

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

BY THE SENATE FINANCE COMMITTEE

Amended: 5/5/94

Offered: 5/2/94

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;

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 the individual
7 was [IS] incarcerated; or

8 (3) during all or part of the calendar year immediately preceding
9 that dividend year, as a result of a third or subsequent conviction of a
10 misdemeanor, the individual was incarcerated; for purposes of applying this
11 paragraph only convictions that occur on or after January 1, 1993, may be
12 considered.

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

14 (b) The notice requirements of (a) of this section do not apply to
15 appropriations from the dividend fund to the crime victim compensation fund
16 established under AS 18.67.162, to the council on domestic violence and sexual assault
17 established under AS 18.66.010, to the Department of Revenue for the satisfaction
18 of child support obligations of individuals who are not eligible for a dividend
19 under AS 43.23.005(d) but are otherwise eligible, or to the Department of
20 Corrections to the extent that amounts appropriated for a fiscal year do not exceed the
21 total amount that would have been paid during that same [THE PREVIOUS] fiscal
22 year to individuals who are ineligible to receive dividends under AS 43.23.005(d) if
23 they had been eligible.

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

25 Sec. 43.23.055. DUTIES OF THE DEPARTMENT. The department shall
26 (1) annually pay permanent fund dividends from the dividend fund;
27 (2) subject to AS 43.23.011 and paragraph (8) of this section, adopt
28 regulations under AS 44.62 (Administrative Procedure Act) that establish procedures
29 and time limits for claiming a permanent fund dividend; the department shall determine
30 the number of eligible applicants by October 1 of the year for which the dividend is
31 declared and pay the dividends by December 31 of that year;

1 (3) adopt regulations under AS 44.62 (Administrative Procedure Act)
2 that establish procedures and time limits for an individual upon emancipation or upon
3 reaching majority to apply for permanent fund dividends not received during minority
4 because the parent, guardian, or other authorized representative did not apply on behalf
5 of the individual;

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

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

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

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

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

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

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

30 * Sec. 6. Notwithstanding the amendment to AS 43.23.028(b) made in sec. 3 of this Act,
31 the notice requirements of AS 43.23.028(a) do not apply to appropriations from the dividend

1 fund made for fiscal year 1995 to the crime victim compensation fund established under
2 AS 18.67.162, to the Council on Domestic Violence and Sexual Assault established under
3 AS 18.66.010, to the court system, to the Department of Revenue for the satisfaction of child
4 support obligations of individuals who are not eligible for a dividend under AS 43.23.005(d)
5 but are otherwise eligible, or to the Department of Corrections to the extent that amounts
6 appropriated do not exceed the total amount that would have been paid during fiscal year 1994
7 and fiscal year 1995 to individuals who are ineligible to receive dividends under
8 AS 43.23.005(d) if they had been eligible.

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

10 * Sec. 8. Sections 1, 3, 4, 6, and 7 of this Act take effect immediately under
11 AS 01.10.070(c).

12 * Sec. 9. Sections 2 and 5 of this Act take effect January 1, 1995.