

CS FOR SENATE BILL NO. 265(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Offered: 3/3/08

Referred: State Affairs

Sponsor(s): SENATORS MCGUIRE, Dyson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the payment of permanent fund dividends to certain individuals**
2 **required to register as sex offenders or child kidnappers; and providing for an effective**
3 **date."**

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

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

6 **Sec. 43.23.021. Delayed payment of certain dividends.** (a) Notwithstanding
7 other provisions regarding the payment of permanent fund dividends, if an individual
8 is required to register as a sex offender or child kidnapper under AS 12.63 and has not
9 registered or has not completed the required periodic verifications or notices required
10 under AS 12.63, payment of the dividend for that individual shall be delayed.

11 (b) If payment of a dividend is delayed, the department shall notify the
12 individual in writing of the delayed payment status, explain the requirements of this
13 section, and request proof of registration and compliance with the verifications and
14 notices required under AS 12.63. The dividend may not be paid unless, within one

1 year after the notification, the department determines that the individual has registered
2 and is in compliance with the verifications and notices required under AS 12.63.

3 (c) Notwithstanding other provisions, a permanent fund dividend that has not
4 become payable to an individual under this section is not subject to levy, execution,
5 garnishment, attachment, or any other remedy for the collection of debt until that
6 dividend becomes payable or is paid to the individual.

7 (d) If an individual for whom payment of a permanent fund dividend has been
8 delayed but remains payable under (b) of this section dies before the dividend is paid
9 or payable, the department shall pay the dividend to a personal representative of the
10 individual's estate.

11 (e) The department shall include notice with the dividend application form of
12 the requirements of (a) and (b) of this section.

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

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

16 (1) determining the total amount available for dividend payments,
17 which equals

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

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

23 (C) less the amount necessary to pay prior year dividends from
24 the dividend fund in the current year under AS 43.23.005(h), **43.23.021**, and
25 **43.23.055(3) and (7)** [UNDER AS 43.23.055(3) AND (7)];

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

30 (E) less appropriations from the dividend fund during the
31 current year, including amounts to pay costs of administering the dividend

1 program and the hold harmless provisions of AS 43.23.075;
2 (2) determining the number of individuals eligible to receive a
3 dividend payment for the current year and the number of estates and successors
4 eligible to receive a dividend payment for the current year under AS 43.23.005(h); and
5 (3) dividing the amount determined under (1) of this subsection by the
6 amount determined under (2) of this subsection.
7 * **Sec. 3.** This Act takes effect January 1, 2009.