

HB

366

HOUSE BILL NO. 366

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

BY REPRESENTATIVES CRAWFORD, Gardner

**Introduced: 2/13/08
Referred: State Affairs, Finance**

*Coghill
Moved
out of Committee*

*Public testimony
based*

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an exemption from public disclosure of certain appropriations from**
2 **the dividend fund; and providing for an effective date."**

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

4 *** Section 1.** AS 43.23.028(b) is amended to read:

5 (b) To the extent that amounts appropriated for a fiscal year do not exceed the
6 total amount that would have been paid during the previous fiscal year to individuals
7 who were ineligible to receive dividends under AS 43.23.005(d) if they had been
8 eligible, the notice requirements of (a)(3) of this section do not apply to appropriations
9 from the dividend fund to

10 (1) the crime victim compensation fund established under
11 AS 18.67.162 for payments to crime victims;

12 (2) the council on domestic violence and sexual assault established
13 under AS 18.66.010 for grants for the operation of domestic violence and sexual
14 assault programs;

1 (3) the Department of Corrections for incarceration and probation
2 programs;

3 (4) the office of victims' rights; [OR]

4 (5) nonprofit victims' rights organizations for grants for services to
5 crime victims; or

6 (6) to the Department of Revenue for grants to minor children of
7 incarcerated individuals under a grant program established by regulations of the
8 Department of Revenue under AS 44.62 (Administrative Procedure Act).

9 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature
House of Representatives

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Representative Harry Crawford
District 21

SPONSOR STATEMENT: HOUSE BILL 366

Approximately 5,000 Alaskan children do not receive child support because their non-custodial parent is incarcerated and ineligible to receive a Permanent Fund Dividend. When non-custodial parents are ordered to pay child support, but are unable to do so, their Permanent Fund Dividend is garnished to fulfill the debt. In 1996, AS 43.23.005(d) was amended, making an individual ineligible to receive a Permanent Fund Dividend if, during the qualifying year, they were incarcerated as a result of a felony; or misdemeanor if they have a prior felony; or two or more prior misdemeanors. While this has the desired effect of punishing repeat miscreants by making them ineligible to receive a Permanent Fund Dividend, the amendment has the apparent unintended consequence of denying dependent children of incarcerated parents the child support they depend on.

Under current law, the Permanent Fund Dividends of individuals found ineligible under AS 43.23.005(d) are appropriated to the Department of Corrections and to programs for the victims of crimes. HB 366 will allow the Department of Revenue to provide grants to minor children of incarcerated individuals. In doing so, this bill ensures that minor children of incarcerated individuals do not lose out on the child support they depend on.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB366
() Publish Date: _____

Identifier (file name): HB366-REV-CSSD-3-17-08 Dept. Affected: Revenue
Title: Disclosure: Appropriations From PFD Fund RDU: Child Support Services Division
Component: Child Support Services Division
Sponsor: Rep Crawford
Requester: House State Affairs Component Number: 111

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Last fall we estimated that 10,188 individuals would have received a 2007 dividend, had it not been for conviction or incarceration as a felon or multiple misdemeanor.

1,499 were sentenced felons

8,689 were incarcerated convicted felons and/or incarcerated convicted multiple misdemeanants

Analysis continued on page 2

Prepared by: John Mallonee
Division: Child Support Services Division
Approved by: Jerry Burnett
Department of Revenue

Phone 907 269-6801
Date/Time 3-17-2008 2:00pm
Date 3/17/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. HB 366

ANALYSIS CONTINUATION

An amount equal to what would have been paid to these individuals as dividends is appropriated to the Departments of Corrections and Public Safety each year to offset the cost of incarceration and to provide for programs for victims of crimes. House Bill 366 would add grants to the children of incarcerated parents to the permitted uses of what are commonly called "PFD Felon Funds."

There are approximately 5,000 individuals incarcerated that owe child support for their children. Most of these people have a \$50 per month child support order on which they pay very little. Unlike other citizens of Alaska, these incarcerated individuals can not apply for a Permanent Fund Dividend which Child Support Services Division would garnish and provide to the custodial parent and child. Therefore these families receive very little in the way of child support while the non-custodial parent is incarcerated.

This bill would have no impact on the number of individuals eligible to apply for the dividend nor to the amount of the dividend.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB366-DOC-IHC-02-21-08
 () Publish Date: _____

Identifier (file name): HB336-DOC-IHC-02-21-08 Dept. Affected: Corrections
 Title "An act relating to an exemption from public disclosure of RDU Inmate Health Care
certain appropriations from the dividend fund; and providing ..." Component Inmate Health Care
 Sponsor Representatives Crawford, Gardner
 Requester House State Affairs Component Number 705

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required		Information				
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0	0
Part-time	0	0	0	0	0	0	0
Temporary	0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation should have no fiscal impact on the Department of Corrections.

Prepared by: Sharleen Griffin, Director
 Division: Administrative Services
 Approved by: Dwayne Peeples, Deputy Commissioner
Department of Corrections

Phone (907) 465-3339
 Date/Time 2/21/08 2:00 PM
 Date 2/21/2008

testify – either Joyce Anderson or Skip Cook – and be available for questions. I hope there will be someone available from the Department of Law.

For HB 281: Again, there is no new CS yet. I've been told that the title will be tightened and the bill should reflect the changes made in the blank CS or O version. I hope that someone from both APOC and the Select Committee will be available. I hope there will be someone from the Department of Law available as well.

I've attached copies of HB 368, L version, and HB 291, O version.

Call me if you have any questions.

Mike Sica, staff
For Rep. Bob Lynn
465-4965

3/19/2008

Alaska State Legislature
House of Representatives

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Representative Harry T. Crawford, Jr.

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M E M O R A N D U M

To: Representative Bob Lynn, Chairman House State Affairs Committee

From: Representative Crawford

Re: Scheduling Request, House Bill 366

Date: February 28, 2008

I respectfully request that the House State Affairs Committee schedule House Bill 366, "An Act relating to an exemption from public disclosure of certain appropriations from the dividend fund; and providing for an effective date," for a hearing as soon as possible.

With this request I am including a sponsor statement, and the most recent copy of HB 366. Supporting documentation will be provided as soon as it becomes available. Once a committee hearing is scheduled, any teleconference request and names of witnesses wishing to testify will also be provided.

Please contact me if you have any questions or require any additional information.