

CS FOR SENATE BILL NO. 232(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/11/96

Referred: Rules

Sponsor(s): SENATORS FRANK, Leman, Kelly, Green, Phillips, Pearce

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."

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 fund
11 dividend for a **dividend** year when

12 **(1) during the calendar year immediately preceding that dividend**
13 **year the individual was sentenced as a result of conviction 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 43.23.005 is amended by adding a new subsection to read:

20 (g) For purposes of applying (d)(1) of this section, the date the court imposes
21 a sentence or suspends the imposition of sentence shall be treated as the date of
22 conviction. For purposes of applying (d)(2)(B) of this section, multiple convictions
23 arising out of a single criminal episode shall be treated as a single conviction.

24 * **Sec. 4.** AS 43.23.028 is amended to read:

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

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

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

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

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

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

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

13 (i) the conviction of a felony; or

14 (ii) a third or subsequent conviction of a misdemeanor;

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

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

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

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

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

28 (b) To the extent that amounts appropriated for a fiscal year do not exceed
29 the total amount that would have been paid during the previous fiscal year to
30 individuals who were ineligible to receive dividends under AS 43.23.005(d) if they
31 had been eligible, the [THE] notice requirements of (a)(3) [(a)] of this section do not
32 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 HAVE
11 BEEN PAID DURING THE PREVIOUS FISCAL YEAR TO INDIVIDUALS WHO
12 ARE INELIGIBLE TO RECEIVE DIVIDENDS UNDER AS 43.23.005(d) IF THEY
13 HAD BEEN ELIGIBLE].

14 * **Sec. 5.** 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 and
19 time limits for claiming a permanent fund dividend; the department shall determine the
20 number of eligible applicants by October 1 of the year for which the dividend is declared
21 and pay the dividends by December 31 of that year;

22 (3) adopt regulations under AS 44.62 (Administrative Procedure Act) that
23 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
32 COOPERATION WITH] the Department of Corrections **and the Department of Public**

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

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

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

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

13 (9) REPEALED].

14 * **Sec. 6.** The amendments made by secs. 2 and 3 of this Act apply only to individuals
15 convicted of offenses committed after December 31, 1996. Convictions for offenses committed
16 before January 1, 1997, may not be considered in determining the number of prior convictions
17 for purposes of applying AS 43.23.005(d)(2)(B).

18 * **Sec. 7.** The amendments made by sec. 4 of this Act apply after December 31, 1996.
19 Before January 1, 1997, AS 43.23.028 shall apply as it read before the effective date of this Act.