

SENATE BILL NO. 58

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATOR COWDERY

Introduced: 2/5/03

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to permanent fund dividend program notice requirements and to the**
2 **ineligibility for permanent fund dividends of certain persons sentenced for crimes**
3 **involving mandatory motor vehicle liability insurance."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 43.23.005(d) is amended to read:

6 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual is
7 not eligible for a permanent fund dividend for a dividend year when

8 (1) during the qualifying year, the individual was sentenced as a result
9 of conviction in this state of a

10 (A) felony;

11 (B) misdemeanor under AS 28.22.011, 28.22.021, or
12 28.22.051 involving mandatory motor vehicle liability insurance; or

13 (2) during all or part of the qualifying year, the individual was
14 incarcerated as a result of the conviction in this state of a

1 (A) felony; or

2 (B) misdemeanor if the individual has been convicted of

3 (i) a prior felony as defined in AS 11.81.900; or

4 (ii) two or more prior misdemeanors as defined in

5 AS 11.81.900; or

6 **(3) during the qualifying year or the four years immediately before**
 7 **the qualifying year, the individual was sentenced as a result of the conviction in**
 8 **this state of a misdemeanor under AS 28.22.011, 28.22.021, or 28.22.051 involving**
 9 **mandatory motor vehicle liability insurance if the individual has been convicted**
 10 **of a prior misdemeanor under AS 28.22.011, 28.22.021, or 28.22.051.**

11 * **Sec. 2.** AS 43.23.005(g) is amended to read:

12 (g) For purposes of applying (d)(1) **and (d)(3)** of this section, the date the
 13 court imposes a sentence or suspends the imposition of sentence shall be treated as the
 14 date of conviction. For purposes of applying (d)(2)(B) **and (d)(3)** of this section,
 15 multiple convictions arising out of a single criminal episode shall be treated as a single
 16 conviction.

17 * **Sec. 3.** AS 43.23.028(a) is amended to read:

18 (a) By October 1 of each year, the commissioner shall give public notice of
 19 the value of each permanent fund dividend for that year and notice of the information
 20 required to be disclosed under (3) of this subsection. In addition, the stub attached to
 21 each individual dividend check and direct deposit advice must

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

25 (2) disclose the amount of each dividend attributable to income earned
 26 by the permanent fund from appropriations to that fund and from amounts added to
 27 that fund to offset the effects of inflation;

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

1 (4) include a statement that an individual is not eligible for a dividend
2 when

3 (A) during the qualifying year, the individual was convicted in
4 this state of a

5 (i) felony; or

6 (ii) misdemeanor under AS 28.22.011, 28.22.021, or
7 28.22.051 involving mandatory motor vehicle liability insurance;

8 (B) during all or part of the qualifying year, the individual was
9 incarcerated as a result of the conviction in this state of a

10 (i) felony; or

11 (ii) misdemeanor if the individual has been convicted of
12 a prior felony or two or more prior misdemeanors; or

13 (C) during the qualifying year or the four years
14 immediately before the qualifying year, the individual was sentenced as a
15 result of conviction in this state of a misdemeanor under AS 28.22.011,
16 28.22.021, or 28.22.051 involving mandatory motor vehicle liability
17 insurance if the individual has been convicted of a prior misdemeanor
18 under AS 28.22.011, 28.22.021, or 28.22.051;

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 the
22 state criminal justice system related to incarceration or probation of those
23 individuals;

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

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

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

1 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 **APPLICABILITY.** The amendments made by secs. 1 and 2 of this Act apply only to
4 individuals convicted of misdemeanors under AS 28.22.011, 28.22.021, or 28.22.051
5 involving mandatory motor vehicle liability insurance committed after December 31, 2003.
6 Convictions for misdemeanors committed before January 1, 2004, may not be considered in
7 determining prior convictions for purposes of applying AS 43.23.005(d)(3), added by sec. 1 of
8 this Act.