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Source

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Chapter No.

64

AN ACT

Relating to claims against permanent fund dividends to pay amounts owed to the Department of Labor and Workforce Development under the Alaska Employment Security Act and to fees for processing certain claims against permanent fund dividends; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May 19, 2000

Actual Effective Date: Sections 1 and 2 take effect January 1, 2001; section 3 takes effect May 20, 2000

AN ACT

1 Relating to claims against permanent fund dividends to pay amounts owed to the Department
2 of Labor and Workforce Development under the Alaska Employment Security Act and to fees
3 for processing certain claims against permanent fund dividends; and providing for an effective
4 date.

5

6 * Section 1. AS 43.23.071 is amended to read:

7 **Sec. 43.23.071. Fees for processing claims and assignments.** The department
8 shall by regulation adopted under AS 44.62 (Administrative Procedure Act) establish
9 fees for processing claims on dividends received by the department under
10 AS 43.23.065, [OR] 43.23.067, or 43.23.072 and for processing assignments of
11 dividends received by the department under AS 43.23.069(b). The fees shall cover the
12 administrative expenses of the department associated with the claims and assignments.
13 Fees shall be deducted from the amount of the dividend remaining after payment of
14 the portion claimed or assigned, or, if the entire dividend is claimed or assigned, the

1 fees shall be deducted before the dividend is paid to the creditor or assignee.

2 * **Sec. 2.** AS 43.23 is amended by adding a new section to read:

3 **Sec. 43.23.072. Claims for amounts owed under the Alaska Employment**

4 **Security Act.** (a) AS 09.38 does not apply to permanent fund dividends taken by the
5 Department of Labor and Workforce Development for a claim for payment of money
6 owed under AS 23.20 (Alaska Employment Security Act). Notwithstanding AS 09.35,
7 execution on a dividend claimed under this section is accomplished by delivering a
8 certified claim to the Department of Revenue containing the following information:

9 (1) the name and social security number of the individual whose
10 dividend is being claimed; if the Department of Labor and Workforce Development
11 does not have access to the individual's social security number for this purpose, the
12 department may supply other identification information authorized under regulations
13 to make a claim under AS 43.23.065;

14 (2) the amount the individual owes on the claim under AS 23.20;

15 (3) a statement that

16 (A) the Department of Labor and Workforce Development has
17 notified the individual that future permanent fund dividends of the individual
18 will be taken to satisfy the claim under AS 23.20;

19 (B) the individual was notified of the right to request a hearing
20 under AS 23.20 and the Department of Labor and Workforce Development has
21 allowed the individual at least 30 days after the date of the notice described in
22 (A) of this paragraph to request a hearing on the claim;

23 (C) the claim under AS 23.20 has not been contested, or, if
24 contested, the issue has been resolved in favor of the Department of Labor and
25 Workforce Development; and

26 (D) if the claim under AS 23.20 has been contested and
27 resolved in favor of the Department of Labor and Workforce Development, an
28 appeal is not pending, the time limit for filing an appeal has expired, or the
29 appeal has been resolved in favor of the department.

30 (b) The Department of Labor and Workforce Development shall notify the
31 individual if a dividend is claimed under (a) of this section. The notice shall be sent

1 to the mailing address provided in the individual's permanent fund dividend application
2 and must provide the following information:

3 (1) the amount of the claim under AS 23.20;

4 (2) notice that the permanent fund dividend, or that portion of the
5 permanent fund dividend that does not exceed the amount of the claim under
6 AS 23.20, shall be paid to the Department of Labor and Workforce Development in
7 accordance with priorities established in state law;

8 (3) notice that the individual has a right to request a hearing and has
9 a specific time after the date that the notice is mailed in which to file with the
10 Department of Labor and Workforce Development an objection to paying the claim
11 from the individual's permanent fund dividend.

12 (c) Except as provided in (d) of this section, AS 44.62.330 - 44.62.630 apply
13 to a hearing requested by an individual under (b) of this section. The hearing

14 (1) is limited to issues of identity of the individual and whether an
15 amount is still owing in the claim under AS 23.20; and

16 (2) may be conducted telephonically or in writing.

17 (d) If the Department of Labor and Workforce Development has a notification
18 or hearing procedure established in statute or regulation, the department may instead
19 use that notification and hearing procedure so long as

20 (1) the procedure provides at least the minimum time for notice
21 specified in (a)(3)(B) of this section for the individual to request a hearing;

22 (2) the notice includes the statements required by (b) of this section;
23 and

24 (3) the hearing is limited to the issues specified in (c)(1) of this section.

25 (e) The Department of Labor and Workforce Development may adopt
26 regulations to implement this section under AS 44.62 (Administrative Procedure Act).

27 (f) In a claim for payment under this section, the Department of Labor and
28 Workforce Development may include only fines, penalties, overpayments, attorney
29 fees, costs, and other amounts that

30 (1) are owed the department under other provisions of state law under
31 which the claim under AS 23.20 is being made; and

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1 (2) have been established by court judgment or administrative order.

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

4 TRANSITION: REGULATIONS. Notwithstanding sec. 5 of this Act, the Department
5 of Labor and Workforce Development may proceed to adopt regulations necessary to
6 implement secs. 1 and 2 of this Act. The regulations take effect under AS 44.62
7 (Administrative Procedure Act), but not before the effective date of secs. 1 and 2 of this Act.

8 * Sec. 4. Section 3 of this Act takes effect immediately under AS 01.10.070(c).

9 * Sec. 5. Sections 1 and 2 of this Act take effect January 1, 2001.