

**HOUSE BILL NO. 376**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE KAWASAKI**

**Introduced: 2/19/08**

**Referred: State Affairs, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the payment of permanent fund dividends to certain individuals**  
2 **with pending criminal charges; and providing for an effective date."**

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

4 **\* Section 1.** AS 43.23 is amended by adding a new section to read:

5 **Sec. 43.23.021. Delayed payment of certain dividends.** (a) Notwithstanding  
6 other provisions regarding the payment of permanent fund dividends, if an individual  
7 has been charged with a crime in this or another state and the charge is still unresolved  
8 and pending at the end of the qualifying year, payment of the dividend for that  
9 individual shall be delayed. The dividend shall be paid after the first subsequent year  
10 during which the charge is resolved and no longer pending. For purposes of this  
11 subsection, a charge that results in a dismissal, conviction, acquittal, or is otherwise  
12 disposed of is considered to be resolved and no longer pending even if the disposition  
13 has resulted in an appeal.

14 (b) Notwithstanding other provisions, a permanent fund dividend that has not

1 become payable to an individual under (a) of this section is not subject to levy,  
 2 execution, garnishment, attachment, or any other remedy for the collection of debt  
 3 until that dividend becomes payable or is paid to the individual.

4 (c) If an individual for whom payment of a permanent fund dividend has been  
 5 delayed dies before the dividend is paid or payable, the department shall pay the  
 6 dividend to a personal representative of the individual's estate.

7 \* **Sec. 2.** AS 43.23.025(a) is amended to read:

8 (a) By October 1 of each year, the commissioner shall determine the value of  
 9 each permanent fund dividend for that year by

10 (1) determining the total amount available for dividend payments,  
 11 which equals

12 (A) the amount of income of the Alaska permanent fund  
 13 transferred to the dividend fund under AS 37.13.145(b) during the current year;

14 (B) plus the unexpended and unobligated balances of prior  
 15 fiscal year appropriations that lapse into the dividend fund under  
 16 AS 43.23.045(d);

17 (C) less the amount necessary to pay prior year dividends from  
 18 the dividend fund in the current year under AS 43.23.005(h), 43.23.021, and  
 19 under AS 43.23.055(3) and (7);

20 (D) less the amount necessary to pay dividends from the  
 21 dividend fund due to eligible applicants who, as determined by the department,  
 22 filed for a previous year's dividend by the filing deadline but who were not  
 23 included in a previous year's dividend computation;

24 (E) less appropriations from the dividend fund during the  
 25 current year, including amounts to pay costs of administering the dividend  
 26 program and the hold harmless provisions of AS 43.23.075;

27 (2) determining the number of individuals eligible to receive a  
 28 dividend payment for the current year and the number of estates and successors  
 29 eligible to receive a dividend payment for the current year under AS 43.23.005(h); and

30 (3) dividing the amount determined under (1) of this subsection by the  
 31 amount determined under (2) of this subsection.

1      \* **Sec. 3.** This Act takes effect January 1, 2009.