

SENATE BILL NO. 254

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Introduced: 1/23/98

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to levy, execution, garnishment, attachment, or other remedy for
2 the collection of debt as applied to a permanent fund dividend."

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

4 * **Section 1.** AS 43.23.065(a) is amended to read:

5 (a) **Subject to** [EXCEPT AS PROVIDED IN] (b) of this section, **100** [45]
6 percent of the annual permanent fund dividend payable to an individual **may be taken**
7 **through** [IS EXEMPT FROM] levy, execution, garnishment, attachment, or any other
8 remedy for the collection of debt, [. THIS EXEMPTION APPLIES TO AN
9 ELIGIBLE INDIVIDUAL'S PERMANENT FUND DIVIDEND] both before and after
10 payment is made to the individual. No [OTHER] exemption applies to a dividend.
11 Notwithstanding other laws, a writ of execution upon a dividend that has not been
12 delivered to the debtor may be served on the commissioner by certified mail, return
13 receipt requested. Upon receipt of a writ by certified mail, return receipt requested,
14 the commissioner shall deliver that portion of the dividend executed upon to the court

1 along with the case name and number.

2 * **Sec. 2.** AS 43.23.065(b) is amended to read:

3 (b) **Whether payments are sought through legal actions for the collection**
4 **of debts or through assignments from the debtor, the following claims have**
5 **priority in the order listed over other claims on a permanent fund dividend:** [AN
6 EXEMPTION IS NOT AVAILABLE UNDER THIS SECTION FOR PERMANENT
7 FUND DIVIDENDS TAKEN TO SATISFY]

8 (1) child support obligations required by court order or decision of the
9 child support enforcement agency under AS 25.27.140 - 25.27.220;

10 (2) court ordered restitution under AS 12.55.045 - 12.55.051, 12.55.100,
11 or AS 47.12.120(b)(4);

12 (3) claims on defaulted scholarship loans under AS 43.23.067;

13 (4) court ordered fines;

14 (5) writs of execution under AS 09.35 of a judgment that is entered

15 (A) against a minor in a civil action to recover damages and
16 court costs;

17 (B) under AS 34.50.020 against the parent, parents, or legal
18 guardian of an unemancipated minor;

19 (6) a debt owed by an eligible individual to an agency of the state,
20 unless the debt is contested and an appeal is pending, or the time limit for filing an
21 appeal has not expired;

22 (7) a debt owed to a person for a program for the rehabilitation of
23 perpetrators of domestic violence required under AS 12.55.101, AS 18.66.100(c)(15),
24 AS 25.20.061(3), or AS 33.16.150(f)(2).

25 * **Sec. 3.** AS 09.38.015(a)(10) and AS 43.23.065(c) are repealed.