

CS FOR HOUSE BILL NO. 189(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MEARS

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a permanent fund dividend for an individual whose conviction has**
2 **been vacated, reversed, or dismissed; and relating to the calculation of the value of the**
3 **permanent fund dividend by including payment to individuals eligible for a permanent**
4 **fund dividend because of a conviction that has been vacated, reversed, or dismissed."**

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

6 * **Section 1.** AS 43.23.005 is amended by adding new subsections to read:

7 (i) An individual who was ineligible to receive a permanent fund dividend for
8 a dividend year under (d) of this section because of a conviction is eligible to receive
9 the permanent fund dividend for each year the individual was ineligible if the
10 individual's conviction is vacated or reversed, and

11 (1) the charges on which the conviction was based are later dismissed
12 and the dismissal was not part of a plea agreement in another criminal case under Rule
13 11, Alaska Rules of Criminal Procedure; or

14 (2) the individual is retried and found not guilty.

1 (j) To receive a permanent fund dividend under (i) of this section, the
2 individual shall apply for the permanent fund dividend not later than one year after the
3 dismissal or not guilty finding under (i) of this section. An individual eligible to
4 receive a permanent fund dividend under (i) of this section is eligible even if, having
5 previously been determined ineligible under (d) of this section, a transfer has been
6 made into the restorative justice account under AS 43.23.048(a) in an amount equal to
7 the amount that would have been paid to the individual as a permanent fund dividend
8 for the applicable fiscal year.

9 * **Sec. 2.** AS 43.23.025(a) is amended to read:

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

12 (1) determining the total amount available for dividend payments,
13 which equals

14 (A) the amount of income of the Alaska permanent fund
15 transferred to the dividend fund under AS 37.13.145(b) during the current year;

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

19 (C) less the amount necessary to pay prior year dividends from
20 the dividend fund in the current year under AS 43.23.005(h) **and (i)**,
21 43.23.021, and 43.23.055(3) and (7);

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

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

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

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

3 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 TRANSITION. Notwithstanding the time limit for applying for a permanent fund
6 dividend under AS 43.23.005(j), added by sec. 1 of this Act, an individual who is eligible
7 under AS 43.23.005(i), added by sec. 1 of this Act, and whose dismissal or not guilty finding
8 occurred before the effective date of this Act, shall apply for a permanent fund dividend under
9 AS 43.23.005(j), added by sec. 1 of this Act, not later than one year after the effective date of
10 this Act.