

HOUSE BILL NO. 141

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KREISS-TOMKINS

Introduced: 4/22/19

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disbursement of the permanent fund dividend; relating to transfers
2 of permanent fund dividends into the restorative justice account; and relating to
3 contributions from, claims against, and assignments of permanent fund dividends."

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

5 * **Section 1.** AS 43.23.048(a) is amended to read:

6 (a) The restorative justice account is created as a separate account in the
7 dividend fund. The commissioner shall transfer from the dividend fund to the
8 restorative justice account each fiscal year an amount equal to the amount that would
9 have been paid during the previous dividend [FISCAL] year to individuals who were
10 ineligible to receive dividends under AS 43.23.005(d) if they had been eligible.

11 * **Sec. 2.** AS 43.23.055 is amended to read:

12 **Sec. 43.23.055. Duties of the department.** The department shall

13 (1) disburse the annual amount of the [ANNUALLY PAY]
14 permanent fund dividends from the dividend fund to eligible individuals in quarterly

1 **payments over the 12-month period beginning October 1;**

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

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

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

15 (5) use a list of individuals ineligible for a dividend under
16 AS 43.23.005(d) provided annually by the Department of Corrections and the
17 Department of Public Safety to determine the number and identity of those
18 individuals;

19 (6) adopt regulations that are necessary to implement AS 43.23.005(d)
20 and 43.23.048;

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

25 (8) adopt regulations that establish procedures for an individual to
26 apply to have a dividend disbursement under AS 37.25.050(a)(2) reissued if it is not
27 collected within two years after the date of its issuance; however, the department may
28 not establish a time limit within which an application to have a disbursement reissued
29 must be filed;

30 (9) provide any information, upon request, contained in permanent
31 fund dividend records to the child support services agency created in AS 25.27.010, or

1 the child support enforcement agency of another state, for child support purposes
 2 authorized under law; if the information is contained in an electronic data base, the
 3 department shall provide the requesting agency with either

4 (A) access to the data base; or

5 (B) a copy of the information in the data base and a statement
 6 certifying its contents;

7 (10) establish a fraud investigation unit for the purpose of assisting the

8 (A) Department of Law in the prosecution of individuals who
 9 apply for or obtain a permanent fund dividend in violation of a provision in
 10 AS 11, by detecting and investigating those crimes; and

11 (B) commissioner to detect and investigate the claiming or
 12 paying of permanent fund dividends that should not have been claimed by or
 13 paid to an individual and to impose the penalties and enforcement provisions
 14 under AS 43.23.270;

15 (11) adopt regulations under AS 44.62 (Administrative Procedure Act)
 16 so that contributions under AS 43.23.062 are given a priority over donations under
 17 AS 43.23.064 if the total amount of contributions and donations elected by an
 18 applicant exceeds the amount of the permanent fund dividend that the applicant is
 19 entitled to receive.

20 * **Sec. 3.** AS 43.23.130(a) is amended to read:

21 (a) Notwithstanding AS 43.23.200, the Department of Revenue shall prepare
 22 the electronic Alaska permanent fund dividend application to allow an applicant who
 23 files electronically to direct that money be subtracted from the dividend payment and
 24 contributed to the crime victim compensation fund (AS 18.67.162), the peace officer
 25 and firefighter survivors' fund, or one or more of the educational organizations,
 26 community foundations, or charitable organizations that appear on the contribution list
 27 contained in the application. A contribution to the crime victim compensation fund,
 28 the peace officer and firefighter survivors' fund, or [TO] an organization may be \$25,
 29 \$50, \$75, \$100, or more, in increments of \$50, up to the total amount of the permanent
 30 fund dividend that the applicant is entitled to receive. If the total amount of
 31 contributions elected by an applicant exceeds the amount of the permanent fund

dividend that the applicant is entitled to receive, contributions shall be deducted from the dividend in the order of priority elected by the applicant on the application until the entire amount of the dividend that the applicant is entitled to receive is allocated for contribution. **The department shall deduct the total amount of contributions from the dividend on October 1. Each payment of the dividend under AS 43.23.055(1) shall be reduced proportionately.** The electronic dividend application form must include notice that seven percent of the money contributed will be used for administrative costs incurred in implementing this section, and money from the dividend fund will not be used for that purpose.

* **Sec. 4.** AS 43.23 is amended by adding a new section to read:

Sec. 43.23.205. Claim payment. The entire amount of a claim or assignment under AS 43.23.140 - 43.23.200 shall be satisfied from the permanent fund dividend on October 1. Each payment of the dividend under AS 43.23.055(1) shall be reduced proportionately.