

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 4/30/96

Offered: 4/18/96

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 incarceration or probation of individuals convicted of a felony and  
10 individuals who are chronic offenders as demonstrated by their being incarcerated as a result of  
11 a misdemeanor conviction after having been convicted of two or more prior crimes;

12 (2) ensure the public is advised about the ineligibility for dividends under  
13 AS 43.23.005(d), the reasons for making individuals ineligible under that subsection, and the  
14 purposes for which the state has appropriated the money that would otherwise have been paid

1 to those ineligible individuals;

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

5 (4) obtain another source of funding for the state agencies listed in  
6 AS 43.23.028(b).

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

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

11 **(1) during the calendar year immediately preceding that dividend**  
12 **year the individual was sentenced as a result of conviction in this state of a felony;**

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

16 **(A) felony; or**

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

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

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

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

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

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

1 Constitution of the State of Alaska;

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

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

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

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

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

15 (i) felony; or

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

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 incarceration or probation of  
22 those individuals;

23 (B) provide funds for payments to crime victims and for  
24 grants for the operation of domestic violence and sexual assault programs;

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 grants for the operation of domestic violence and**  
8 **sexual assault programs;** [,] or

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

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

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

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

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

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

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

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

1 COOPERATION WITH] the Department of Corrections **and the Department of Public**  
2 **Safety to determine** [,] the number and identity of **those** individuals [INELIGIBLE FOR  
3 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 application  
8 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. 6.** The amendments made by secs. 2 and 3 of this Act apply only to individuals  
16 convicted of crimes committed after December 31, 1996. Convictions for crimes committed  
17 before January 1, 1997, may not be considered in determining the number of prior convictions  
18 for purposes of applying AS 43.23.005(d)(2)(B).

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