

**CS FOR SENATE BILL NO. 378(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION**

BY THE SENATE STATE AFFAIRS COMMITTEE

**Offered: 4/21/94
Referred: Finance**

Sponsor(s): SENATE FINANCE COMMITTEE

**A BILL
FOR AN ACT ENTITLED**

1 "An Act relating to permanent fund dividend program notice requirements, to the
2 ineligibility for dividends of individuals convicted of felonies or incarcerated for
3 misdemeanors, and to the determination of the number and identity of certain
4 ineligible individuals; and providing for an effective date."

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

6 * **Section 1. PURPOSES.** The purposes of the amendments made to AS 43.23.005(d) and
7 43.23.028(b) in this Act are to obtain

8 (1) a source of additional funding for the state agencies listed in
9 AS 43.23.028(b); and

10 (2) full or partial reimbursement from individuals convicted of a felony or
11 misdemeanor for costs imposed on the state criminal justice system related to convictions and
12 incarcerations.

13 * **Sec. 2.** AS 43.23.005(d) is amended to read:

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

1 [WHO HAS BEEN CONVICTED OF A FELONY] is not eligible for a permanent
2 fund dividend for a dividend year when
3 (1) during the calendar year immediately preceding that dividend
4 year the individual was convicted of a felony; or
5 (2) [,] during all or part of the [PREVIOUS] calendar year immediately
6 preceding that dividend year, as a result of the conviction of a felony or
7 misdemeanor, the individual was [IS] incarcerated.

8 * Sec. 3. AS 43.23.028(b) is amended to read:

9 (b) The notice requirements of (a) of this section do not apply to
10 appropriations from the dividend fund to the crime victim compensation fund
11 established under AS 18.67.162, to the council on domestic violence and sexual assault
12 established under AS 18.66.010, to the court system, or to the Department of
13 Corrections to the extent that amounts appropriated for a fiscal year do not exceed the
14 total amount that would have been paid during that same [THE PREVIOUS] fiscal
15 year to individuals who are ineligible to receive dividends under AS 43.23.005(d) if
16 they had been eligible.

17 * Sec. 4. AS 43.23.055 is amended to read:

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

- 19 (1) annually pay permanent fund dividends from the dividend fund;
20 (2) subject to AS 43.23.011 and paragraph (8) of this section, adopt
21 regulations under AS 44.62 (Administrative Procedure Act) that establish procedures
22 and time limits for claiming a permanent fund dividend; the department shall determine
23 the number of eligible applicants by October 1 of the year for which the dividend is
24 declared and pay the dividends by December 31 of that year;
25 (3) adopt regulations under AS 44.62 (Administrative Procedure Act)
26 that establish procedures and time limits for an individual upon emancipation or upon
27 reaching majority to apply for permanent fund dividends not received during minority
28 because the parent, guardian, or other authorized representative did not apply on behalf
29 of the individual;
30 (4) assist residents of the state, particularly in rural areas, who because
31 of language, disability, or inaccessibility to public transportation need assistance to

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establish eligibility and to apply for permanent fund dividends;

(5) use a list of individuals ineligible for a dividend under AS 43.23.005(d) provided annually by [ANNUALLY DETERMINE, IN COOPERATION WITH] the Department of Corrections and the Department of Public Safety to determine [,] the number and identity of those individuals [INELIGIBLE FOR A PERMANENT FUND DIVIDEND UNDER AS 43.23.005(d)];

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

(7) adopt regulations that establish procedures for the parent, guardian, or other authorized representative of a disabled individual to apply for prior year permanent fund dividends not received by the disabled individual because no application was submitted on behalf of the individual;

(8) adopt regulations that establish procedures for an individual to apply to have a dividend warrant reissued if it is returned to the department as undeliverable or it is not paid within two years of the date of its issuance; however, the department may not establish a time limit within which an application to have a warrant reissued must be filed;

(9) adopt regulations establishing an optional longevity bonus program to provide for the direct payment by the department of an individual's permanent fund dividend to an annuity program selected by the individual.

* Sec. 5. Notwithstanding the amendment to AS 43.23.005(d) made in sec. 2 of this Act, for purposes of determining eligibility for 1995 dividends, AS 43.23.005(d) shall be applied as though it had not been amended by this Act.

* Sec. 6. Sections 3 and 4 of this Act are retroactive to January 1, 1994.

* Sec. 7. Sections 1, 3, 4, and 6 of this Act take effect immediately under AS 01.10.070(c).

* Sec. 8. Sections 2 and 5 of this Act take effect January 1, 1995.