

CS FOR HOUSE BILL NO. 243()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES LYNN, Gara, Kawasaki, Guttenberg, Kreiss-Tomkins

A BILL

FOR AN ACT ENTITLED

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

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

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

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

(1) the charges on which the conviction was based are later dismissed;

or

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

(j) To receive a permanent fund dividend under (i) of this section, the

1 individual shall apply for the permanent fund dividend not later than 120 days after the
2 dismissal or not guilty finding under (i) of this section.

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

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

6 (1) determining the total amount available for dividend payments,
7 which equals

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

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

13 (C) less the amount necessary to pay prior year dividends from
14 the dividend fund in the current year under AS 43.23.005(h) **and (i)**,
15 43.23.021, and 43.23.055(3) and (7);

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

20 (E) less appropriations from the dividend fund during the
21 current year, including amounts to pay costs of administering the dividend
22 program and the hold harmless provisions of AS 43.23.075;

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

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

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

30 TRANSITION. Notwithstanding the time limit for applying for a permanent fund
31 dividend under AS 43.23.005(j), added by sec. 1 of this Act, an individual who is eligible

1 under AS 43.23.005(i), added by sec. 1 of this Act, and whose dismissal or not guilty finding
2 occurred before the effective date of this Act, shall apply for a permanent fund dividend under
3 AS 43.23.005(j), added by sec. 1 of this Act, not later than 120 days after the effective date of
4 this Act.