

**HOUSE BILL NO. 186**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE RAMRAS**

**Introduced: 2/28/05**

**Referred: State Affairs, Health, Education and Social Services, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to quarterly payments of a permanent fund dividend, and to a**  
2 **permanent fund dividend and eligibility for public assistance; and providing for an**  
3 **effective date."**

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

5 \* **Section 1.** AS 43.23.055 is amended to read:

6 **Sec. 43.23.055. Duties of the department.** The department shall

7 (1) [ANNUALLY] pay permanent fund dividends from the dividend  
8 fund;

9 (2) subject to AS 43.23.011 and [PARAGRAPH] (8) of this section,  
10 adopt regulations under AS 44.62 (Administrative Procedure Act) that establish  
11 procedures and time limits for claiming a permanent fund dividend; the department  
12 shall determine the number of eligible applicants by October 1 of the year for which  
13 the dividend is declared and, **except as provided in AS 43.23.058,** pay the dividends  
14 by December 31 of that year;

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

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

9                   (5) use a list of individuals ineligible for a dividend under  
10 AS 43.23.005(d) provided annually by the Department of Corrections and the  
11 Department of Public Safety to determine the number and identity of those  
12 individuals;

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

14                   (7) adopt regulations that establish procedures for the parent, guardian,  
15 or other authorized representative of a disabled individual to apply for prior year  
16 permanent fund dividends not received by the disabled individual because no  
17 application was submitted on behalf of the individual;

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

23                   (9) provide any information, upon request, contained in permanent  
24 fund dividend records to the child support services agency created in AS 25.27.010, or  
25 the child support enforcement agency of another state, for child support purposes  
26 authorized under law; if the information is contained in an electronic data base, the  
27 department shall provide the requesting agency with either

28                                   (A) access to the data base; or

29                                   (B) a copy of the information in the data base and a statement  
30 certifying its contents.

31   \* **Sec. 2.** AS 43.23 is amended by adding a new section to read:

1           **Sec. 43.23.058. Optional quarterly payments.** An individual who is  
 2 applying for a current year dividend may elect on the permanent fund dividend  
 3 application to receive the dividend in four substantially equal payments by direct  
 4 deposit to an account of the individual. Quarterly payments under this section shall be  
 5 made by the department in October of the current dividend year and in January, April,  
 6 and July of the next dividend year.

7 \* **Sec. 3.** AS 43.23.075 is amended to read:

8           **Sec. 43.23.075. Eligibility for public assistance.** (a) In determining the  
 9 eligibility of an individual under a public assistance program administered by the  
 10 Department of Health and Social Services in which eligibility for assistance is based  
 11 on financial need, the Department of Health and Social Services may not consider a  
 12 permanent fund dividend **or dividend payment** as income or resources received by  
 13 the recipient of public assistance or by a member of the recipient's household unless  
 14 required to do so by federal law or regulation. The Department of Health and Social  
 15 Services shall notify all recipients of public assistance of the effects of receiving a  
 16 permanent fund dividend **and of the effects of receiving the dividend in a single**  
 17 **payment or in quarterly payments.**

18           (b) An individual who is denied medical assistance under 42 U.S.C. 1396 -  
 19 1396p (Social Security Act, Title XIX) solely because of the receipt of a permanent  
 20 fund dividend **or quarterly dividend payment** by the individual or by a member of  
 21 the individual's household is eligible for state-funded medical assistance under  
 22 AS 47.25.120 - 47.25.300 (general relief assistance program). The individual is  
 23 entitled to receive, for a period not to exceed four months, the same level of medical  
 24 assistance as the individual would have received under 42 U.S.C. 1396 - 1396p (Social  
 25 Security Act, Title XIX) had there been no permanent fund dividend program.  
 26 **During each fiscal year, the individual may receive benefits under this subsection**  
 27 **for only one four-month period that begins during that fiscal year.**

28           (c) An individual who is denied assistance solely because permanent fund  
 29 dividends **or quarterly dividend payments** received by the individual or by a  
 30 member of the individual's household are counted as income or resources under  
 31 federal law or regulation is eligible for cash assistance under AS 47.25.120 -

1 47.25.300 (general relief assistance program). Notwithstanding the limit in  
2 AS 47.25.130, the individual is entitled to receive, for a period not to exceed four  
3 months, the same amount as the individual would have received under other public  
4 assistance programs had there been no permanent fund dividend program. **During**  
5 **each fiscal year, the individual may receive benefits under this subsection for**  
6 **only one four-month period that begins during that fiscal year.**

7 \* **Sec. 4.** This Act takes effect January 1, 2006.