

Offered: 5/19/84
Referred: Finance

Original sponsors: Barnes, Hayes,
Bussell, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 575 (Judiciary) am S

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to satisfaction of orders of resti-
7 tution from permanent fund dividends; and providing
8 for an effective date."

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

10 * Section 1. AS 12.55.045 is amended by adding a new subsection to
11 read:

12 (d) If a defendant is unable to immediately satisfy an order of
13 restitution, and the defendant is eligible for a permanent fund divi-
14 dend under AS 43.23, the court or the Department of Corrections may
15 submit a certified copy of the order of restitution to the Department
16 of Revenue for payment from the defendant's permanent fund dividend.
17 An order submitted to the department under this subsection applies to
18 each succeeding permanent fund dividend of a defendant until the order
19 of restitution has been satisfied.

20 * Sec. 2. AS 43.23.005 is amended by adding a new subsection to read:

21 (d) Notwithstanding the provisions of (a) - (c) of this section,
22 an individual who has an unsatisfied order of restitution submitted to
23 the department under AS 12.55.045(d) may not receive a permanent fund
24 dividend until the order has been satisfied. An amount equal to the
25 money that would have been paid to the individual as a permanent fund
26 dividend shall be paid to the victim of the offense as set out in the
27 order of restitution submitted to the department under AS 12.55.-
28 045(d).

29 * Sec. 3. AS 43.23.015 is amended by adding a new subsection to read:

1 (i) Notwithstanding the provisions of AS 43.23.005(a) and (a) -
2 (f) of this section, an unsatisfied order of restitution submitted to
3 the department under AS 12.55.045(d) operates as an application for a
4 dividend for the individual who is the subject of the order.

5 * Sec. 4. AS 43.23.025 is amended by adding a new subsection to read:

6 (b) For the purpose of calculating the amount of a permanent
7 fund dividend under (a) of this section, an individual with an unsat-
8 isfied order of restitution submitted to the department under AS 12.-
9 55.045(d) who is otherwise eligible for a permanent fund dividend is
10 considered to be an eligible individual.

11 * Sec. 5. AS 43.23.055, as amended by ch. 43, SLA 1984, is amended to
12 read:

13 Sec. 43.23.055. DUTIES OF THE DEPARTMENT. The department shall

14 (1) annually pay permanent fund dividends from the dividend
15 fund;

16 (2) adopt regulations under the Administrative Procedure
17 Act (AS 44.62) that establish procedures and time limits for claiming
18 a permanent fund dividend; the department shall set the time limit for
19 applications for permanent fund dividends so that the number of eligi-
20 ble applicants is determined by October 1 of the year for which the
21 dividend is declared and permanent fund dividends for a year are paid
22 before April 30 of the year following that year;

23 (3) adopt regulations under the Administrative Procedure
24 Act (AS 44.62) that establish procedures and time limits for an indi-
25 vidual upon emancipation or upon reaching majority to apply for perma-
26 nent fund dividends not received during minority because the parent,
27 guardian, or other authorized representative did not apply on behalf
28 of the individual; [AND]

29 (4) assist residents of the state, particularly in rural

1 areas, who because of language, disability, or inaccessibility to
2 public transportation need assistance to establish eligibility and to
3 apply for permanent fund dividends; and

4 (5) adopt regulations under the Administrative Procedure
5 Act (AS 44.62) that establish procedures and time limits for payment
6 of permanent fund dividends to victims under unsatisfied orders of
7 restitution submitted to the department under AS 12.55.045(d); the
8 department may establish a procedure for proving satisfaction of an
9 order submitted under AS 12.55.045(d).

10 * Sec. 6. AS 43.23.065 is amended to read:

11 Sec. 43.23.065. EXEMPTION OF PERMANENT FUND DIVIDENDS. Fifty
12 percent of the annual permanent fund dividend payable to an individual
13 is exempt from levy, execution, garnishment, attachment, or any other
14 remedy for the collection of debt. This exemption applies to an
15 eligible individual's permanent fund dividend both before and after
16 payment is made to the individual. An [NO] exemption is not available
17 under this section for permanent fund dividends taken to satisfy child
18 support obligations required by court order, a [OR] decision of the
19 child support enforcement agency under AS 47.23.140 - 47.23.220, or an
20 order of restitution submitted to the department under AS 12.55.-
21 045(d). If a child support obligation and an order of restitution are
22 both outstanding against an individual, the child support obligation
23 shall be given preference.

24 * Sec. 7. This Act applies only to permanent fund dividends for years
25 after 1983.

26 * Sec. 8. This Act takes effect immediately in accordance with AS 01.-
27 10.070(c).