

CS FOR HOUSE BILL NO. 45(W&M)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON WAYS AND MEANS

Offered: 5/3/23

Referred: Finance

Sponsor(s): REPRESENTATIVES PRAX, Carpenter, Rauscher, Wright, McKay, Coulombe, DeLena Johnson, Stapp, Josephson, Stutes, Tomaszewski, McCabe, Allard, Vance, Ruffridge, Foster, Carrick, Patkotak, Tilton, Sumner, Cronk, Craig Johnson, Shaw, Ortiz, Gray, Groh

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to contributions and donations from permanent fund dividends."**

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

3 * **Section 1.** AS 43.23.055 is amended to read:

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

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

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

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

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

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

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

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

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

19 (9) provide any information, upon request, contained in permanent
20 fund dividend records to the child support services agency created in AS 25.27.010, or
21 the child support enforcement agency of another state, for child support purposes
22 authorized under law; if the information is contained in an electronic data base, the
23 department shall provide the requesting agency with either

24 (A) access to the data base; or

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

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

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

31 (B) commissioner to detect and investigate the claiming or

1 paying of permanent fund dividends that should not have been claimed by or
 2 paid to an individual and to impose the penalties and enforcement provisions
 3 under AS 43.23.270;

4 (11) adopt regulations under AS 44.62 (Administrative Procedure Act)
 5 so that, [CONTRIBUTIONS UNDER AS 43.23.130 ARE GIVEN A PRIORITY
 6 OVER DONATIONS UNDER AS 43.23.230] if the total amount of contributions and
 7 donations elected by an applicant exceeds the amount of the permanent fund dividend
 8 that the applicant is entitled to receive, **contributions and donations are given the**
 9 **following priority order:**

10 **(A) contributions under AS 43.23.130;**

11 **(B) donations under AS 43.23.230;**

12 **(C) contributions under AS 43.23.135.**

13 * **Sec. 2.** AS 43.23 is amended by adding a new section to read:

14 **Sec. 43.23.135. Contributions to the general and permanent funds.** (a)

15 Notwithstanding AS 43.23.200, the electronic Alaska permanent fund dividend
 16 application must allow an applicant to direct that money be subtracted from the
 17 dividend payment and contributed to the state general fund or the principal of the
 18 permanent fund. A contribution to the state general fund or the principal of the
 19 permanent fund may be 10 percent of the amount of the dividend or more, in
 20 increments of 10 percent, up to the total amount of the permanent fund dividend that
 21 the applicant is entitled to receive. If the applicant's total amount of contributions
 22 under this subsection, when added to the total amount of contributions under
 23 AS 43.23.130 and donations under AS 43.23.230, exceeds the amount of the
 24 permanent fund dividend that the applicant is entitled to receive, contributions under
 25 AS 43.23.130 and donations under AS 43.23.230 shall have priority over contributions
 26 under this subsection. Money from a contribution under this subsection or from the
 27 dividend fund may not be used for administrative costs incurred in implementing this
 28 subsection.

29 (b) A public agency that claims a permanent fund dividend on behalf of an
 30 individual under AS 43.23.015(e) may not elect to make contributions from the
 31 dividend under this section.

1 (c) In preparing the electronic Alaska permanent fund dividend application,
2 the department shall ensure that the option to make a contribution under this section is
3 in a separate section of the application than the option to make a contribution under
4 AS 43.23.130.