

**CS FOR SENATE BILL NO. 199(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

**BY THE SENATE FINANCE COMMITTEE**

**Offered: 4/22/22**

**Referred: Rules**

**Sponsor(s): SENATE FINANCE COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to use of income of the Alaska permanent fund; relating to the amount**  
2 **of the permanent fund dividend; relating to the duties of the commissioner of revenue;**  
3 **and providing for an effective date."**

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

5 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
6 to read:

7 LEGISLATIVE INTENT. It is the intent of the legislature to

8 (1) implement the recommendations of the 2021 Comprehensive Fiscal Plan  
9 Working Group; and

10 (2) allow for adequate time to debate, analyze, and implement the revenue  
11 measures and cost reductions required for the long-term financial stability of the state.

12 \* **Sec. 2.** AS 37.13.140 is amended to read:

13 **Sec. 37.13.140. Income.** (a) Net income of the fund includes income of the  
14 earnings reserve account established under AS 37.13.145. Net income of the fund shall

1 be computed annually as of the last day of the fiscal year in accordance with generally  
 2 accepted accounting principles, excluding any unrealized gains or losses. [INCOME  
 3 AVAILABLE FOR DISTRIBUTION EQUALS 21 PERCENT OF THE NET  
 4 INCOME OF THE FUND FOR THE LAST FIVE FISCAL YEARS, INCLUDING  
 5 THE FISCAL YEAR JUST ENDED, BUT MAY NOT EXCEED NET INCOME OF  
 6 THE FUND FOR THE FISCAL YEAR JUST ENDED PLUS THE BALANCE IN  
 7 THE EARNINGS RESERVE ACCOUNT DESCRIBED IN AS 37.13.145.]

8 (b) The corporation shall determine the amount available for appropriation  
 9 each year. The amount available for appropriation is five percent of the average  
 10 market value of the fund for the first five of the preceding six fiscal years, including  
 11 the fiscal year just ended, computed annually for each fiscal year in accordance with  
 12 generally accepted accounting principles. **The amount available for appropriation**  
 13 **may not exceed the balance in the earnings reserve account described in**  
 14 **AS 37.13.145.** In this subsection, "average market value of the fund" includes the  
 15 balance of the earnings reserve account established under AS 37.13.145, but does not  
 16 include that portion of the principal attributed to the settlement of State v. Amerada  
 17 Hess, et al., 1JU-77-847 Civ. (Superior Court, First Judicial District).

18 \* **Sec. 3.** AS 37.13.145(b) is amended to read:

19 (b) **Each** [AT THE END OF EACH] fiscal year, the **legislature may**  
 20 **appropriate** [CORPORATION SHALL TRANSFER] from the earnings reserve  
 21 account to the

22 (1) dividend fund established under AS 43.23.045, 50 percent of the  
 23 **amount** [INCOME] available for **appropriation** [DISTRIBUTION] under  
 24 **AS 37.13.140(b); and**

25 (2) **general fund, 50 percent of the amount available for**  
 26 **appropriation under AS 37.13.140(b)** [AS 37.13.140].

27 \* **Sec. 4.** AS 37.13.145(b), as amended by sec. 3 of this Act, is amended to read:

28 (b) Each fiscal year, the legislature may appropriate from the earnings reserve  
 29 account to the

30 (1) dividend fund established under AS 43.23.045, **25** [50] percent of  
 31 the amount available for appropriation under AS 37.13.140(b); and

1 (2) general fund, 75 [50] percent of the amount available for  
 2 appropriation under AS 37.13.140(b).

3 \* **Sec. 5.** AS 37.13.145(b), as amended by secs. 3 and 4 of this Act, is amended to read:

4 (b) Each fiscal year, the legislature may appropriate from the earnings reserve  
 5 account to the

6 (1) dividend fund established under AS 43.23.045, 50 [25] percent of  
 7 the amount available for appropriation under AS 37.13.140(b); and

8 (2) general fund, 50 [75] percent of the amount available for  
 9 appropriation under AS 37.13.140(b).

10 \* **Sec. 6.** AS 37.13.145(c) is amended to read:

11 (c) After the appropriation [TRANSFER] under (b) [AND AN  
 12 APPROPRIATION UNDER (e)] of this section, the legislature may appropriate  
 13 [CORPORATION SHALL TRANSFER] from the earnings reserve account to the  
 14 principal of the fund an amount sufficient to offset the effect of inflation on the  
 15 principal of the fund during that fiscal year. However, none of the amount transferred  
 16 shall be applied to increase the value of that portion of the principal attributed to the  
 17 settlement of State v. Amerada Hess, et al., 1JU-77-847 Civ. (Superior Court, First  
 18 Judicial District) on July 1, 2004. The corporation shall calculate the amount to  
 19 transfer to the principal under this subsection by

20 (1) computing the average of the monthly United States Consumer  
 21 Price Index for all urban consumers for each of the two previous calendar years;

22 (2) computing the percentage change between the first and second  
 23 calendar year average; and

24 (3) applying that rate to the value of the principal of the fund on the  
 25 last day of the fiscal year just ended, including that portion of the principal attributed  
 26 to the settlement of State v. Amerada Hess, et al., 1JU-77-847 Civ. (Superior Court,  
 27 First Judicial District).

28 \* **Sec. 7.** AS 37.13.145(d) is amended to read:

29 (d) Notwithstanding (b) of this section, income earned on money awarded in  
 30 or received as a result of State v. Amerada Hess, et al., 1JU-77-847 Civ. (Superior  
 31 Court, First Judicial District), including settlement, summary judgment, or adjustment

1 to a royalty-in-kind contract that is tied to the outcome of this case, or interest earned  
 2 on the money, or on the earnings of the money shall be treated in the same manner as  
 3 other income of the Alaska permanent fund, except that it **may** [IS] not **be included in**  
 4 **the calculation of the amount** available for **appropriation under AS 37.13.140(b)**  
 5 **or** [DISTRIBUTION TO THE DIVIDEND FUND, FOR TRANSFERS] to the  
 6 principal under (c) of this section [, OR FOR AN APPROPRIATION UNDER (e) OF  
 7 THIS SECTION,] and shall be annually deposited into the Alaska capital income fund  
 8 (AS 37.05.565).

9 \* **Sec. 8.** AS 37.13.300(c) is amended to read:

10 (c) Net income from the mental health trust fund may not be included in the  
 11 computation of net income **of the fund, the** [OR] market value **of the fund, or the**  
 12 **amount** available for [DISTRIBUTION OR] appropriation under **AS 37.13.140(b)**  
 13 [AS 37.13.140].

14 \* **Sec. 9.** AS 43.23.025(a) is amended to read:

15 (a) By October 1 of each year, the commissioner shall determine the value of  
 16 each permanent fund dividend for that year by

17 (1) determining the total amount available for dividend payments,  
 18 which equals

19 (A) the amount **appropriated** [OF INCOME OF THE  
 20 ALASKA PERMANENT FUND TRANSFERRED] to the dividend fund  
 21 under AS 37.13.145(b) during the current year;

22 (B) plus the unexpended and unobligated balances of prior  
 23 fiscal year appropriations that lapse into the dividend fund under  
 24 AS 43.23.045(d);

25 (C) less the amount necessary to pay prior year dividends from  
 26 the dividend fund in the current year under AS 43.23.005(h), 43.23.021, and  
 27 43.23.055(3) and (7);

28 (D) less the amount necessary to pay dividends from the  
 29 dividend fund due to eligible applicants who, as determined by the department,  
 30 filed for a previous year's dividend by the filing deadline but who were not  
 31 included in a previous year's dividend computation;

1 (E) less appropriations from the dividend fund during the  
2 current year, including amounts to pay costs of administering the dividend  
3 program and the hold harmless provisions of AS 43.23.240;

4 (2) determining the number of individuals eligible to receive a  
5 dividend payment for the current year and the number of estates and successors  
6 eligible to receive a dividend payment for the current year under AS 43.23.005(h); and

7 (3) dividing the amount determined under (1) of this subsection by the  
8 amount determined under (2) of this subsection.

9 \* **Sec. 10.** AS 37.13.145(e) and 37.13.145(f) are repealed.

10 \* **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to  
11 read:

12 **CONDITIONAL EFFECT; NOTIFICATION TO REVISOR OF STATUTES.** (a)  
13 Section 5 of this Act takes effect only if, by December 15, 2026, the commissioner of revenue  
14 and the director of the legislative finance division jointly agree that revenue measures  
15 anticipated to generate at least \$800,000,000 of new annually recurring general fund revenue,  
16 when compared to annual revenue generated from the statutes as they read on June 30, 2022,  
17 have been passed by the Alaska State Legislature and enacted into law.

18 (b) The commissioner of revenue and the director of the legislative finance division  
19 shall notify the revisor of statutes in a joint letter if, before December 15, 2026, revenue  
20 measures anticipated to generate at least an estimated \$800,000,000 of new annually recurring  
21 general fund revenue, when compared to annual revenue generated from the statutes as they  
22 read on June 30, 2022, have been passed by the Alaska State Legislature and enacted into law.

23 (c) In this section, "general fund revenue" does not include revenue from the  
24 permanent fund.

25 \* **Sec. 12.** Section 4 of this Act takes effect July 1, 2023.

26 \* **Sec. 13.** If, under sec. 11 of this Act, sec. 5 of this Act takes effect, it takes effect July 1,  
27 2027.

28 \* **Sec. 14.** Except as provided in secs. 12 and 13 of this Act, this Act takes effect  
29 immediately under AS 01.10.070(c).