

HOUSE CS FOR CS FOR SENATE BILL NO. 232(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/28/96
Referred: Finance

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
2 the ineligibility for dividends of individuals convicted of felonies or incarcerated
3 for misdemeanors, and to the determination of the number and identity of
4 certain 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 and a
24 conviction for an offense in another jurisdiction with elements substantially similar to
25 elements of a misdemeanor in this state shall be included in determining the number
26 of prior convictions.

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

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

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

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

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

10 (4) **include a statement that an individual is not eligible for a**
11 **dividend when**

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

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

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

17 (ii) **a third or subsequent conviction of a misdemeanor;**

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

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

23 (B) **provide funds for payments to crime victims and for the**
24 **operation of safe houses and shelters;**

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

28 (7) **disclose the total amount appropriated for the current fiscal year**
29 **under (b) of this section for each of the funds and agencies listed in (b) of this**
30 **section.**

31 (b) **To the extent that amounts appropriated for a fiscal year do not exceed**
32 **the total amount that would have been paid during the previous fiscal year to**

1 **individuals who were ineligible to receive dividends under AS 43.23.005(d) if they**
2 **had been eligible, the** [THE] notice requirements of **(a)(3)** [(a)] of this section do not
3 apply to appropriations from the dividend fund to the

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

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

8 (3) **Department of Public Safety for criminal investigations and**
9 **apprehensions;**

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

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

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

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

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

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

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

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

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

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

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

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

16 (9) REPEALED].

17 * **Sec. 6.** The amendments made by secs. 2 and 3 of this Act apply only to individuals
18 convicted of offenses committed after December 31, 1996. However, convictions for offenses
19 committed before January 1, 1997, shall be included in determining the number of prior
20 convictions for purposes of applying AS 43.23.005(d)(2)(B).

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