

Original sponsor(s): REP. HUDSON, MacLean, Zawacki, Hanley

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 380 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to permanent fund dividends for  
7 disabled individuals; and providing for an effective  
8 date."

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

10 \* Section 1. AS 43.23.005(c) is amended to read:

11 (c) A parent, guardian, or other authorized representative may  
12 claim a permanent fund dividend on behalf of an unemancipated minor or  
13 on behalf of a disabled or an incompetent individual who is eligible  
14 to receive a payment under this section.

15 \* Sec. 2. AS 43.23.015(d) is amended to read:

16 (d) The application and certification of residency of an un-  
17 emancipated individual under 18 years of age or of a disabled or an  
18 incompetent individual must be signed by the individual's parent,  
19 legal guardian, or other authorized representative.

20 \* Sec. 3. AS 43.23.015(f) is amended to read:

21 (f) A minor or a disabled or an incompetent individual may not  
22 maintain a claim against the state or an officer or employee of the  
23 state based on the manner in which the parent, guardian, or authorized  
24 representative other than a public agency of the state managed or  
25 disposed of permanent fund dividends received on behalf of the minor  
26 or disabled or incompetent individual.

27 \* Sec. 4. AS 43.23.025(a) is amended to read:

28 (a) By October 1 of each year the commissioner shall give public  
29 notice of the value of each permanent fund dividend for that year.

1 The public notice shall contain a statement disclosing the amount by  
2 which each individual dividend has been reduced in order to pay the  
3 costs of administering the program and the hold harmless provisions of  
4 AS 43.23.075. The commissioner shall also include the statement on  
5 the stub attached to each individual dividend check. The commissioner  
6 shall determine the value of a permanent fund dividend by

7 (1) determining the total amount available for dividend  
8 payments, which equals

9 (A) the amount of income of the Alaska permanent fund  
10 transferred to the dividend fund under AS 43.23.045(b) during the  
11 current year;

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

15 (C) less the amount necessary to pay dividends from  
16 the dividend fund in the current year under AS 43.23.055(3) and  
17 (7);

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

23 (2) determining the number of individuals eligible to  
24 receive a dividend payment for the current year; and

25 (3) dividing the amount determined under (1) of this sec-  
26 tion by the amount determined under (2) of this section.

27 \* Sec. 5. AS 43.23.055 is amended to read:

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

29 (1) annually pay permanent fund dividends from the dividend

1 fund;

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

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

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

19 (5) annually determine, in cooperation with the Department  
20 of Corrections, the number and identity of individuals ineligible for  
21 a permanent fund dividend under AS 43.23.005(d); [AND]

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

24 (7) adopt regulations that establish procedures for the  
25 parent, guardian, or other authorized representative of a disabled  
26 individual to apply for prior year permanent fund dividends not re-  
27 ceived by the disabled individual because no application was submitted  
28 on behalf of the individual.

29 \* Sec. 6. AS 43.23.095 is amended by adding a new paragraph to read:

1                   (9) "disabled" means physically or mentally unable to  
2 complete and sign an application due to a serious emotional distur-  
3 bance, visual, orthopedic, or other health impairment, or develop-  
4 mental disability that is attributable to mental retardation, cerebral  
5 palsy, epilepsy, autism or other cause; "disabled" does not mean  
6 "incompetent";

7 \* Sec. 7. The Act takes effect January 1, 1991.