

HOUSE BILL NO. 366 am

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

BY REPRESENTATIVES CRAWFORD, Gardner, Gruenberg, Kerttula, Doll, Lynn

Amended: 4/7/08
Offered: 2/13/08

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an exemption from public disclosure of certain appropriations from**
2 **the dividend fund; relating to execution upon permanent fund dividends by civilian**
3 **process servers using electronic procedures; amending Rule 89, Alaska Rules of Civil**
4 **Procedure; and providing for an effective date."**

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

6 * **Section 1.** AS 43.23.028(b) is amended to read:

7 (b) To the extent that amounts appropriated for a fiscal year do not exceed the
8 total amount that would have been paid during the previous fiscal year to individuals
9 who were ineligible to receive dividends under AS 43.23.005(d) if they had been
10 eligible, the notice requirements of (a)(3) of this section do not apply to appropriations
11 from the dividend fund to

12 (1) the crime victim compensation fund established under
13 AS 18.67.162 for payments to crime victims;

14 (2) the council on domestic violence and sexual assault established

1 under AS 18.66.010 for grants for the operation of domestic violence and sexual
2 assault programs;

3 (3) the Department of Corrections for incarceration and probation
4 programs;

5 (4) the office of victims' rights; [OR]

6 (5) nonprofit victims' rights organizations for grants for services to
7 crime victims; **or**

8 **(6) to the Department of Revenue for grants to minor children of**
9 **incarcerated individuals under a grant program established by regulations of the**
10 **Department of Revenue under AS 44.62 (Administrative Procedure Act).**

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

12 (a) Except as provided in (b) of this section, 20 percent of the annual
13 permanent fund dividend payable to an individual is exempt from levy, execution,
14 garnishment, attachment, or any other remedy for the collection of debt. No other
15 exemption applies to a dividend. Notwithstanding other laws, a writ of execution
16 upon a dividend that has not been delivered to the debtor may be served on the
17 commissioner by

18 **(1) certified mail, return receipt requested; or**

19 **(2) a civilian process server licensed by the commissioner of public**
20 **safety using electronic execution procedures, as provided under regulations**
21 **adopted by the department** [. UPON RECEIPT OF A WRIT BY CERTIFIED
22 MAIL, RETURN RECEIPT REQUESTED, THE COMMISSIONER SHALL
23 DELIVER THAT PORTION OF THE DIVIDEND EXECUTED UPON TO THE
24 COURT ALONG WITH THE CASE NAME AND NUMBER].

25 * **Sec. 3.** AS 43.23.065(d) is amended to read:

26 (d) An assignment of or levy, execution, garnishment, attachment, or other
27 remedy for the collection of debt applied to a dividend for a year may not be accepted
28 by the department before April 1 of that same year. AS 09.38.080(c) and 09.38.085
29 do not apply to a levy on a permanent fund dividend. **Upon receipt of a writ of**
30 **execution under (a) of this section or another court order, the commissioner shall**
31 **deliver to the court that portion of the dividend executed upon along with the**

1 **case name and number.** [THE DEPARTMENT SHALL INCLUDE THE CASE
 2 NUMBER WITH A DIVIDEND OR PORTION OF A DIVIDEND TRANSMITTED
 3 TO THE COURT IN RESPONSE TO A WRIT OF EXECUTION OR OTHER
 4 COURT ORDER.] At the time payment is made to the court, the department shall
 5 send to the individual at the address provided in the individual's dividend application
 6 and to the court that issued the writ or order a notice that contains

7 (1) notification that all or part of the individual's dividend has been
 8 seized under a writ of execution or court order;

9 (2) the name and address of the court that issued the writ or order;

10 (3) the case number for which the writ or order was issued;

11 (4) the amount seized under the writ or order; and

12 (5) notification that the individual has 30 days from the date the notice
 13 is mailed in which to file with the court an objection to the seizure if a mistake has
 14 been made.

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

17 **INDIRECT COURT RULE AMENDMENT.** The provisions of secs. 2 and 3 of this
 18 Act have the effect of changing Rule 89, Alaska Rules of Civil Procedure, by allowing a
 19 civilian process server licensed by the commissioner of public safety to execute upon an
 20 Alaska Permanent Fund dividend by electronic means in accordance with regulations adopted
 21 by the Department of Revenue.

22 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 23 read:

24 **CONDITIONAL EFFECT.** The amendments to AS 43.23.065 made by secs. 2 and 3
 25 of this Act take effect only if sec. 4 of this Act receives the two-thirds majority vote of each
 26 house required by art. IV, sec. 15, Constitution of the State of Alaska.

27 * **Sec. 6.** Section 1 of this Act takes effect immediately under AS 01.10.070(c).

28 * **Sec. 7.** If, under sec. 5 of this Act, secs. 2 and 3 of this Act take effect, they take effect
 29 January 1, 2009.