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1 IN THE HOUSE

2

HOUSE BILL NO. 245

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to permanent fund dividends for  
7 individuals incarcerated after conviction for a  
8 felony; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 43.23.005 is amended by adding a new subsection to  
11 read:

12 (d) Notwithstanding the provisions of (a) - (c) of this section,  
13 an individual who has been convicted of a felony is not eligible for a  
14 permanent fund dividend for a year when, during all or part of the  
15 fiscal year ending June 30 of the current year, as a result of the  
16 conviction the individual is incarcerated. This subsection applies  
17 whether or not the individual has applied for the dividend.

18 \* Sec. 2. AS 43.23.025 is amended by adding a new subsection to read:

19 (b) For the purpose of calculating the amount of a permanent  
20 fund dividend under (a) of this section, an individual who is ineli-  
21 gible to receive a dividend under AS 43.23.005(d), but who is other-  
22 wise eligible under AS 43.23.005(a)(1) and (2), is counted as an  
23 eligible individual whether or not the individual has applied for the  
24 dividend.

25 \* Sec. 3. AS 43.23.055 is amended to read:

26 Sec. 43.23.055. DUTIES OF THE DEPARTMENT. The department shall  
27 (1) annually pay permanent fund dividends from the dividend  
28 fund;  
29 (2) adopt regulations under the Administrative Procedure

1 Act (AS 44.62) that establish procedures and time limits for claiming  
2 a permanent fund dividend; the department shall set the time limit for  
3 applications for permanent fund dividends so that the number of eli-  
4 gible applicants is determined by October 1 of the year for which the  
5 dividend is declared and permanent fund dividends for a year are paid  
6 before April 30 of the year following that year;

7 (3) adopt regulations under the Administrative Procedure  
8 Act (AS 44.62) that establish procedures and time limits for an indi-  
9 vidual upon emancipation or upon reaching majority to apply for perma-  
10 nent fund dividends not received during minority because the parent,  
11 guardian, or other authorized representative did not apply on behalf  
12 of the individual; [AND]

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

17 (5) annually determine, in cooperation with the Department  
18 of Corrections, the number and identity of individuals ineligible for  
19 a permanent fund dividend under AS 43.23.005(d), and the number of  
20 ineligible individuals counted as eligible under AS 43.23.025; and

21 (6) adopt regulations that are necessary to implement  
22 AS 43.23.005(d).

23 \* Sec. 4. This Act applies only to eligibility for permanent fund  
24 dividends for years after 1987.

25 \* Sec. 5. It is the intent of the legislature that an amount approxi-  
26 mately equal to the money that would otherwise be paid as permanent fund  
27 dividends to ineligible individuals counted as eligible under AS 43.23.025,  
28 as enacted by sec. 2 of this Act, be appropriated annually from the  
29 dividend fund to the Department of Corrections to be used for upkeep of in-

1 mates.

2 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).