

HB

380

SENATE FINANCE COMMITTEE REPORT

DATE: 4/24/90

FURTHER:

DATE TURNED INTO OFFICE: 4/28/90

The Finance Committee considered

CSHB 380 (Judiciary)

Relating to permanent fund dividends for disabled individuals; efd.

and recommended:

- replace with _____ CS _____ same title
- or adopt _____ CS _____ new title
- attached amendment(s) technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

fiscal note(s) Dept/Date: _____

fiscal note(s) Dept/Date: _____

zero fiscal note(s) _____

zero fiscal note(s) DOR 4/1/90

appropriation-no fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Handwritten signatures]

1. _____

2. Fish Kelly NO PASS

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

Adopted

REQUEST

Revision Date: _____
Title: An Act relating to permanent fund dividends for incompetent indiv.
Sponsor: HUDSON
Requestor: _____

Agency Affected: Revenue
BRU: Permanent Fund Dividend Division
Components: Permanent Fund Dividend Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
<u>OPERATING</u>						
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LANDS & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
<u>TOTAL OPERATING</u>	-0-	-0-	-0-	-0-	-0-	-0-
<u>CAPITAL</u>	-0-	-0-	-0-	-0-	-0-	-0-
<u>REVENUE</u>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
<u>TOTAL</u>	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS: None required.

Prepared By: Ervin Jones
Division: Permanent Fund Dividend Division

Phone: 467-2323
Date: March 30, 1990

Approved by Commissioner: _____
Agency: Revenue

Date: 4/1/90

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

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.