component: Permanent Fund Dividend Division  
 Sponsor: Representative Kott  
 Requestor: Senate Rules COMPONENT SERIAL NO. 981

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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						
1001 CBRF						
1048 University of AK receipts						
Other 1050 PFD Fund						
<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 cos: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

No fiscal effects on the PFD program. See attached analysis.

Prepared by: Nanci A. Jones, Director  
 Division: Permanent Fund Dividend  
 Approved by Commissioner: Wilson L. Condon  
 Agency: Revenue

Phone: 907/465-2323  
 Date: February 10, 1998  
 Date: February 10, 1998

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

Alaska Department of Revenue  
Permanent Fund Dividend Division

Analysis of SCS CS HB 2(FIN)

This amended bill is the fourth iteration of legislation designed to pay spouses who are absent from Alaska accompanying their spouse who is on an allowable absence. In addition to adding an allowable absence for these spouses who have been previously denied, the bill extends the 1998 dividend application period from March 31, 1998 to March 31, 1999 in order to give every spouse in this category the opportunity to file for the 1998 dividend after the passage of this bill.

Other provisions of this amended bill include separating the list of allowable absences from the section that defines a state resident; eliminating redundant language; adding a 72 hour minimum stay to the two-year return rule; eliminating absences for athletic team participation, and the Commissioner's current statutory authority to adopt new absences by regulation; placing in statute the current regulatory requirement that residency exist for six months prior to departing on an allowable absence; limiting to ten the number of consecutive dividends a person can receive while being absent from the state for more than 180 days per year; substituting the term "indefinitely" for the word permanently in the definition of a state resident.

The department is in favor of this bill. There will be no fiscal effects on the Permanent Fund Dividend Program.

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>

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 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  
 Division: Permanent Fund Dividend  
 Approved by Commissioner: Wilson L. Condon  
 Agency: Revenue

Phone: 907/465-2323  
 Date: January 15, 1997  
 Date: January 15, 1997

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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.

# 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

February 3, 1998

**SUBJECT:** Permanent fund dividend program (SCS CSHB 2(FIN))

**TO:** Senator Bert Sharp, Co-Chair  
Senate Finance Committee  
Attn: Tom Williams

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

Under AS 43.23.008(c), added in bill section 3, an individual who receives a dividend for ten years and, during each of those ten years, has been absent from the state for more than 180 days is no longer eligible for a current year dividend until the individual has been absent for no more than 180 days during a qualifying year. This restriction applies to all allowable absences except absences while (1) serving as a member of Congress; (2) serving on the staff of a member of Congress from this state; or (3) accompanying as a spouse or dependent a person described in (1) or (2). You ask whether carving out this U. S. Congress exception violates the equal protection clause of the state constitution.

Under the state equal protection clause, a statute is evaluated on a sliding scale under which the goal of the legislation and the importance of the individual rights affected are considered. (State v. Anthony, 810 P.2d 155 (Alaska 1991)) As the importance of the individual rights affected increases, the burden increases on the state to show that the state's goal justifies the intrusion on the individual's interests in equal treatment and that the state's goal is rationally related to the means chosen to achieve the goal.

An individual's interest in receiving a permanent fund 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 (Alaska 1994)) Applying that low level of protection, I think the state should be able to justify the U. S. Congress exception in the face of an equal protection attack, because the state has a clear interest in encouraging its representatives in Congress to gain the seniority and advantage to the state that entails and to keep career staff necessary to make them effective.

TBC:glc  
98-047.glc

SENATE FINANCE COMMITTEE  
**DRAFT SCS CS HB 2 (FIN) (0-LS00401R) SECTIONAL ANALYSIS**

February 2, 1998

- Sec. 1:* Amends AS 23.40.210(e), the definition of state resident for determination of employee cost of living adjustments, to update the statutory reference to allowable absences.
- Sec. 2:* Amends AS 43.23.005(a) by
- a) eliminating redundant language;
  - b) substituting the term "qualifying year" for the technical description of that period;
  - c) adding a 72 consecutive hour minimum to the current two year return rule; and
  - d) adding to the list of eligibility criteria the requirement that an individual must have been physically present or only absent for a reason specifically allowed by law, referencing the new section of law that addresses allowable absences.
- Sec. 3:* Amends AS 43.23.005(d) by substituting the term "qualifying year" for the technical description of that period.
- Sec. 4:* Establishes a new allowable absences section AS 43.23.008
- a) minimally narrowing allowable absences by re-enacting all existing statutory and regulatory absences into statute (using the more explicit language currently in regulation) except the
    - i) Commissioner's current statutory authority to adopt new absences by regulation;
    - ii) athletic team participation absence currently allowed by regulation;
    - iii) State of Alaska employment in a field office absence currently allowed by regulation; and
    - iv) currently proposed regulatory absence for employment by the Public Health Service.
  - b) placing in statute the current regulatory requirement that an individual must have been a state resident for 6 months immediately before departing on an allowable absence of more than 180 days; and

SENATE FINANCE COMMITTEE  
**DRAFT SCS CS HB 2 (FIN) (0-LS0040\R) SECTIONAL ANALYSIS**

February 2, 1998

- c) Limiting to 10 the number of consecutive dividends an applicant could receive based on qualifying years during which the applicant was absent more than 180 days per year. To re-establish eligibility the applicant would have to return to the state and live for a year without being absent more than 180 days during that year. This limitation would not apply to the
  - i) Alaska Congressional delegation;
  - ii) Alaska delegation staff; and
  - iii) spouses and dependants of the Alaska Congressional delegation and the delegation's staff.

*Sec. 5:* Amends AS 43.23.028(. .) by substituting the term "qualifying year" for the technical description of it at period.

*Sec. 6:* Amends AS 23.23.095 by

- a) removing all existing allowable absences from the definition of state resident; and
- b) substituting the term "indefinitely" for the word permanently in the definition of state resident to conform with the statutory definition of state resident that appears in AS 01.10.055.

*Sec. 7:* Amends AS 23.23.095 by adding a new subsection (10) to define the term "qualifying year" consistent with existing law.

*Sec. 8:* Enacts temporary law that makes the 10 consecutive year limitation on absences greater than 180 days per year prospective starting January 1, 1998.

*Sec. 9:* Enacts temporary law that

- a) allows "piggybacking" spouses to qualify for the 1998 dividend; and
- b) provides a method for the department to accept applications from those spouses.

*Sec. 10:* Establishes a January 1, 1998 effective date for the "piggybacking" spouse provision of section 9.

SENATE FINANCE COMMITTEE  
**DRAFT SCS CS HB 2 (FIN) (0-LS0040\|R) SECTIONAL ANALYSIS**

February 2, 1998

- Sec. 11:* Establishes an immediate effective date for sections 9 and 10.
- Sec. 12:* Establishes a January 1, 1999 effective date for the rest of the bill, making those changes effective for the 1999 dividend.