

SENATE BILL NO. 59

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 driving while**
3 **under the influence of an alcoholic beverage, inhalant, or controlled substance, or for**
4 **refusal to submit to a chemical test."**

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

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

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

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

11 (A) a felony;

12 (B) the crime of driving while under the influence of an
13 alcoholic beverage, inhalant, or controlled substance under AS 28.35.030;

14 or

1 **(C) the crime of refusal to submit to a chemical test under**
 2 **AS 28.35.032;**

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

5 (A) felony; or

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

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

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

9 AS 11.81.900; **or**

10 **(3) during the qualifying year or the four years immediately before**
 11 **that qualifying year, the individual was sentenced as a result of conviction in this**
 12 **state of the crime of**

13 **(A) driving while under the influence of an alcoholic**
 14 **beverage, inhalant, or controlled substance under AS 28.35.030 if the**
 15 **individual has been convicted of a prior crime under AS 28.35.030 or**
 16 **28.35.032; or**

17 **(B) refusal to submit to a chemical test under AS 28.35.032**
 18 **if the individual has been convicted of a prior crime under AS 28.35.030**
 19 **or 28.35.032.**

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

21 (g) For purposes of applying (d)(1) **and (d)(3)** of this section, the date the
 22 court imposes a sentence or suspends the imposition of sentence shall be treated as the
 23 date of conviction. For purposes of applying (d)(2)(B) **and (d)(3)** of this section,
 24 multiple convictions arising out of a single criminal episode shall be treated as a single
 25 conviction.

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

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

31 (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
5 that fund to offset the effects of inflation;

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
9 AS 43.23.075;

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

12 (A) during the qualifying year, the individual was convicted **in**
13 **this state** of

14 (i) a felony;

15 (ii) **the crime of driving while under the influence of**
16 **an alcoholic beverage, inhalant, or controlled substance under**
17 **AS 28.35.030; or**

18 (iii) **the crime of refusal to submit to a chemical test**
19 **under AS 28.35.032;**

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

22 (i) felony; or

23 (ii) misdemeanor if the individual has been convicted of
24 a prior felony or two or more prior misdemeanors; **or**

25 (C) **during the qualifying year or the four years**
26 **immediately before that qualifying year, the individual was sentenced as a**
27 **result of conviction in this state of the crime of**

28 (i) **driving while under the influence of an alcoholic**
29 **beverage, inhalant, or controlled substance under AS 28.35.030 if**
30 **the individual has been convicted of a prior crime under**
31 **AS 28.35.030 or 28.35.032;**

