

SENATE BILL NO. 135

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Introduced: 3/17/95

Referred: STA, FIN

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(b) in this Act are to obtain

8 (1) a source of additional funding for the state agencies listed in
9 AS 43.23.028(b); and

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

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

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

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

7 **(2) [,] during all or part of the [PREVIOUS] calendar year immediately**
8 **preceding that dividend year,** as a result of the conviction **of a felony** the individual
9 **was [IS] incarcerated; or**

10 **(3) during all or part of the calendar year immediately preceding**
11 **that dividend year, as a result of a third or subsequent conviction of a**
12 **misdemeanor, the individual was incarcerated.**

13 * **Sec. 3.** AS 43.23.028(b) is amended to read:

14 (b) **To the extent that amounts appropriated for a fiscal year do not**
15 **exceed the total amount that would have been paid during that same fiscal year**
16 **to individuals who are ineligible to receive dividends under AS 43.23.005(d) if they**
17 **had been eligible, the** [THE] notice requirements of (a) of this section do not apply
18 to appropriations from the dividend fund to the

19 **(1) crime victim compensation fund established under AS 18.67.162;**

20 **(2) [, TO THE] council on domestic violence and sexual assault**
21 **established under AS 18.66.010;**

22 **(3) Department of Revenue for operations of the child support**
23 **enforcement agency;**

24 **(4) Department of Public Safety;**

25 **(5) Department of Law; [,] or**

26 **(6) [TO THE] Department of Corrections [TO THE EXTENT THAT**
27 **AMOUNTS APPROPRIATED FOR A FISCAL YEAR DO NOT EXCEED THE**
28 **TOTAL AMOUNT THAT WOULD HAVE BEEN PAID DURING THE PREVIOUS**
29 **FISCAL YEAR TO INDIVIDUALS WHO ARE INELIGIBLE TO RECEIVE**
30 **DIVIDENDS UNDER AS 43.23.005(d) IF THEY HAD BEEN ELIGIBLE].**

31 * **Sec. 4.** AS 43.23.028 is amended by adding a new subsection to read:

1 (c) The governor may submit recommendations to the legislature regarding
2 appropriations to be made under (b) of this section.

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

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

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

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

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

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

19 (5) **use a list of individuals ineligible for a dividend under**
20 **AS 43.23.005(d) provided annually by** [ANNUALLY DETERMINE, IN
21 COOPERATION WITH] the Department of Corrections **and the Department of**
22 **Public Safety to determine** [,] the number and identity of **those** individuals
23 [INELIGIBLE FOR A PERMANENT FUND DIVIDEND UNDER AS 43.23.005(d)];

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

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

29 (8) adopt regulations that establish procedures for an individual to apply
30 to have a dividend warrant reissued if it is returned to the department as undeliverable
31 or it is not paid within two years of the date of its issuance; however, the department

1 may not establish a time limit within which an application to have a warrant reissued
2 must be filed;

3 (9) adopt regulations establishing an optional longevity bonus program
4 to provide for the direct payment by the department of an individual's permanent fund
5 dividend to an annuity program selected by the individual.

6 * **Sec. 6.** Notwithstanding the amendment to AS 43.23.005(d) made in sec. 2 of this Act,
7 for purposes of determining eligibility for 1996 dividends, AS 43.23.005(d) shall be applied
8 as though it had not been amended by this Act. The amendments made by sec. 2 of this Act
9 apply only to individuals convicted of offenses committed after the effective date of that bill
10 section. Convictions for offenses committed before the effective date of that bill section may
11 not be considered in determining the number of prior convictions for purposes of applying
12 AS 43.23.005(d)(3).

13 * **Sec. 7.** Notwithstanding the amendment to AS 43.23.028(b) made in sec. 3 of this Act,
14 the notice requirements of AS 43.23.028(a) do not apply to appropriations from the dividend
15 fund made for fiscal year 1996 to the crime victim compensation fund established under
16 AS 18.67.162, to the Council on Domestic Violence and Sexual Assault established under
17 AS 18.66.010, to the Department of Revenue for operations of the child support enforcement
18 agency, to the Department of Public Safety, to the Department of Law, or to the Department
19 of Corrections to the extent that amounts appropriated do not exceed the total amount that
20 would have been paid during fiscal year 1995 and fiscal year 1996 to individuals who are
21 ineligible to receive dividends under AS 43.23.005(d) if they had been eligible.

22 * **Sec. 8.** Sections 3 and 5 of this Act are retroactive to January 1, 1995.

23 * **Sec. 9.** Sections 1, 3, 5, 7, and 8 of this Act take effect immediately under
24 AS 01.10.070(c).

25 * **Sec. 10.** Sections 2 and 6 of this Act take effect January 1, 1996.

26 * **Sec. 11.** Section 4 of this Act takes effect January 1, 1997.