

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

BY THE SENATE FINANCE COMMITTEE

Offered: 5/2/94  
Referred: Rules

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

1 establish eligibility and to apply for permanent fund dividends;

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

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

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

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

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

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

23 \* Sec. 6. Notwithstanding the amendment to AS 43.23.028(b) made in sec. 3 of this Act,  
24 the notice requirements of AS 43.23.028(a) do not apply to appropriations from the dividend  
25 fund made for fiscal year 1995 to the crime victim compensation fund established under  
26 AS 18.67.162, to the Council on Domestic Violence and Sexual Assault established under  
27 AS 18.66.010, to the court system, or to the Department of Corrections to the extent that  
28 amounts appropriated do not exceed the total amount that would have been paid during fiscal  
29 year 1994 and fiscal year 1995 to individuals who are ineligible to receive dividends under  
30 AS 43.23.005(d) if they had been eligible.

31 \* Sec. 7. Sections 3 and 4 of this Act are retroactive to January 1, 1994.

- 1 \* Sec. 8. Sections 1, 3, 4, 6, and 7 of this Act take effect immediately under  
2 AS 01.10.070(c).  
3 \* Sec. 9. Sections 2 and 5 of this Act take effect January 1, 1995.