

SENATE BILL NO. 232

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATORS FRANK, Leman, Kelly, Green, Phillips

Introduced: 1/22/96

Referred: Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to permanent fund dividend program notice requirements, to the
2 ineligibility for dividends of individuals convicted of felonies or incarcerated for
3 misdemeanors, and to the determination of the number and identity of certain
4 ineligible individuals; and providing for an effective date."

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

6 * **Section 1. PURPOSES.** The purposes of the amendments made to AS 43.23.005(d) and
7 43.23.028 in this Act are to

8 (1) obtain reimbursement for some of the costs imposed on the state criminal
9 justice system related to apprehension, prosecution, conviction, incarceration, or probation of
10 individuals convicted of a felony and individuals who are chronic misdemeanants as
11 demonstrated by their being incarcerated as a result of a third or subsequent misdemeanor
12 conviction;

13 (2) ensure the public is advised about the ineligibility for dividends under
14 AS 43.23.005(d), the reasons for making individuals ineligible under that subsection, and the

1 purposes for which the state has appropriated the money that would otherwise have been paid
2 to those ineligible individuals;

3 (3) clarify what the funds appropriated to certain agencies listed under
4 AS 43.23.028(b) may be used for if the appropriations are to be exempt from the notice
5 requirement; and

6 (4) obtain another source of funding for the state agencies added to
7 AS 43.23.028(b).

8 * **Sec. 2.** AS 43.23.005(d) is amended to read:

9 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual
10 [WHO HAS BEEN CONVICTED OF A FELONY] is not eligible for a permanent
11 fund dividend for a **dividend** year when

12 (1) **during the calendar year immediately preceding that dividend**
13 **year the individual was convicted of a felony;**

14 (2) [,] during all or part of the [PREVIOUS] calendar year **immediately**
15 **preceding that dividend year, the individual was incarcerated** as a result of

16 (A) the conviction **of a felony; or**

17 (B) **a third or subsequent conviction of a misdemeanor** [THE
18 INDIVIDUAL IS INCARCERATED].

19 * **Sec. 3.** AS 43.23.028 is amended to read:

20 Sec. 43.23.028. PUBLIC NOTICE. (a) By October 1 of each year, the
21 commissioner shall give public notice of the value of each permanent fund dividend
22 for that year **and notice of the information required to be disclosed under (3) of**
23 **this subsection. In addition,** [. THE NOTICE AND] the stub attached to each
24 individual dividend check **and direct deposit advice** must [DISCLOSE THE
25 AMOUNT]

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

29 (2) **disclose the amount** of each dividend attributable to income earned
30 by the permanent fund from appropriations to that fund and from amounts added to
31 that fund to offset the effects of inflation; [AND]

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

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

6 (A) during the calendar year immediately preceding that
7 dividend year the individual was convicted of a felony;

8 (B) during all or part of the calendar year immediately
9 preceding that dividend year, the individual was incarcerated as a result
10 of

11 (i) the conviction of a felony; or

12 (ii) a third or subsequent conviction of a
13 misdemeanor;

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

16 (A) obtain reimbursement for some of the costs imposed on
17 the state criminal justice system related to apprehension, prosecution,
18 conviction, incarceration, or probation of those individuals;

19 (B) provide funds for payments to crime victims and for the
20 operation of safe houses and shelters;

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

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

27 (b) To the extent that amounts appropriated for a fiscal year do not
28 exceed the total amount that would have been paid during the previous fiscal year
29 to individuals who were ineligible to receive dividends under AS 43.23.005(d) if
30 they had been eligible, the [THE] notice requirements of (a)(3) [(a)] of this section
31 do not apply to appropriations from the dividend fund to the

1 (1) crime victim compensation fund established under AS 18.67.162 **for**
2 **payments to crime victims;**

3 (2) [, TO THE] council on domestic violence and sexual assault
4 established under AS 18.66.010 **for operations of safe houses and shelters;**

5 (3) **Department of Public Safety for criminal investigations and**
6 **apprehensions;**

7 (4) **Department of Law for criminal prosecutions;** [,] or

8 (5) [TO THE] Department of Corrections **for incarceration and**
9 **probation programs** [TO THE EXTENT THAT AMOUNTS APPROPRIATED FOR
10 A FISCAL YEAR DO NOT EXCEED THE TOTAL AMOUNT THAT WOULD
11 HAVE BEEN PAID DURING THE PREVIOUS FISCAL YEAR TO INDIVIDUALS
12 WHO ARE INELIGIBLE TO RECEIVE DIVIDENDS UNDER AS 43.23.005(d) IF
13 THEY HAD BEEN ELIGIBLE].

14 * **Sec. 4.** AS 43.23.055 is amended to read:

15 Sec. 43.23.055. DUTIES OF THE DEPARTMENT. The department shall

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

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

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

27 (4) assist residents of the state, particularly in rural areas, who because
28 of language, disability, or inaccessibility to public transportation need assistance to
29 establish eligibility and to apply for permanent fund dividends;

30 (5) **use a list of individuals ineligible for a dividend under**
31 **AS 43.23.005(d) provided annually by** [ANNUALLY DETERMINE, IN

1 COOPERATION WITH] the Department of Corrections and the Department of
2 Public Safety to determine [,] the number and identity of those individuals
3 [INELIGIBLE FOR A PERMANENT FUND DIVIDEND UNDER AS 43.23.005(d)];

4 (6) adopt regulations that are necessary to implement AS 43.23.005(d);

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

9 (8) adopt regulations that establish procedures for an individual to apply
10 to have a dividend warrant reissued if it is returned to the department as undeliverable
11 or it is not paid within two years of the date of its issuance; however, the department
12 may not establish a time limit within which an application to have a warrant reissued
13 must be filed[;

14 (9) REPEALED].

15 * **Sec. 5.** The amendments made by sec. 2 of this Act apply only to individuals convicted
16 of offenses committed after the effective date of that bill section. Convictions for offenses
17 committed before the effective date of that bill section may not be considered in determining
18 the number of prior convictions for purposes of applying AS 43.23.005(d)(2)(B).

19 * **Sec. 6.** Sections 3 and 4 of this Act are retroactive to January 1, 1996.

20 * **Sec. 7.** Sections 1, 3, 4, and 6 of this Act take effect immediately under AS 01.10.070(c).

21 * **Sec. 8.** Sections 2 and 5 of this Act take effect January 1, 1997.