

HOUSE BILL NO. 243

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

BY REPRESENTATIVES LYNN, Gara, Kawasaki, Guttenberg, Kreiss-Tomkins

Introduced: 1/19/16

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the permanent fund dividend; and relating to a permanent fund**
2 **dividend for an individual whose conviction has been vacated, reversed, or dismissed or**
3 **for an individual who has been pardoned because of innocence and wrongful**
4 **conviction."**

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

10 (1) the individual's conviction is vacated or reversed, and

11 (A) the charges on which the conviction was based are later
12 dismissed; or

13 (B) the individual is retried and found not guilty; or

14 (2) the individual is pardoned.

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 120 days after the

3 (1) dismissal or not guilty finding under (i)(1) of this section; or

4 (2) pardon under (i)(2) of this section.

5 (k) When a permanent fund dividend is paid under (i) of this section, the
6 department shall also pay interest at the rate specified in AS 45.45.010 from the date
7 each dividend would have been paid if the individual had been eligible.

8 * **Sec. 2.** AS 43.23.015 is amended by adding a new subsection to read:

9 (k) The Department of Corrections shall provide an application for a
10 permanent fund dividend to any individual in the custody of the Department of
11 Corrections who requests an application, regardless of the eligibility of the individual.

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

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

15 (1) determining the total amount available for dividend payments,
16 which equals

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

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

22 (C) less the amount necessary to pay prior year dividends from
23 the dividend fund in the current year under AS 43.23.005(h), 43.23.005(i),
24 43.23.021, and 43.23.055(3) and (7);

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

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

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

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

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

8 TRANSITION. Notwithstanding the time limit for applying for a permanent fund
9 dividend under AS 43.23.005(j), added by sec. 1 of this Act, an individual who is eligible
10 under AS 43.23.005(i), added by sec. 1 of this Act, and whose dismissal or not guilty finding
11 or pardon occurred before the effective date of this Act, shall apply for a permanent fund
12 dividend under AS 43.23.005(j), added by sec. 1 of this Act, not later than 120 days after the
13 effective date of this Act.