

HB

243

<TARGET><BILL>HB 243</BILL><SUBJECT>HB
243</SUBJECT><COMM>HSTA29</COMM></TARGET>

CS FOR HOUSE BILL NO. 243(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:

Referred:

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

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 or

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

14 (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.

29-LS1279\F
Martin
1/29/16

Adopted
States moved as a working Doc
Has NOT Been Adopted

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

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2 been vacated, reversed, or dismissed; and relating to the calculation of the value of the
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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 or

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

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

Members
847

① Closed public testimony
② reopened public testimony
③ closed public testimony

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

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

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

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

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

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

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

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

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

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

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

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

TRANSITION. Notwithstanding the time limit for applying for a permanent fund 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.

29-LS1279\G
Martin
1/25/16

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

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."

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

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

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

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12 (j) To receive a permanent fund dividend under (i) of this section, the
13 individual shall apply for the permanent fund dividend not later than 120 days after the
14 dismissal or not guilty finding under (i) of this section.

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

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

4 (1) determining the total amount available for dividend payments,
5 which equals

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

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

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

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

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19 current year, including amounts to pay costs of administering the dividend
20 program and the hold harmless provisions of AS 43.23.075;

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

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

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

28 TRANSITION. Notwithstanding the time limit for applying for a permanent fund
29 dividend under AS 43.23.005(j), added by sec. 1 of this Act, an individual who is eligible
30 under AS 43.23.005(i), added by sec. 1 of this Act, and whose dismissal or not guilty finding
31 occurred before the effective date of this Act, shall apply for a permanent fund dividend under

1 AS 43.23.005(j), added by sec. 1 of this Act, not later than 120 days after the effective date of
2 this Act.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs
Judiciary/Courts



A Communication From
REPRESENTATIVE BOB LYNN
District 26 Anchorage

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Juneau, AK 99801-1182

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EXPLANATION OF CHANGES FROM VERSION E to G HB 243

"An Act relating to the permanent fund dividend; and relating to a permanent fund dividend for an individual whose conviction has been vacated, reversed, or dismissed."

TITLE CHANGE

Current Version "G"

"An Act relating to the permanent fund dividend; and relating to a permanent fund dividend for an individual whose conviction has been vacated, reversed, or dismissed."

Original Version "E"

"An Act relating to the permanent fund dividend; and relating to a permanent fund dividend for an individual whose conviction has been vacated, reversed, or dismissed or for an individual who has been pardoned."

We **removed** "*or for an individual who has been pardoned because of innocence and wrongful conviction*" because a person who has been pardoned has not had their case "*vacated, reversed or dismissed*" from their felony conviction.

Page 1 line 14

Removed: (2) the individual is pardoned

Page 2 line 4

Removed: (2) pardon under (i)(2) of this section

Page 2 lines 5-7

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

Page 2 lines 9-11

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

LEGISLATIVE RESEARCH SERVICES

29th Alaska Legislature
LRS Report 16.132
January 25, 2016



(907) 465-3991 phone
(907) 465-3908 fax
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Criminal Convictions Vacated or Reversed, and Dismissed

Patricia Young, Legislative Analyst

You wished to know the number of criminal convictions in Alaska that have been vacated or reversed and the conviction then dismissed. You were particularly interested in knowing if the "Fairbanks Four" are the only individuals whose convictions have been vacated and dismissed. You requested this information in regard to House Bill 243, currently under consideration.

House Bill 243 would allow persons who were ineligible for permanent fund dividends because of certain criminal convictions to receive dividends for the years they were ineligible if their convictions are vacated or reversed and the charges are dismissed, if they have been retried and found not guilty, or if they have been pardoned.

Marvin Roberts, Kevin Pease, Eugene Vent, and George Frese—sometimes known as the Fairbanks Four—are the only defendants in Alaska to have had their convictions vacated and charges dismissed, according to Kaci Schroeder, assistant attorney general, with the Department of Law's criminal division.¹

Cases in which defendants have had their convictions reversed and charges dismissed are likewise quite rare according to representatives of both the Department of Law and the Court System.² The Court system records are currently being queried for information on the frequency of such reversals and subsequent dismissals, as well as on the number of defendants who are retried and acquitted.³ We will forward that information upon its arrival.

We also note that executive pardons are rare. Since statehood, Alaska's governors have granted about 110 pardons. These have occurred with diminishing frequency: while Governor Egan granted 65 pardons before leaving office in 1966, Governor Murkowski granted the most recent six just prior to leaving office in 2006.⁴

We hope this information is useful. If you have questions or need additional information, please let us know.

¹ Kaci Schroeder, assistant attorney general, Criminal Division, Department of Law, 907.465.4037.

² Doug Wooliver, deputy administrative director, Alaska Court System, 907.463.4750.

³ In one such case, the murder conviction of Mechele Linehan was overturned on appeal. Prosecutors considered a retrial, but ultimately dismissed this high-profile case.

⁴ Historical records of executive pardons and commutations of sentence maintained by the Department of Corrections provided by Sherrie Daigle, public information officer, 907.465.4645.

Alaska State Legislature

Chairman
State Affairs Committee

Member
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A Communication From
REPRESENTATIVE BOB LYNN
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EXPLANATION OF CHANGES FROM VERSION E to G HB 243

"An Act relating to the permanent fund dividend; and relating to a permanent fund dividend for an individual whose conviction has been vacated, reversed, or dismissed."

TITLE CHANGE

Current Version "G"

"An Act relating to the permanent fund dividend; and relating to a permanent fund dividend for an individual whose conviction has been vacated, reversed, or dismissed."

Original Version "E"

"An Act relating to the permanent fund dividend; and relating to a permanent fund dividend for an individual whose conviction has been vacated, reversed, or dismissed or for an individual who has been pardoned."

We **removed** "*or for an individual who has been pardoned because of innocence and wrongful conviction*" because a person who has been pardoned has not had their case "*vacated, reversed or dismissed*" from their felony conviction.

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

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29-LS1279\I
Martin
1/23/16

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

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."**

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

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

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

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

10 or

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

12 (j) To receive a permanent fund dividend under (i) of this section, the
13 individual shall apply for the permanent fund dividend not later than 120 days after the
14 dismissal or not guilty finding under (i) of this section.

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

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

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

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

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

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

14 (C) less the amount necessary to pay prior year dividends from
15 the dividend fund in the current year under AS 43.23.005(h) and (i),
16 43.23.021, and 43.23.055(3) and (7);

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

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

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

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

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

31 TRANSITION. Notwithstanding the time limit for applying for a permanent fund

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

HOUSE BILL NO. 243

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

BY REPRESENTATIVE LYNN

Introduced:
Referred:

A BILL

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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

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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;

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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
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5 amount determined under (2) of this subsection.

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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.

Alaska State Legislature

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State Affairs Committee

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Military and Veterans Affairs
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A Communication From
REPRESENTATIVE BOB LYNN
District 26 Anchorage

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EXPLANATION OF CHANGES FROM VERSION E to I HB 243

"An Act relating to the permanent fund dividend; and relating to a permanent fund dividend for an individual whose conviction has been vacated, reversed, or dismissed."

TITLE CHANGE

Current version "I":

"An Act relating to the permanent fund dividend; and relating to a permanent fund dividend for an individual whose conviction has been vacated, reversed, or dismissed."

"P" Version

"An Act relating to the permanent fund dividend; and relating to a permanent fund dividend for an individual whose conviction has been vacated, reversed, or dismissed or for an individual who has been pardoned."

We removed "*or for an individual who has been pardoned*" because a person who has been pardoned has not had their case "*vacated, reversed or dismissed*" from their felony conviction.

Page 1 line 13

Removed: (2) the individual is pardoned

Page 2 line 3

Removed: (2) pardon under (i)(2) of this section

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SPONSOR STATEMENT **HB 243**

"An Act relating to the permanent fund dividend; and relating to a permanent fund dividend for an individual whose conviction has been vacated, reversed, or dismissed."

Alaska's laws do not currently provide for Alaskans who had their felony convictions overturned, (either by being vacated, reversed, or dismissed) to apply for their Permanent Fund Dividend ("PFD"). That is not fair.

HB243 simply allows for an Alaskan be permitted to apply for, within 120 days after their dismissal, be eligible to receive their PFD if their felony conviction has been vacated, reversed or dismissed.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: HB 243
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB243-DOR-PFD-01-23-16
Title: CRIM. CONV. OVERTURNED: RECEIVE PAST
PFD
Sponsor: LYNN
Requester: House State Affairs

Department: Department of Revenue
Appropriation: Taxation and Treasury
Allocation: Permanent Fund Dividend Division
OMB Component Number: 981

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services	38,400.0							
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	38,400.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

1005 GF/Prgm	38,400.0						
Total	38,400.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version:

Prepared By:	Sara Race, Director	Phone:	(907)465-4785
Division:	Permanent Fund Dividend	Date:	01/23/2016 07:30 PM
Approved By:	Jerry Burnett, Deputy Commissioner	Date:	01/23/16
Agency:	Department of Revenue		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. HB 243

Analysis

Bill Analysis

The proposed legislation will eliminate the requirements set forth in regulation, 15 AAC 23.183(b)(1)(2)(3) that directly address the reversal or vacating of a disqualifying conviction for which an individual was incarcerated or sentenced, and therefore were denied a dividend.

The major program criteria changes in the proposed legislation include the following; removes requirements of an individual being otherwise eligible, providing an exemption that removes the requirement for an applicant to attempt to file yearly, expands the timeframe in which the individual must communicate with the Division after a dismissed conviction or pardon, requires the division to calculate and pay interest for all dividend years to be paid as a result of a dismissed conviction or pardon, and reduces the annual dividend amount by including an estimated amount necessary to pay prior year dividends from the current year for individuals that may be dismissed from a conviction or receive a pardon.

Estimating an amount to include in the annual calculation may be overstated for the first three to four years, until the division has a historical average to base the calculated amount upon. The first year estimate may be a calculation derived by analyzing prior appeals received in relation to dismissed convictions, along with statistics from Department of Corrections. In addition, the average time spent incarcerated for individuals in this scenario would be applied to a interest calculation, which will be deducted from the annual calculated amount.

As for the Department of Corrections providing PFD applications to any individual requesting one regardless of their eligibility, the division currently receives applications from incarcerated individuals. Therefore, internal processing procedures would not be affected, including eligibility determinations at the time of sentencing or incarceration.

Overall, calculating interest for prior year dividends from the date each dividend would have been paid will fiscally impact the Division. The Dividend Application Information System (DAIS) is specifically designed to prevent overpayment to an individual for a single dividend year. In addition, the division pays dividends on a monthly basis as eligibility determinations are made, which makes a specific date a variable. It would take approximately 120 hours to reprogram the data base to 1) allow for the overpayment, and 2) calculate interest from the first payment run of each dividend year.

Additionally, it would take 120 programming hours to locate and reactivate all assignments of levy, execution, garnishment, attachment, or other remedy for the collection of debt issued on an individual for all relevant dividend years.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs
Judiciary/Courts



A Communication From
REPRESENTATIVE BOB LYNN
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January 25, 2016

TO: HOUSE RULES

FROM: Representative Bob Lynn


RE: House State of Affairs Bill Scheduling Request

On behalf of Representative Lynn I respectfully request that House State Affairs hears HB243: "An Act relating to the permanent fund dividend; and relating to a permanent fund dividend for an individual whose conviction has been vacated, reversed, or dismissed."

Thank you for your time and consideration.

Staff Contact: Deneen Tuck
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Packet Contents:

 Current version of HB 243 – "I" version
Version "E" of HB 243
Sponsor Statement
Explanation of Changes between version "E" and "I"
Fiscal Note

1/20/16
Bob Lynn Speech

This bill is not about the Fairbanks Four specifically. However, this is for anyone who finds themselves in a similar situation as the Fairbanks Four. When the State makes a mistake, such as happened with the Fairbanks Four, they need to be treated equably. That is what this bill is about.

The Budget is
certainly important
- but not more
so