

**RESOLUTION NO. 4785**

**A RESOLUTION IN SUPPORT OF HB 127, AN ACT RELATING TO  
PERMANENT FUND DIVIDENDS FOR AN INDIVIDUAL WHOSE  
CONVICTION HAS BEEN VACATED, REVERSED, OR DISMISSED**

**WHEREAS**, House Bill 127 would allow individuals who were ineligible to receive a permanent fund dividend under AS 43.23.005(d) to become eligible for such permanent fund dividend if the individual's conviction is vacated or reversed and the charges on which the conviction was based are later dismissed or the individual is retried and found not guilty; and

**WHEREAS**, such individuals, as residents of Alaska, would have otherwise been eligible to receive a permanent fund dividend but for the criminal conviction; and

**WHEREAS**, such individuals often will have been incarcerated for a substantial period of time, and payment of past permanent fund dividends will aid them in successfully transitioning to civilian life; and

**WHEREAS**, HB 127 is based on the concept of fundamental fairness toward such individuals.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that the City Council supports passage of HB 127.


**PASSED and APPROVED this 20th Day of March 2017.**

  
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**Jim Matherly, City Mayor**

AYES: PASSED and APPROVED on the CONSENT AGENDA  
NAYS: None  
ABSENT: None  
APPROVED: March 20, 2017

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
D. Danyielle Snider, CMC, City Clerk  
\_\_\_\_\_  
Paul J. Ewers, City Attorney

**HOUSE BILL NO. 127**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**THIRTIETH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVES KAWASAKI, Tuck, Kreiss-Tomkins, LeDoux**

**Introduced: 2/15/17**

**Referred: State Affairs, Finance**

**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

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 uncoded 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.