

Original sponsors: Barnes, Adams,
Collins, et al.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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CS FOR HOUSE BILL NO. 245 (Judiciary)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to permanent fund dividends for

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individuals incarcerated after conviction for a

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felony; and providing for an effective date."

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

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* Section 1. AS 43.23.005 is amended by adding a new subsection to

11 read:

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(d) Notwithstanding the provisions of (a) - (c) of this section,

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an individual who has been convicted of a felony is not eligible for a

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permanent fund dividend for a year when, during all or part of the

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fiscal year ending June 30 of the current year, as a result of the

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conviction the individual is incarcerated. This subsection applies

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whether or not the individual has applied for the dividend.

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

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(b) For the purpose of calculating the amount of a permanent

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fund dividend under (a) of this section, an individual who is ineli-

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gible to receive a dividend under AS 43.23.005(d) is counted as an

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eligible individual whether or not the individual has applied for the

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dividend.

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

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Sec. 43.23.055. DUTIES OF THE DEPARTMENT. The department shall

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(1) annually pay permanent fund dividends from the dividend

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fund;

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(2) adopt regulations under the Administrative Procedure

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Act (AS 44.62) that establish procedures and time limits for claiming

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

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

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

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

19 (6) adopt regulations that are necessary to implement
20 AS 43.23.005(d).

21 * Sec. 4. This Act applies only to eligibility for permanent fund
22 dividends for years after 1988.

23 * Sec. 5. It is the intent of the legislature that an amount approxi-
24 mately equal to the money that would otherwise be paid as permanent fund
25 dividends to individuals determined to be ineligible under AS 43.23.005(d),
26 as enacted by sec. 1 of this Act, be appropriated annually from the divi-
27 dend fund to the crime victim compensation fund (AS 18.67.162) to carry out
28 the purposes of AS 18.67.

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