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Chapter No.

46

AN ACT

Relating to permanent fund dividend program notice requirements, to the ineligibility for dividends of individuals convicted of felonies or incarcerated for misdemeanors, and to the determination of the number and identity of certain ineligible individuals.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May 29, 1996

Actual Effective Date: August 27, 1996

AN ACT

1 Relating to permanent fund dividend program notice requirements, to the ineligibility for
2 dividends of individuals convicted of felonies or incarcerated for misdemeanors, and to the
3 determination of the number and identity of certain ineligible individuals.

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

7 (1) obtain reimbursement for some of the costs imposed on the state criminal
8 justice system related to incarceration or probation of individuals convicted of a felony and
9 individuals who are chronic offenders as demonstrated by their being incarcerated as a result of
10 a misdemeanor conviction after having been convicted of two or more prior crimes;

11 (2) ensure the public is advised about the ineligibility for dividends under
12 AS 43.23.005(d), the reasons for making individuals ineligible under that subsection, and the
13 purposes for which the state has appropriated the money that would otherwise have been paid
14 to those ineligible individuals;

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1 (3) clarify what the funds appropriated to certain agencies listed under
2 AS 43.23.028(b) may be used for if the appropriations are to be exempt from the notice
3 requirement; and

4 (4) obtain another source of funding for the state agencies listed in
5 AS 43.23.028(b).

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

7 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual
8 [WHO HAS BEEN CONVICTED OF A FELONY] is not eligible for a permanent fund
9 dividend for a dividend year when

10 (1) during the calendar year immediately preceding that dividend
11 year the individual was sentenced as a result of conviction in this state of a felony;

12 (2) [.] during all or part of the [PREVIOUS] calendar year immediately
13 preceding that dividend year, the individual was incarcerated [.] as a result of the
14 conviction in this state of a

15 (A) felony; or

16 (B) misdemeanor if the individual has been convicted of two
17 or more prior crimes as defined in AS 11.81.900 [THE INDIVIDUAL IS
18 INCARCERATED].

19 * Sec. 3. AS 43.23.005 is amended by adding a new subsection to read:

20 (g) For purposes of applying (d)(1) of this section, the date the court imposes
21 a sentence or suspends the imposition of sentence shall be treated as the date of
22 conviction. For purposes of applying (d)(2)(B) of this section, multiple convictions
23 arising out of a single criminal episode shall be treated as a single conviction.

24 * Sec. 4. AS 43.23.028 is amended to read:

25 Sec. 43.23.028. PUBLIC NOTICE. (a) By October 1 of each year, the
26 commissioner shall give public notice of the value of each permanent fund dividend for
27 that year and notice of the information required to be disclosed under (3) of this
28 subsection. In addition, [. THE NOTICE AND] the stub attached to each individual
29 dividend check and direct deposit advice must [DISCLOSE THE AMOUNT]

30 (1) disclose the amount of each dividend attributable to income earned
31 by the permanent fund from deposits to that fund required under art. IX, sec. 15,

1 Constitution of the State of Alaska;

2 (2) disclose the amount of each dividend attributable to income earned
3 by the permanent fund from appropriations to that fund and from amounts added to that
4 fund to offset the effects of inflation; [AND]

5 (3) disclose the amount by which each dividend has been reduced due
6 to each appropriation from the dividend fund, including amounts to pay the costs of
7 administering the dividend program and the hold harmless provisions of AS 43.23.075;

8 (4) include a statement that an individual is not eligible for a
9 dividend when

10 (A) during the calendar year immediately preceding that
11 dividend year the individual was convicted of a felony;

12 (B) during all or part of the calendar year immediately
13 preceding that dividend year, the individual was incarcerated as a result of
14 the conviction of a

15 (i) felony; or

16 (ii) misdemeanor if the individual has been convicted
17 of two or more prior crimes;

18 (5) include a statement that the legislative purpose for making
19 individuals listed under (4) of this subsection ineligible is to

20 (A) obtain reimbursement for some of the costs imposed on
21 the state criminal justice system related to incarceration or probation of
22 those individuals;

23 (B) provide funds for payments to crime victims and for
24 grants for the operation of domestic violence and sexual assault programs;

25 (6) disclose the total amount that would have been paid during the
26 previous fiscal year to individuals who were ineligible to receive dividends under
27 AS 43.23.005(d) if they had been eligible;

28 (7) disclose the total amount appropriated for the current fiscal year
29 under (b) of this section for each of the funds and agencies listed in (b) of this
30 section.

31 (b) To the extent that amounts appropriated for a fiscal year do not exceed

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1 the total amount that would have been paid during the previous fiscal year to
2 individuals who were ineligible to receive dividends under AS 43.23.005(d) if they
3 had been eligible, the [THE] notice requirements of (a)(3) [(a)] of this section do not
4 apply to appropriations from the dividend fund to the

5 (1) crime victim compensation fund established under AS 18.67.162 for
6 payments to crime victims;

7 (2) [, TO THE] council on domestic violence and sexual assault
8 established under AS 18.66.010 for grants for the operation of domestic violence and
9 sexual assault programs; [,] or

10 (3) [TO THE] Department of Corrections for incarceration and
11 probation programs [TO THE EXTENT THAT AMOUNTS APPROPRIATED FOR
12 A FISCAL YEAR DO NOT EXCEED THE TOTAL AMOUNT THAT WOULD HAVE
13 BEEN PAID DURING THE PREVIOUS FISCAL YEAR TO INDIVIDUALS WHO
14 ARE INELIGIBLE TO RECEIVE DIVIDENDS UNDER AS 43.23.005(d) IF THEY
15 HAD BEEN ELIGIBLE].

16 * Sec. 5. AS 43.23.055 is amended to read:

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

18 (1) annually pay permanent fund dividends from the dividend fund;

19 (2) subject to AS 43.23.011 and paragraph (8) of this section, adopt
20 regulations under AS 44.62 (Administrative Procedure Act) that establish procedures and
21 time limits for claiming a permanent fund dividend; the department shall determine the
22 number of eligible applicants by October 1 of the year for which the dividend is declared
23 and pay the dividends by December 31 of that year;

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

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

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

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

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

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

16 (9) REPEALED].

17 * **Sec. 6.** The amendments made by secs. 2 and 3 of this Act apply only to individuals
18 convicted of crimes committed after December 31, 1996. Convictions for crimes committed
19 before January 1, 1997, may not be considered in determining the number of prior convictions
20 for purposes of applying AS 43.23.005(d)(2)(B).

21 * **Sec. 7.** The amendments made by sec. 4 of this Act apply after December 31, 1996.
22 Before January 1, 1997, AS 43.23.028 shall apply as it read before the effective date of this Act.