

**CS FOR SENATE BILL NO. 59(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/10/03

Referred: Finance

Sponsor(s): SENATOR COWDERY

**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(g) is amended to read:

7 (g) For purposes of applying (d)(1) **and (i)** of this section, the date the court  
8 imposes a sentence or suspends the imposition of sentence shall be treated as the date  
9 of conviction. For purposes of applying (d)(2)(B) **and (i)(2)** of this section, multiple  
10 convictions arising out of a single criminal episode shall be treated as a single  
11 conviction.

12 \* **Sec. 2.** AS 43.23.005 is amended by adding a new subsection to read:

13 (i) Notwithstanding the provisions of (a) - (c) of this section, an individual is  
14 not eligible for a permanent fund dividend for a dividend year when,

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

3 (A) driving while under the influence of an alcoholic beverage,  
4 inhalant, or controlled substance under AS 28.35.030 or under a municipal  
5 ordinance with similar elements; or

6 (B) refusal to submit to a chemical test under AS 28.35.032 or  
7 under a municipal ordinance with similar elements; or

8 (2) during the qualifying year or the four years immediately before that  
9 qualifying year, the individual was sentenced as a result of conviction in this state of  
10 the offense of

11 (A) driving while under the influence of an alcoholic beverage,  
12 inhalant, or controlled substance under AS 28.35.030 or under a municipal  
13 ordinance with similar elements if the individual has been convicted of a prior  
14 offense under AS 28.35.030 or 28.35.032, or under a municipal ordinance with  
15 elements similar to AS 28.35.030 or 28.35.032; or

16 (B) refusal to submit to a chemical test under AS 28.35.032 or  
17 under a municipal ordinance with similar elements if the individual has been  
18 convicted of a prior offense under AS 28.35.030 or 28.35.032, or under a  
19 municipal ordinance with elements similar to AS 28.35.030 or 28.35.032.

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

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

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

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

31 (3) disclose the amount by which each dividend has been reduced due

1 to each appropriation from the dividend fund, including amounts to pay the costs of  
 2 administering the dividend program and the hold harmless provisions of  
 3 AS 43.23.075;

4 (4) include a statement that an individual is not eligible for a dividend  
 5 when,

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

8 (i) a felony;

9 (ii) **the offense of driving while under the influence**  
 10 **of an alcoholic beverage, inhalant, or controlled substance under**  
 11 **AS 28.35.030 or under a municipal ordinance with similar**  
 12 **elements; or**

13 (iii) **the offense of refusal to submit to a chemical test**  
 14 **under AS 28.35.032 or under a municipal ordinance with similar**  
 15 **elements;**

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

18 (i) felony; or

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

21 (C) **during the qualifying year or the four years**  
 22 **immediately before that qualifying year, the individual was sentenced as a**  
 23 **result of conviction in this state of the offense of**

24 (i) **driving while under the influence of an alcoholic**  
 25 **beverage, inhalant, or controlled substance under AS 28.35.030 or**  
 26 **under a municipal ordinance with similar elements if the individual**  
 27 **has been convicted of a prior offense under AS 28.35.030 or**  
 28 **28.35.032, or under a municipal ordinance with elements similar to**  
 29 **AS 28.35.030 or 28.35.032;**

30 (ii) **refusal to submit to a chemical test under**  
 31 **AS 28.35.032 or under a municipal ordinance with similar**

1                   elements if the individual has been convicted of a prior offense  
 2                   under AS 28.35.030 or 28.35.032, or a municipal ordinance with  
 3                   elements similar to AS 28.35.030 or 20.35.032;

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

6                               (A) obtain reimbursement for some of the costs imposed on the  
 7 state criminal justice system related to incarceration or probation of those  
 8 individuals;

9                               (B) provide funds for services for and payments to crime  
 10 victims and for grants for the operation of domestic violence and sexual assault  
 11 programs;

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

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

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

19                   APPLICABILITY. The amendments made by secs. 1 and 2 of this Act apply only to  
 20 individuals convicted of offenses under AS 28.35.030 or 28.35.032, or under a municipal  
 21 ordinance with elements similar to AS 28.35.030 or 28.35.032, committed after December 31,  
 22 2003. Convictions for offenses committed before January 1, 2004, may not be considered in  
 23 determining prior convictions for purposes of applying AS 43.23.005(i)(2), added by sec. 2 of  
 24 this Act.