

**HOUSE BILL NO. 4010**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FOURTH SPECIAL SESSION

BY REPRESENTATIVE MCCARTY

Introduced: 10/12/21

Referred: House Special Committee on Ways and Means, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to use of income of the Alaska permanent fund; relating to the amount  
2 of the permanent fund dividend; relating to the duties of the commissioner of revenue;  
3 and providing for an effective date."

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

5 \* **Section 1.** AS 37.13.140 is amended to read:

6 **Sec. 37.13.140. Income.** (a) Net income of the fund includes income of the  
7 earnings reserve account established under AS 37.13.145. Net income of the fund shall  
8 be computed annually as of the last day of the fiscal year in accordance with generally  
9 accepted accounting principles, excluding any unrealized gains or losses. [INCOME  
10 AVAILABLE FOR DISTRIBUTION EQUALS 21 PERCENT OF THE NET  
11 INCOME OF THE FUND FOR THE LAST FIVE FISCAL YEARS, INCLUDING  
12 THE FISCAL YEAR JUST ENDED, BUT MAY NOT EXCEED NET INCOME OF  
13 THE FUND FOR THE FISCAL YEAR JUST ENDED PLUS THE BALANCE IN  
14 THE EARNINGS RESERVE ACCOUNT DESCRIBED IN AS 37.13.145.]

(b) The corporation shall determine the amount available for appropriation each year. The amount available for appropriation is five percent of the average market value of the fund for the first five of the preceding six fiscal years, including the fiscal year just ended, computed annually for each fiscal year in accordance with generally accepted accounting principles. **The amount available for appropriation may not exceed the balance in the earnings reserve account described in AS 37.13.145.** In this subsection, "average market value of the fund" includes the balance of the earnings reserve account established under AS 37.13.145, but does not include that portion of the principal attributed to the settlement of State v. Amerada Hess, et al., 1JU-77-847 Civ. (Superior Court, First Judicial District).

\* **Sec. 2.** AS 37.13.145(b) is amended to read:

(b) **Each** [AT THE END OF EACH] fiscal year, the **legislature shall appropriate** [CORPORATION SHALL TRANSFER] from the earnings reserve account to the

**(1) dividend fund established under AS 43.23.045, 35 [50] percent of the amount [INCOME] available for appropriation [DISTRIBUTION] under AS 37.13.140(b); and**

**(2) general fund, 65 percent of the amount available for appropriation under AS 37.13.140(b); the legislature shall appropriate at least 20 percent of the amount appropriated under this paragraph for capital projects [AS 37.13.140].**

\* **Sec. 3.** AS 37.13.145(c) is amended to read:

(c) After the **appropriations** [TRANSFER] under (b) [AND AN APPROPRIATION UNDER (e)] of this section, the **legislature shall appropriate** [CORPORATION SHALL TRANSFER] from the earnings reserve account to the principal of the fund an amount sufficient to offset the effect of inflation on the principal of the fund during that fiscal year. However, none of the amount transferred shall be applied to increase the value of that portion of the principal attributed to the settlement of State v. Amerada Hess, et al., 1JU-77-847 Civ. (Superior Court, First Judicial District) on July 1, 2004. The corporation shall calculate the amount to transfer to the principal under this subsection by

1 (1) computing the average of the monthly United States Consumer  
2 Price Index for all urban consumers for each of the two previous calendar years;

3 (2) computing the percentage change between the first and second  
4 calendar year average; and

5 (3) applying that rate to the value of the principal of the fund on the  
6 last day of the fiscal year just ended, including that portion of the principal attributed  
7 to the settlement of State v. Amerada Hess, et al., 1JU-77-847 Civ. (Superior Court,  
8 First Judicial District).

9 \* **Sec. 4.** AS 37.13.145(d) is amended to read:

10 (d) Notwithstanding (b) of this section, income earned on money awarded in  
11 or received as a result of State v. Amerada Hess, et al., 1JU-77-847 Civ. (Superior  
12 Court, First Judicial District), including settlement, summary judgment, or adjustment  
13 to a royalty-in-kind contract that is tied to the outcome of this case, or interest earned  
14 on the money, or on the earnings of the money shall be treated in the same manner as  
15 other income of the Alaska permanent fund, except that it may [IS] not **be included in**  
16 **the calculation of the amount** available for **appropriation under AS 37.13.140(b)**  
17 **or** [DISTRIBUTION TO THE DIVIDEND FUND, FOR TRANSFERS] to the  
18 principal under (c) of this section [, OR FOR AN APPROPRIATION UNDER (e) OF  
19 THIS SECTION,] and shall be annually deposited into the Alaska capital income fund  
20 (AS 37.05.565).

21 \* **Sec. 5.** AS 37.13.300(c) is amended to read:

22 (c) Net income from the mental health trust fund may not be included in the  
23 computation of net income **of the fund, the** [OR] market value **of the fund, or the**  
24 **amount** available for [DISTRIBUTION OR] appropriation under **AS 37.13.140(b)**  
25 [AS 37.13.140].

26 \* **Sec. 6.** AS 37.14.031(c) is amended to read:

27 (c) The net income of the fund shall be determined by the Alaska Permanent  
28 Fund Corporation **and shall be computed annually as of the last day of the fiscal**  
29 **year in accordance with generally accepted accounting principles, excluding any**  
30 **unrealized gains or losses** [IN THE SAME MANNER THE CORPORATION  
31 DETERMINES THE NET INCOME OF THE ALASKA PERMANENT FUND

1 UNDER AS 37.13.140].

2 \* **Sec. 7.** AS 43.23.025(a) is amended to read:

3 (a) By October 1 of each year, the commissioner shall determine the value of  
4 each permanent fund dividend for that year by

5 (1) determining the total amount available for dividend payments,  
6 which equals

7 (A) the amount appropriated [OF INCOME OF THE  
8 ALASKA PERMANENT FUND TRANSFERRED] to the dividend fund  
9 under AS 37.13.145(b) during the current year;

10 (B) plus the unexpended and unobligated balances of prior  
11 fiscal year appropriations that lapse into the dividend fund under  
12 AS 43.23.045(d);

13 (C) less the amount necessary to pay prior year dividends from  
14 the dividend fund in the current year under AS 43.23.005(h), 43.23.021, and  
15 43.23.055(3) and (7);

16 (D) less the amount necessary to pay dividends from the  
17 dividend fund due to eligible applicants who, as determined by the department,  
18 filed for a previous year's dividend by the filing deadline but who were not  
19 included in a previous year's dividend computation;

20 (E) less appropriations from the dividend fund during the  
21 current year, including amounts to pay costs of administering the dividend  
22 program and the hold harmless provisions of AS 43.23.240;

23 (2) determining the number of individuals eligible to receive a  
24 dividend payment for the current year and the number of estates and successors  
25 eligible to receive a dividend payment for the current year under AS 43.23.005(h); and

26 (3) dividing the amount determined under (1) of this subsection by the  
27 amount determined under (2) of this subsection.

28 \* **Sec. 8.** AS 37.13.145(e) and 37.13.145(f) are repealed.

29 \* **Sec. 9.** This Act takes effect July 1, 2022.