

**HOUSE CS FOR CS FOR SENATE BILL NO. 232(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/18/96

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  
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 offenders as demonstrated by  
11 their being incarcerated as a result of a misdemeanor conviction after having been convicted of  
12 two or more prior crimes;

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 in this state 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 the**  
16 **conviction in this state of a**

17 **(A) felony; or**

18 **(B) misdemeanor if the individual has been convicted of two**  
19 **or more prior crimes as defined in AS 11.81.900(9) [THE INDIVIDUAL IS**  
20 **INCARCERATED].**

21 \* **Sec. 3.** AS 43.23.005 is amended by adding a new subsection to read:

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

26 \* **Sec. 4.** AS 43.23.028 is amended to read:

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

32 (1) **disclose the amount** of each dividend attributable to income earned

1 by the permanent fund from deposits to that fund required under art. IX, sec. 15,  
2 Constitution of the State of Alaska;

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

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

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

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

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

16 (i) felony; or

17 (ii) misdemeanor if the individual has been convicted  
18 of two or more prior crimes;

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

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

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

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

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

32 (b) To the extent that amounts appropriated for a fiscal year do not exceed

1 the total amount that would have been paid during the previous fiscal year to  
2 individuals who were ineligible to receive dividends under AS 43.23.005(d) if they  
3 had been eligible, the [THE] notice requirements of (a)(3) [(a)] of this section do not  
4 apply to appropriations from the dividend fund to the

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

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

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

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

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

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

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

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

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

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

31 (4) assist residents of the state, particularly in rural areas, who because  
32 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 [ANNUALLY DETERMINE, IN  
4 COOPERATION WITH] the Department of Corrections and the Department of Public  
5 Safety to determine [,] the number and identity of those individuals [INELIGIBLE FOR  
6 A PERMANENT FUND DIVIDEND UNDER AS 43.23.005(d)];

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

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 application  
11 was submitted on behalf of the individual;

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

17 (9) REPEALED].

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

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