

CS FOR SENATE BILL NO. 85(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/26/24

Referred: Rules

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to national criminal history record checks for certain employees of the**
2 **Department of Revenue; relating to permanent fund dividends; relating to the**
3 **confidentiality of certain information provided on a permanent fund dividend**
4 **application; and providing for an effective date."**

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

6 * **Section 1.** AS 12.62.400(c) is amended to read:

7 (c) To obtain a national criminal history record check for determining a
8 current or prospective employee's qualifications under AS 39.90.210, **a current or**
9 **prospective employee's qualifications and suitability to administer the permanent**
10 **fund dividend program under AS 43.23,** or a contractor's qualifications under
11 AS 36.30.960, the agency or the procurement officer shall submit the current or
12 prospective employee's or contractor's fingerprints to the department with the fee
13 established by AS 12.62.160. The department shall submit the fingerprints to the
14 Federal Bureau of Investigation to obtain a national criminal history record check of

1 the current or prospective employee or contractor for the purpose of evaluating a
 2 person's qualifications under AS 36.30.960, [AND] AS 39.90.210, or AS 43.23, as
 3 applicable. In this subsection, unless the context otherwise requires,

4 (1) "agency" has the meaning given in AS 39.90.290;

5 (2) "contractor" has the meaning given in AS 36.30.960;

6 (3) "employee" has the meaning given in AS 39.90.290.

7 * **Sec. 2.** AS 43.23.008(a) is amended to read:

8 (a) Subject to (b) and (d) of this section, an otherwise eligible individual who
 9 is absent from the state during the qualifying year remains eligible for a current year
 10 permanent fund dividend if the individual was absent

11 (1) receiving secondary or postsecondary education on a full-time
 12 basis; on a break or holiday from a secondary or postsecondary educational
 13 institution during an academic year, not including summer break, if the
 14 individual is enrolled in and attends the educational institution on a full-time
 15 basis before and after the break or holiday; or in an orientation program
 16 required as a condition of the secondary or postsecondary education and the
 17 individual immediately begins the education on a full-time basis after the
 18 completion of the orientation;

19 (2) receiving vocational, professional, or other specific education on a
 20 full-time basis for which, as determined by the Alaska Commission on Postsecondary
 21 Education, a comparable program is not reasonably available in the state; on a break
 22 or holiday from the vocational, professional, or other specific training, not
 23 including summer break, if the individual is enrolled in and attends the training
 24 on a full-time basis before and after the break or holiday; or in an orientation
 25 program required as a condition of the vocational, professional, or other specific
 26 training and the individual immediately begins the training on a full-time basis
 27 after the completion of the orientation;

28 (3) serving on active duty as a member of the armed forces of the
 29 United States or accompanying, as that individual's spouse, minor dependent, or
 30 disabled dependent, an individual who is

31 (A) serving on active duty as a member of the armed forces of

1 the United States; and

2 (B) eligible for a current year dividend;

3 (4) serving under foreign or coastal articles of employment aboard an
4 oceangoing vessel of the United States merchant marine **or attending a vocational**
5 **program that**

6 **(A) trains students for a career in the United States**
7 **merchant marine;**

8 **(B) provides seagoing service that meets the requirements**
9 **of the United States Coast Guard for United States merchant marine**
10 **credentialing; and**

11 **(C) is approved by the United States Coast Guard;**

12 (5) receiving continuous medical treatment recommended by a
13 licensed physician or convalescing as recommended by the physician who treated the
14 illness if the treatment or convalescence is not based on a need for climatic change;

15 (6) providing care for a parent, spouse, sibling, child, or stepchild with
16 a critical life-threatening illness whose treatment plan, as recommended by the
17 attending physician, requires travel outside the state for treatment at a medical
18 specialty complex;

19 (7) providing care for the individual's terminally ill family member;

20 (8) settling the estate of the individual's deceased parent, spouse,
21 sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;

22 (9) serving as a member of the United States Congress;

23 (10) serving on the staff of a member from this state of the United
24 States Congress;

25 (11) serving as an employee of the state in a field office or other
26 location;

27 (12) accompanying a minor who is absent under (5) of this subsection;

28 (13) accompanying another eligible resident who is absent for a reason
29 permitted under (1), (2), (5) - (12), (16), or (17) of this subsection as the spouse, minor
30 dependent, or disabled dependent of the eligible resident;

31 (14) serving as a volunteer in the federal peace corps program;

1 (15) because of training or competing as a member of the United States
2 Olympic Team or a United States national team for an Olympic sport;

3 (16) participating for educational purposes in a student fellowship
4 sponsored by the United States Department of Education or by the United States
5 Department of State;

6 (17) for any reason consistent with the individual's intent to remain a
7 state resident, provided the absence or cumulative absences do not exceed

8 (A) 180 days in addition to any absence or cumulative absences
9 claimed

10 (i) under (3) of this subsection if the individual is not
11 claiming an absence under (1), (2), or (4) - (16) of this subsection; **or**

12 **(ii) under (5) of this subsection if the individual is**
13 **not claiming an absence under (1) - (4) or (6) - (16) of this**
14 **subsection;**

15 (B) 120 days in addition to any absence or cumulative absences
16 claimed under (1) - (3) of this subsection if the individual is not claiming an
17 absence under (4) - (16) of this subsection but is claiming an absence under (1)
18 or (2) of this subsection; or

19 (C) 45 days in addition to any absence or cumulative absences
20 claimed under (1) - (16) of this subsection if the individual is claiming an
21 absence under (4) - (16) of this subsection.

22 * **Sec. 3.** AS 43.23.055 is amended to read:

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

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

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

30 (3) adopt regulations under AS 44.62 (Administrative Procedure Act)
31 that establish procedures and time limits for an individual upon emancipation or upon

1 reaching majority to apply for permanent fund dividends not received during minority
2 because the parent, guardian, or other authorized representative did not apply on
3 behalf of the individual;

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

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

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

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

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

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

27 (A) access to the data base; or

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

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

31 (A) Department of Law in the prosecution of individuals who

1 apply for or obtain a permanent fund dividend in violation of a provision in
2 AS 11, by detecting and investigating those crimes; and

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

7 (11) adopt regulations under AS 44.62 (Administrative Procedure Act)
8 so that contributions under AS 43.23.130 are given a priority over donations under
9 AS 43.23.230 if the total amount of contributions and donations elected by an
10 applicant exceeds the amount of the permanent fund dividend that the applicant is
11 entitled to receive;

12 **(12) submit fingerprints and fees to the Department of Public**
13 **Safety for a national criminal history record check under AS 12.62.400 for the**
14 **purpose of determining a person's qualifications and suitability for administering**
15 **the permanent fund dividend program under this chapter.**

16 * **Sec. 4.** AS 43.23.110(a) is amended to read:

17 (a) Except as provided in (c) of this section, information on each permanent
18 fund dividend application [, EXCEPT THE APPLICANT'S NAME,] is confidential.
19 The department may only release information that is confidential under this section

20 (1) to a local, state, or federal government agency;

21 (2) in compliance with a court order;

22 (3) to the individual who or agency that files an application on behalf
23 of another;

24 (4) to a banking institution to verify the direct deposit of a permanent
25 fund dividend or correct an error in that deposit;

26 (5) as directed to do so by the applicant;

27 (6) to a contractor who has a contract with a person entitled to obtain
28 the information under (1) - (5) of this section to receive, store, or manage the
29 information on that person's behalf; a contractor receiving data under this paragraph
30 may only use the data as directed by and for the purposes of the person entitled to
31 obtain the information;

1 (7) to the division of elections as required by AS 43.23.101.

2 * **Sec. 5.** AS 43.23.140(d) is amended to read:

3 (d) An assignment of or levy, execution, garnishment, attachment, or other
 4 remedy for the collection of debt applied to a dividend for a year may not be accepted
 5 by the department before April 1 of that same year. AS 09.38.080(c) and 09.38.085 do
 6 not apply to a levy on a permanent fund dividend. Upon receipt of a writ of execution
 7 under (a) of this section or another court order, the commissioner shall deliver to the
 8 court that portion of the dividend executed upon along with the case name and
 9 number. At the time payment is made to the court, the department shall send **notice to**
 10 **the court that issued the writ or order and** to the individual at the address provided
 11 in the individual's dividend application **or the electronic mail address at which the**
 12 **individual has consented to receive notices or documents in a verifiable manner,**
 13 **as provided in regulations adopted by the department. The** [AND TO THE
 14 COURT THAT ISSUED THE WRIT OR ORDER A] notice **must contain** [THAT
 15 CONTAINS]

16 (1) notification that all or part of the individual's dividend has been
 17 seized under a writ of execution or court order;

18 (2) the name and address of the court that issued the writ or order;

19 (3) the case number for which the writ or order was issued;

20 (4) the amount seized under the writ or order; and

21 (5) notification that the individual has 30 days from the date the notice
 22 is mailed in which to file with the court an objection to the seizure if a mistake has
 23 been made.

24 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
 25 read:

26 TRANSITION: REGULATIONS. The commissioner of revenue may adopt
 27 regulations necessary to implement the changes made by this Act. The regulations take effect
 28 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law
 29 implemented by the regulation.

30 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

31 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect January 1, 2025.