

SENATE BILL NO. 85

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/24/23

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to record checks for certain employees of the Department of Revenue;**
2 **relating to permanent fund dividends; and providing for an effective date."**

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

4 * **Section 1.** AS 12.62.400(a) is amended to read:

5 (a) To obtain a national criminal history record check for determining a
6 person's qualifications for a license, permit, registration, employment, or position, a
7 person shall submit the person's fingerprints to the department with the fee established
8 by AS 12.62.160. The department may submit the fingerprints to the Federal Bureau
9 of Investigation to obtain a national criminal history record check of the person for the
10 purpose of evaluating a person's qualifications for

11 (1) a license or conditional contractor's permit to manufacture, sell,
12 offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverage
13 under AS 04.11;

14 (2) licensure as a mortgage lender, a mortgage broker, or a mortgage

1 loan originator under AS 06.60;

2 (3) admission to the Alaska Bar Association under AS 08.08;

3 (4) licensure as a collection agency operator under AS 08.24;

4 (5) a certificate of fitness to handle explosives under AS 08.52;

5 (6) licensure as a massage therapist under AS 08.61;

6 (7) licensure to practice nursing or certification as a nurse aide under
7 AS 08.68;

8 (8) certification as a real estate appraiser under as 08.87;

9 (9) a position involving supervisory or disciplinary power over a minor
10 or dependent adult for which criminal justice information may be released under
11 AS 12.62.160(b)(9);

12 (10) a teacher certificate under AS 14.20;

13 (11) a registration or license to operate a marijuana establishment
14 under AS 17.38;

15 (12) admittance to a police training program under AS 18.65.230 or for
16 certification as a police officer under AS 18.65.240 if that person's prospective
17 employer does not have access to a criminal justice information system;

18 (13) licensure as a security guard under AS 18.65.400 - 18.65.490;

19 (14) a concealed handgun permit under AS 18.65.700 - 18.65.790;

20 (15) licensure as an insurance producer, managing general agent,
21 reinsurance intermediary broker, reinsurance intermediary manager, surplus lines
22 broker, or independent adjuster under AS 21.27;

23 (16) serving and executing process issued by a court by a person
24 designated under AS 22.20.130;

25 (17) a school bus driver license under AS 28.15.046;

26 (18) licensure as an operator or an instructor for a commercial driver
27 training school under AS 28.17;

28 (19) registration as a broker-dealer, agent, investment adviser
29 representative, or investment adviser under AS 45.56.300 - 45.56.350;

30 (20) licensure, license renewal, certification, certification renewal, or
31 payment from the Department of Health of an individual and an entity subject to the

1 requirements for a criminal history check under AS 47.05.310, including

2 (A) a public home care provider described in AS 47.05.017;

3 (B) a provider of home and community-based waiver services
4 financed under AS 47.07.030(c);

5 (C) a case manager to coordinate community mental health
6 services under AS 47.30.530;

7 (D) an entity listed in AS 47.32.010(b) and (c), including an
8 owner, officer, director, member, partner, employee, volunteer, or contractor of
9 an entity; or

10 (E) an individual or entity not described in (A) - (D) of this
11 paragraph that is required by statute or regulation to be licensed or certified by
12 the Department of Health or that is eligible to receive payments, in whole or in
13 part, from the Department of Health to provide for the health, safety, and
14 welfare of persons who are served by the programs administered by the
15 Department of Health;

16 (21) employment as a village public safety officer under AS 18.65.672
17 or certification as a village public safety officer under AS 18.65.682;

18 (22) licensure, license renewal, certification, or certification renewal
19 by the Department of Family and Community Services of an individual or entity, or
20 payment from the Department of Family and Community Services to an individual or
21 entity, subject to the requirements for a criminal history check under AS 47.05.310 for
22 a foster home, child placement agency, and runaway shelter listed in as 47.32.010(c),
23 including an owner, officer, director, member, partner, employee, volunteer, or
24 contractor of an entity;

25 **(23) employment with the Department of Revenue for the purposes**
26 **of administering the dividend program under AS 43.23.**

27 * **Sec. 2.** AS 12.62.400(c) is amended to read:

28 (c) To obtain a national criminal history record check for determining a
29 current or prospective employee's qualifications under AS 39.90.210 **or AS 43.23** or a
30 contractor's qualifications under AS 36.30.960, the agency or the procurement officer
31 shall submit the current or prospective employee's or contractor's fingerprints to the

department with the fee established by AS 12.62.160. The department shall submit the fingerprints to the Federal Bureau of Investigation to obtain a national criminal history record check of the current or prospective employee or contractor for the purpose of evaluating a person's qualifications under AS 36.30.960 and AS 39.90.210. In this subsection, unless the context otherwise requires,

(1) "agency" has the meaning given in AS 39.90.290;

(2) "contractor" has the meaning given in AS 36.30.960;

(3) "employee" has the meaning given in AS 39.90.290.

* **Sec. 3.** AS 43.23.008(a) is amended to read:

(a) Subject to (b) and (d) of this section, an otherwise eligible individual who is absent from the state during the qualifying year remains eligible for a current year permanent fund dividend if the individual was absent

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

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

(3) serving on active duty as a member of the armed forces of the United States or accompanying, as that individual's spouse, minor dependent, or disabled dependent, an individual who is

(A) serving on active duty as a member of the armed forces of the United States; and

(B) eligible for a current year dividend;

(4) serving under foreign or coastal articles of employment aboard an oceangoing vessel of the United States merchant marine **or attending a vocational program that**

(A) trains students for a career in the United States merchant marine, including for a career as a sea engineer, in the deck department, or as a steward;

(B) provides seagoing service that meets the requirements of the United States Coast Guard for United States merchant marine

credentialing; and

(C) is approved by the United States Coast Guard;

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

(6) providing 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;

(7) providing care for the individual's terminally ill family member;

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

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

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

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

(12) accompanying a minor who is absent under (5) of this subsection;

(13) accompanying another eligible resident who is absent for a reason permitted under (1), (2), (5) - (12), (16), or (17) of this subsection as the spouse, minor dependent, or disabled dependent of the eligible resident;

(14) serving as a volunteer in the federal peace corps program;

(15) because of training or competing as a member of the United States Olympic Team or a United States national team for an Olympic sport;

(16) participating for educational purposes in a student fellowship sponsored by the United States Department of Education or by the United States Department of State;

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

(A) 180 days in addition to any absence or cumulative absences claimed under (3) of this subsection if the individual is not claiming an absence

under (1), (2), or (4) - (16) of this subsection;

(B) 120 days in addition to any absence or cumulative absences claimed under (1) - (3) of this subsection if the individual is not claiming an absence under (4) - (16) of this subsection but is claiming an absence under (1) or (2) of this subsection; or

(C) 45 days in addition to any absence or cumulative absences claimed under (1) - (16) of this subsection if the individual is claiming an absence under (4) - (16) of this subsection.

* **Sec. 4.** AS 43.23.008 is amended by adding a new subsection to read:

(g) For purposes of (a)(1) and (2) of this section, "education on a full-time basis" includes

(1) academic year term breaks and holidays, excluding summer break, if the student was enrolled and attending full-time during the period before and after the holiday or break; and

(2) an orientation program required by the institution immediately followed by full-time enrollment of the student.

* **Sec. 5.** AS 43.23.055 is amended to read:

Sec. 43.23.055. Duties of the department. The department shall

(1) annually pay permanent fund dividends from the dividend fund;

(2) subject to AS 43.23.011 and (8) of this section, adopt regulations under AS 44.62 (Administrative Procedure Act) that establish procedures and time limits for claiming a permanent fund dividend; the department shall determine the number of eligible applicants by October 1 of the year for which the dividend is declared and pay the dividends by December 31 of that year;

(3) adopt regulations under AS 44.62 (Administrative Procedure Act) that establish procedures and time limits for an individual upon emancipation or upon reaching majority to apply for permanent fund dividends not received during minority because the parent, guardian, or other authorized representative did not apply on behalf of the individual;

(4) assist residents of the state, particularly in rural areas, who, because of language, disability, or inaccessibility to public transportation, need assistance to

1 establish eligibility and to apply for permanent fund dividends;

2 (5) use a list of individuals ineligible for a dividend under
3 AS 43.23.005(d) provided annually by the Department of Corrections and the
4 Department of Public Safety to determine the number and identity of those
5 individuals;

6 (6) adopt regulations that are necessary to implement AS 43.23.005(d)
7 and 43.23.048;

8 (7) adopt regulations that establish procedures for the parent, guardian,
9 or other authorized representative of a disabled individual to apply for prior year
10 permanent fund dividends not received by the disabled individual because no
11 application was submitted on behalf of the individual;

12 (8) adopt regulations that establish procedures for an individual to
13 apply to have a dividend disbursement under AS 37.25.050(a)(2) reissued if it is not
14 collected within two years after the date of its issuance; however, the department may
15 not establish a time limit within which an application to have a disbursement reissued
16 must be filed;

17 (9) provide any information, upon request, contained in permanent
18 fund dividend records to the child support services agency created in AS 25.27.010, or
19 the child support enforcement agency of another state, for child support purposes
20 authorized under law; if the information is contained in an electronic data base, the
21 department shall provide the requesting agency with either

22 (A) access to the data base; or

23 (B) a copy of the information in the data base and a statement
24 certifying its contents;

25 (10) establish a fraud investigation unit for the purpose of assisting the

26 (A) Department of Law in the prosecution of individuals who
27 apply for or obtain a permanent fund dividend in violation of a provision in
28 AS 11, by detecting and investigating those crimes; and

29 (B) commissioner to detect and investigate the claiming or
30 paying of permanent fund dividends that should not have been claimed by or
31 paid to an individual and to impose the penalties and enforcement provisions

1 under AS 43.23.270;

2 (11) adopt regulations under AS 44.62 (Administrative Procedure Act)
3 so that contributions under AS 43.23.130 are given a priority over donations under
4 AS 43.23.230 if the total amount of contributions and donations elected by an
5 applicant exceeds the amount of the permanent fund dividend that the applicant is
6 entitled to receive;

7 **(12) submit fingerprints and fees to the Department of Public**
8 **Safety for a national criminal history record check under AS 12.62.400 for the**
9 **purpose of determining a person's suitability for employment.**

10 * Sec. 6. AS 43.23.140(d) is amended to read:

11 (d) An assignment of or levy, execution, garnishment, attachment, or other
12 remedy for the collection of debt applied to a dividend for a year may not be accepted
13 by the department before April 1 of that same year. AS 09.38.080(c) and 09.38.085 do
14 not apply to a levy on a permanent fund dividend. Upon receipt of a writ of execution
15 under (a) of this section or another court order, the commissioner shall deliver to the
16 court that portion of the dividend executed upon along with the case name and
17 number. At the time payment is made to the court, the department shall send **notice to**
18 **the court that issued the writ or order and** to the individual at the address provided
19 in the individual's dividend application **or the electronic mail address to which the**
20 **individual has consented to receive notices or documents in a verifiable manner,**
21 **as provided in regulations adopted by the department. The** [AND TO THE
22 COURT THAT ISSUED THE WRIT OR ORDER A] notice **must contain** [THAT
23 CONTAINS]

24 (1) notification that all or part of the individual's dividend has been
25 seized under a writ of execution or court order;

26 (2) the name and address of the court that issued the writ or order;

27 (3) the case number for which the writ or order was issued;

28 (4) the amount seized under the writ or order; and

29 (5) notification that the individual has 30 days from the date the notice
30 is mailed in which to file with the court an objection to the seizure if a mistake has
31 been made.

1 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 TRANSITION: REGULATIONS. The commissioner of revenue may adopt
4 regulations necessary to implement the changes made by this Act. The regulations take effect
5 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law
6 implemented by the regulation.

7 * **Sec. 8.** Section 7 of this Act takes effect immediately under AS 01.10.070(c).

8 * **Sec. 9.** Except as provided in sec. 8 of this Act, this Act takes effect January 1, 2024.