

ALASKA LEGISLATURE COMMITTEE FILES 1901-1982 00/2

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SJ

HB

47

-

HB

74



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

MAY 3, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

HB 668 - "An Act relating to the release of records by the Department of Fish and Game to the Department of Public Safety; and providing for an effective date."

HB 47 - "An Act relating to the prohibition against waste of the meat of wild food animals."

HB 74 - "An Act relating to the rights of debtors and creditors."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:35 P.M. Committee members present were: Senators Rodey, Ray, Anderson, and Parr. Senator Bennett was absent.

003 - Call to order.

008 - Chairman Rodey brought HB 668 before the committee.

086 - Bob Stickles, Fish & Wildlife, testified in favor of HB 668.

191 - Roger Painter, representing United Fisherman of Alaska, testified in favor of this legislation also. He stated that the January 1, 1984 effective date does not leave time for positive action by the legislature.

240 - Senator Rodey suggested changing the effective date to July 1, 1984. There was no objection.

265 - Chairman Rodey laid HB 668 on the table.

276 - The next item of business was HB 47.

287 - Representative Grussendorf, representing himself, testified in favor of HB 47. He stated that something definitely has to be done to avoid the waste of game meat that is taking place.

501 - Representative Fanning, representing himself, testified in favor also.

- 762 - After discussion, Chairman Rodey directed Mr. Bruce to have language drafted to meet the committee's concerns.
- 856 - Bob Hinman, Department of Fish & Game, testified in favor of HB 47.
- 142 - Bob Stickles, Fish & Wildlife, testified in favor of this legislation also.
- 162 - Chairman Rodey laid HB 47 on the table.
- 170 - The last item on the agenda was HB 74.
- 196 - Dickerson Regan, Code Revision Commission, and Mr. Baldwin, Code Revision Commission, testified in favor of this bill.
- 457 - Marilla Gemmer, Department of Revenue, testified in favor of HB 74. She referred to the amendments in the memo which she distributed. See attached.
- 474 - Chris Miller, Department of Labor, testified in favor and referenced Judy Knights letter to Senator Mulcahy. See attached.
- 490 - After discussion, Chairman Rodey left HB 74 with committee members for their review.
- 503 - The meeting was adjourned at 2:55 P.M.

(3) the bones, sinew, and incidental meat reasonably lost as a result of boning or a close trimming of the bones. (§ 39-8-1 ACLA 1949; am § 1 ch 111 SLA 1957; am § 2 ch 73 SLA 1968; am § 1 ch 11 SLA 1974; am § 1 ch 34 SLA 1976)

Effect of amendments. — The 1974 amendment added subsection (d). The 1976 amendment rewrote subsections (a) and (b).

Sec. 16.30.012. Possession of raw horns or antlers. (a) It is unlawful to possess the raw horns or antlers of a wild food animal without its being accompanied by most of its edible meat unless

- (1) most of its edible meat was salvaged in accordance with law;
- (2) the horns or antlers were acquired by gift from another person after the associated meat was salvaged;
- (3) the meat was lost due to circumstances beyond the possessor's control, including loss in the field to another animal, weather or other acts of God, or theft.

(b) If a person who possesses raw horns or antlers without its being accompanied by most of its edible meat raises a justification specified in (a)(1) — (3) of this section, additional corroborating evidence of that justification may be required by the Department. In this section,

(1) "being accompanied" means having most of the meat in actual possession with the horns or antlers unless the person is engaging in the act of transporting most of the meat from the same animal in portions at different times but in a continuous manner without unnecessary interruption, from the place of taking to its destination for human consumption;

(2) "raw" means an appearance, by reasonable observation, that indicates its having been taken from a wild food animal during the current or most recent lawful hunting season for that animal. (§ 2 ch 34 SLA 1976)

Sec. 16.30.020. Animals excepted. The provisions of §§ 10 — 12 of this chapter do not apply to animals which the board exempts by regulation. (§ 3 ch 73 SLA 1968; am § 3 ch 34 SLA 1976)

Effect of amendment. — The 1976 amendment substituted "§§ 10 — 12 of this chapter" for "§ 10 of this chapter."

Sec. 16.30.030. Definitions. In this chapter

- (1) "department" means the Department of Fish and Game;
- (2) "wild food animal" includes a moose, caribou, mountain sheep, mountain goat, feral reindeer, deer, elk, bison, musk ox, duck, goose, brant, wilson or jack snipe, grouse and ptarmigan. (§ 3 ch 73 SLA 1968)

- Article
- 1. Employment of — 16.35.040)
 - 2. Bounties on Wolves
 - 3. Bounty on Hair
 - 4. Miscellaneous Provisions

Article

- Section
- 10. Commissioner employ hunters
 - 20. Duties of leaders
 - 30. Leaders' commissions skins

Sec. 16.35.010 and trappers. state, and may hereafter refer training by the of predatory animals experts in that

Revisor's note gives the power animals to the Department of Agriculture to suppress predators. ch. 64 SLA 1959, power as one below Section 16, ch. 64 powers of the Department of Resources, to which powers of the Department also says "but fisheries, sport fish animals in their natural art. I, ch. 94, SLA and Game (now Fish and Game) may make r

Sec. 16.35.020 to interested persons otherwise destroyed from time to time for the purpose of

(b) Upon receipt not more than hunters and trappers

LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHB 47 (Jud) am
 Title An Act Establishing mandatory imprisonment/fines for hunting violations
 Requested by _____ Date _____ of hunting law.

II. FISCAL DETAIL
 Agency Affected Dept. of Public Safety
 Program Category Affected NRMEC
 BRU, Program, Or Subprogram(s) Affected Fish & Wildlife Protection
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 3/30/82 PREPARED BY Colonel Robert J. Stickles
 AGENCY Dept. of Public Safety
 Original: Legislative Finance PHONE 269-5532
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

AB668

See EIS from HEAVENBIRD E.I.D. → DEATHING

Col. STICKLES: IN FAVOR OF LEGISLATION -- LACK OF ACCESS
HINDERS ENFORCEMENT - HURTS HONEST FISHERMEN.

ROBERT PRINCE: IN FAVOR - SUGGESTS AMENDMENT TO
LINE 24, PAGE 1 CHANGE TO ~~SECRET~~
SOME LATER DATE TO RECORD
LEGISLATURE TO ACT TO EXTEND

HB47

CRUICKSHANK: IN FAVOR, EXPURNS PROVISIONS OF BILL.

LINE 17, PAGE 1 - FIX LANGUAGE

FANNING: SUPPORTED BY HUNTING COOP

RODNEY: 160 HRS - DAY FRAME

RAY: PAGE 1 (PARAGRAPH C) DENINITE LANGUAGE IN
(C).

RAY: SUGGESTS LANGUAGE OF SEC. 4

BOB HINMAN: DEPARTMENT STRONGLY SUPPORTS.
CONCEPTS.

STICKLES: DPS SUPPORTS LEGISLATION

DRAFT

SENATE AMENDMENT

POT DEFENSES INTO ELEMENT SECTION

DEFINE "POSSESSION" WITH TRANSPORTATION OF MEAT

"Accompanied by"

Ca. Sticks }
John Lawrence }

TOM KOESTER - A.G.

H B

5 3

COMMITTEE REPORT
SENATE

FURTHER: None

3/18/81

Date: April 6 1981

Mr. President:

The Committee on JUDICIARY has had FILE 53

point system for driving offenses

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Handwritten Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

H B

63

A M E N D M E N T

OFFERED IN THE SENATE:

By: Senate Judiciary

To: Senate Secretary SENATE BILL No. _____

HOUSE BILL No. HF 63

PAGE: _____

LINE: _____

page 1, line 12, amend to read: It is a [in]

page 1, line 13, amend to read: primary [the] public interest that applicants [police officers] meet minimum standards for [of]

page 1, line 14, amend to read: employment as police officers [and training] and that criminal justice education and training be made avail-

page 1, line 17, amend to read: It is of secondary [also in the] public

page 1, line 18, amend to read: interest to encourage the establishment of preliminary training programs for per-

Page 2, line 9, amend to read: (2) establish minimum [employment, education and training]

page 2, line 13, amend to read: (3) establish minimum criminal justice curriculum requirements for basic

page 2, line 21, amend to read: training schools and programs of criminal justice instruction;

page 3, lines 23 through 27, add: An arrangement made under this section shall be detailed in the annual report of the council. The report shall include the identity of the donor, the nature of the transaction, and the conditions of the grant, if any.

page 4, line 11, amend to read: after July 1, 1981, who performs any operational [in addition to adminis-]

page 4, line 12, amend to read: [trative] duties, shall meet the requirements of AS 18.65.240(a)(1).

COMMITTEE REPORT

SENATE

3/18/81

FURTHER: None

Date: April 10, 1981

Mr. President:

The Committee on JUDICIARY has had HB 63

Alaska Police Standards Council

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s) same title
- replace with CS for _____ new title

and recommends _____

AND attaches a "Letter of Intent" New Fiscal Note

reports it back without recommendation

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature] - no rec

CHAIRMAN

[Signature]
DO PASS

Introduced: 2/4/81
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 63

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Police Standards
7 Council; and providing for an effective date."

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

9 * Section 1. AS 18.65.130 is amended to read:

10 Sec. 18.65.130. POLICY. The administration of criminal justice
11 affects the health, safety and welfare of the people of this state, and
12 requires education and training of a professional quality. It is in
13 the public interest that police officers meet minimum standards of
14 employment and training and that education and training be made avail-
15 able to [PERSONS SEEKING TO BECOME POLICE OFFICERS,] police officers
16 [WHO ARE] serving in a [TEMPORARY OR] probationary capacity [,] and
17 police officers already in regular service. It is also in the public
18 interest to encourage the establishment of training programs for per-
19 sons seeking to become police officers.

20 * Sec. 2. AS 18.65.150(1) is amended to read:

21 (1) four chief administrative officers or chiefs of police
22 of [PARTICIPATING] local governments;

23 * Sec. 3. AS 18.65.160 is amended to read:

24 Sec. 18.65.160. APPOINTMENT. The commissioner of public safety
25 or his designee shall serve during his continuance in office. Other
26 members of the council shall be appointed by the governor for staggered
27 terms of four years, except that no member may serve beyond the time he
28 holds the office which made him eligible for appointment. [THE TERMS
29 OF MEMBERS INITIALLY APPOINTED TO THE COUNCIL BY THE GOVERNOR SHALL BE

1 TWO FOR ONE YEAR, TWO FOR TWO YEARS, TWO FOR THREE YEARS, AND TWO FOR
2 FOUR YEARS.] A vacancy on the council shall be filled for the remainder
3 of a member's unexpired term in the same manner as the original appoint-
4 ment.

5 * Sec. 4. AS 18.65.220 is amended to read:

6 Sec. 18.65.220. POWERS. The council has the power to

7 (1) adopt regulations for the administration of AS 18.65.-
8 130 - 18.65.290;

9 ✓ (2) establish minimum employment, educational and training
10 standards for employment as a police officer in permanent [, TEMPORARY,]
11 or probationary positions and certify persons to be qualified as
12 police officers under AS 18.65.130 - 18.65.290;

13 (3) establish minimum curriculum requirements for basic
14 [PREPARATORY], specialized and inservice [AND ADVANCED] courses and
15 programs for schools operated by or for the state or a political
16 subdivision of the state for the specific purpose of training police
17 recruits or police officers;

18 (4) consult and cooperate with boroughs, municipalities,
19 agencies of the state, other governmental agencies, universities,
20 colleges, and other institutions concerning the development of police
21 training schools and programs of instruction;

22 (5) employ an administrator and other persons necessary to
23 carry out its duties under AS 18.65.130 - 18.65.290.

24 * Sec. 5. AS 18.65.240(a) is amended to read:

25 (a) No person may be appointed as a police officer, except on a
26 probationary [TEMPORARY] basis, unless the person (1) has satisfactorily
27 completed a basic [PREPATORY] program of police training approved by
28 the council, and (2) possesses other qualifications the council has
29 established for the employment of police officers, including, but not

1 limited to minimum age, education, physical and mental standards,
2 citizenship, moral character, and experience. The council shall pre-
3 scribe the means of presenting evidence of fulfillment of these re-
4 quirements.

5 * Sec. 6. AS 18.65.240 is amended by adding a new subsection to read:

6 (c) The council may deny or revoke the certificate of a police
7 officer who does not meet the standards adopted under (a)(2) of this
8 section.

9 * Sec. 7. AS 18.65.250 is amended to read:

10 Sec. 18.65.250. FINANCIAL ASSISTANCE. (a) The Governor's Com-
11 mission on the Administration of Justice has the authority to assist
12 [PARTICIPATING] political subdivisions and police departments [AGENCIES]
13 in meeting the costs involved by extending financial assistance for
14 travel, per diem, tuition and other costs.

15 (b) Only those political subdivisions [LOCAL GOVERNMENTS] and
16 police departments complying [AGENCIES ELECTING TO COMPLY] with AS 18.-
17 65.130 - 18.65.290 are eligible for financial assistance authorized
18 under AS 44.19.752. This subsection applies only to those funds made
19 available for providing minimum police standards.

20 * Sec. 8. AS 18.65.260 is amended to read:

21 Sec. 18.65.260. GRANTS. (a) The council may accept donations of
22 property, both real and personal, and grants of money from a govern-
23 mental unit or public agency, or from an institution or person. [AN
24 ARRANGEMENT MADE UNDER THIS SECTION SHALL BE DETAILED IN THE ANNUAL
25 REPORT OF THE COUNCIL. THE REPORT SHALL INCLUDE THE IDENTITY OF THE
26 DONOR, THE NATURE OF THE TRANSACTION, AND THE CONDITIONS OF THE GRANT,
27 IF ANY.] All money received by the council under this section shall be
28 deposited in the state treasury to the account of the council.

29 (b) The council shall provide for and administer a funding pro-

1 gram [THE ADMINISTRATION OF A GRANT PROGRAM] authorized in (a) of this
2 section. In the administration of the program the council shall
3 promote the most efficient and economical program for police training,
4 including the maximum utilization of existing facilities and programs
5 to avoid duplication.

6 * Sec. 9. AS 18.65.280 is repealed and reenacted to read:

7 Sec. 18.65.280. EXEMPTIONS. (a) The commissioner and deputy
8 commissioner of public safety and the chief administrative officer of
9 local police departments are exempt from the requirements of AS 18.65.-
10 240. However, a person appointed chief of a local police department
11 after July 1, 1981, who performs operational in addition to adminis-
12 trative duties, shall meet the requirements of AS 18.65.240(a)(1).

13 (b) Any local government with an established police training
14 program meeting the requirements of AS 18.65.220(2) and (3) may exclude
15 itself from the requirements of AS 18.65.240 by ordinance. The exclu-
16 sion has no effect on eligibility to receive federal or state grants.

17 * Sec. 10. AS 18.65.290(2) is repealed and reenacted to read:

18 (2) "police officer" means a full-time employee of the
19 state or a local police department with the authority to arrest and
20 issue citations; detain a person taken into custody until that
21 person can be arraigned before a judge or magistrate; conduct inves-
22 tigation of violations of and enforce criminal laws, regulations
23 and traffic laws; search with or without a warrant persons, dwellings,
24 and other forms of property for evidence of a crime; carry a concealed
25 weapon; and take other action consistent with exercise of these enum-
26 erated powers when necessary to maintain the public peace;

27 * Sec. 11. AS 18.65.290 is amended by adding a new paragraph to read:

28 (3) "chief administrative officer" means a chief of police
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subdivision.

* Sec. 12. AS 18.65.210 is repealed.

* Sec. 13. This Act takes effect July 1, 1981.



Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

MEMORANDUM

TO: Senator Parr
Senator Ray

FROM: Oleta Simmons

DATE: April 8, 1981

SUBJECT: HB 63 "An Act relating to the Alaska Police Standards Council; and providing for an effective date."

To: Senator Ray

The above-referenced bill has been scheduled for hearing before the Committee on Monday, April 13. We would appreciate having any specific language changes you recommend.

Thank you.

/ods

Recommend amend as:

page 1, line 13

page 2, line 9

Chuck Parr

AMENDMENT

OFFERED IN THE SENATE:

By: Senate Judiciary

To: Senate Secretary SENATE BILL No. _____

HOUSE BILL No. HB 63

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Amendments
4-10-81

Introduced: 2/4/81
Referred: State Affairs and
Judiciary

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BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

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22 tigations of violations of and enforce criminal laws, regulations
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subdivision.

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MEMORANDUM

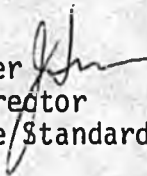
State of Alaska

TO: Senator Pat Rodey
Chairman
Senate Judiciary Committee

DATE: March 18, 1981

FILE NO:

TELEPHONE NO: 465-4378

FROM: James F. Mayer 
Executive Director
Alaska Police Standards Council

SUBJECT: HB 63

To assist the committee in their deliberations on HB 63 there follows a brief section by section analysis of the proposed changes. With two exceptions, the bill is a housekeeping measure which clarifies and brings up to date existing statutes and neither adds to or subtracts from the Council's present authority.

- AS 18.65.130 Policy - Clarifies that the state encourages pre-employment training, but does not provide same.
- AS 18.65.150 Composition of Council - Deletes language no longer necessary.
- AS 18.65.160 Appointment - Deletes language no longer necessary.
- AS 18.65.220 Powers - Adds and deletes language for clarification purposes and authorizes the Council to employ staff as with other boards, commissions and councils.
- AS 18.65.240 Standards - Adds and deletes language for clarification purposes and makes specific the Council's authority to revoke or deny certificates.
- AS 18.65.250 Financial Assistance - Adds and deletes language for clarification purposes.
- AS 18.65.260 Grants - Adds and deletes language no longer necessary and for clarification.
- AS 18.65.280 Exemptions - This major change will require a Chief of police of a local police department who has operational duties in addition to administrative duties, meet the training requirements of AS 18.65.240 (a)(1).

March 18, 1981

Senator Pat Rodey

AS 18.65.290 Definitions - Makes more specific the definition of police officer and defines chief administrative officer of a police department.

AS 18.65.210 Reports - This major change repeals specific statutory annual reporting requirements. It will not relieve the Council's responsibility for reporting since the report will be consolidated with that of the Department of Public Safety to whom the Council is attached for administrative assistance.

I have attached a copy of the existing statutes for information.

JFM:rp

Attachments: As stated.

cc: Senator Bennett
Senator Hohman
Senator Parr
Senator Ray

ALASKA STATUTES

Article 2. Alaska Police Standards Council.

Sec. 18.65.130. Policy. The administration of criminal justice affects the health, safety and welfare of the people of this state, and requires education and training of a professional quality. It is in the public interest that education and training be made available to persons seeking to become police officers, police officers who are serving in a temporary or probationary capacity, and police officers already in regular service.

Sec. 18.65.140. Creation. There is created in the Office of the Governor the Alaska Police Standards Council.

Sec. 18.65.150. Composition of council. The council consists of the following persons:

- (1) four chief administrative officers or chiefs of police of participating local governments;
- (2) the commissioner of public safety or his designee;
- (3) four members of the public at large with at least two from the communities of 2,500 population or less.

Sec. 18.65.160. Appointment. The commissioner of public safety or his designee shall serve during his continuance in office. Other members of the council shall be appointed by the governor for terms of four years, except that no member may serve beyond the time he holds the office which made him eligible for appointment. The terms of members initially appointed to the council by the governor shall be two for one year, two for two years, two for three years, and two for four years. A vacancy on the council shall be filled for the remainder of a member's unexpired term in the same manner as the original appointment.

Sec. 18.65.170. Chairman and vice chairman. The council shall select its chairman and vice chairman annually.

Sec. 18.65.180. Holding another office. Membership on the council does not disqualify a member from holding any other public office or employment.

Sec. 18.65.190. Compensation and expenses. The members of the council receive no salary, but are entitled to per diem and travel expenses authorized by law for other boards and commissions.

Sec. 18.65.200. Meetings. The council shall meet at least twice a year. The chairman shall set the time and place of the meeting, either on his own motion or on written request by any three members of the council.

Sec. 18.65.210. Reports. The council shall make an annual report to the governor and the legislature, and may make other reports it considers necessary.

Sec. 18.65.220. Powers. The council has the power to

- (1) adopt regulations for the administration of Sec. 130—290 of this chapter;
- (2) establish minimum educational and training standards for employment as a police officer in permanent, temporary, or probationary positions and certify persons to be qualified as police officers under Sec. 130—290 of this chapter;
- (3) establish minimum curriculum requirements for preparatory, in-service and advanced courses and programs for schools operated by or for the state or a political subdivision of the state for the specific purpose of training police recruits or police officers;
- (4) consult and cooperate with boroughs, municipalities, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of police training schools and programs of instruction.

Sec. 18.65.230. Police training programs. The council shall establish and maintain police training programs through those agencies and institutions that the council considers appropriate.

Sec. 18.65.240. Standards. (a) No person may be appointed as a police officer, except on a temporary basis, unless the person (1) has satisfactorily completed a preparatory program of police training approved by the council, and (2) possesses other qualifications the council has established for the employment of police officers, including but not limited to minimum age, education, physical and mental standards, citizenship, moral character, and experience. The council shall prescribe the means of presenting evidence of fulfillment of these requirements.

(b) The council shall issue a certificate evidencing satisfaction of the requirements of (a) of this section to an applicant who satisfies those requirements or who satisfied the requirements of (a) (2) of this section and satisfactorily completes a program or course of instruction in another jurisdiction equivalent in content and quality to that required by the council for approved police education and training programs in this state.

Sec. 18.65.250. Financial assistance. (a) The Governor's Commission on the Administration of Justice has the authority to assist participating political subdivisions and police agencies in meeting the costs involved by extending financial assistance for travel, per diem, tuition and other costs.

(b) Only those local governments and agencies electing to comply with Sec. 130—290 of this chapter are eligible for financial assistance authorized under AS 44.19.752. This subsection applies only to those funds made available for providing minimum police standards.

Sec. 18.65.260. Grants. (a) The council may accept donations of property, both real and personal, and grants of money from a governmental unit or public agency, or from an institution or person. An arrangement

made under this section shall be detailed in the annual report of the council. The report shall include the identity of the donor, the nature of the transaction, and the conditions of the grant, if any. All money received by the council under this section shall be deposited in the state treasury to the account of the council.

(b) The council shall provide for the administration of a grant program authorized in (a) of this section. In the administration of the program the council shall promote the most efficient and economical program for police training, including the maximum utilization of existing facilities and programs to avoid duplication.

Sec. 18.65.270. Applicability of Administrative Procedure Act. Sections 150—290 of this chapter shall be administered in compliance with the Administrative Procedure Act.

Sec. 18.65.280. Exemptions. (a) The commissioner and deputy commissioner of public safety and the chief administrative officer of participating local police agencies are exempt from the requirements of Section 240 of this chapter.

(b) Any municipality with an established police training program may exclude itself from the provisions of this Act by ordinance. The exclusion shall have no effect on eligibility to receive or expend federal or state grants.

Sec. 18.65.290. Definitions. In Sections 130—290 of this chapter.

(1) "council" means the Alaska Police Standards Council;

(2) "police officer" means a full-time employee of a police department which is a part of or administered by the state or a political subdivision of the state participating in a program established under Sections 130—290 of this chapter, who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of this state.

Effective date.—Section 5, ch. 178, SLA 1972, provides: "Section 1—3 of this Act take effect July 1, 1972."

Editor's note.—Section 3, ch. 178, SLA 1972, effective July 1, 1972, provides: "A person serving as a permanently appointed police officer on the effective date of this Act is not required to meet the requirements of AS 18.65.240 as a condition of tenure for continued employment"

Section 4, ch. 178, SLA 1972 provides: "Each agency or local government electing to comply with AS 18.65.130—18.65.290 shall notify the governor before July 1, 1971, so that persons from participating local governments may be appointed to the council."

H

B

7

4

COMMITTEE REPORT

SENATE

4/29/82

FURTHER: None

Date:

May 7, 1982

Mr. President:

The Committee on JUDICIARY has had CSHB 74(R1s) on rights of debtors and creditors

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- [X] do pass [] do not pass
[] do pass with attached amendments(s)
[] replace with CS for [] same title [] new title
and recommends
[] AND attaches a "Letter of Intent" [] New Fiscal Note
[] reports it back without recommendation
[] referred to the Committee

MEMBERS SIGNING DO PASS

Handwritten signatures of committee members.

MEMBERS HAVING OTHER RECOMMENDATIONS:

Blank lines for other recommendations.

CHAIRMAN



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

May 7, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

- HB 210 - "An Act relating to child custody."
- HB 47 - "An Act relating to the prohibition against waste of the meat of wild food animals."
- HB 74 - "An Act relating to the rights of debtors and creditors."
- HB 339 - "An Act relating to the judicial review of administrative regulations."
- HB 591 - "An Act making corrective amendments in the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:30 P.M. Committee members present were: Senators Rodey, Anderson, Parr, and Ray. Senator Bennett was absent.

- 001 - Call to order.
- 005 - HB 210 was brought before the committee.
- 008 - Mr. Bruce goes over the changes in the committee substitute.
- 531 - After discussion, Chairman Rodey laid HB 210 on the table.
- 535 - Chairman Rodey next brought HB 47 before the committee.
- 537 - Mr. Bruce goes over the committee substitute.
- 556 - Ed Hein, Legal Services, testified, explaining the committee substitute.

705 - Senator Anderson moved the following: On Page 3, Line 25, delete [WALRUS] and delete [EXCEPTED]. Also on Page 3, Line 25, invert EXEMPTION and ANIMALS, so that it would read ANIMAL EXEMPTION. On Line 26, Page 3, delete [walrus if] and insert animals which. On Line 27, Page 3, delete [them]. There was no objection.

721 - Senator Ray moved to adopt the Senate committee substitute. There was no objection.

724 - Senator Rodey moved to pass SCSHB 47 from committee. There was no objection and the bill was passed.

733 - The next item on the agenda was HB 339.

740 - Diane Colvin, Department of Law, testified explaining the new draft.

870 - Senator Parr stated that his intent was not being met by this bill. He wanted statutes listed by specific sections, not titles and chapters which was not being set out by this legislation.

149 - Senator Parr moved to pass HB 339 with language in Diane Colvin's memo + sec. 2 of the draft committee substitute with individual recommendations. See attached.

221 - Next, Chairman Rodey brought HB 74 before the committee.

223 - Dickerson Regan, Code Revision Commission, testified, suggesting that the committee pass the bill as is because changes can be made by the revisor of statutes next year.

327 - Senator Anderson moved to pass the bill with individual recommendations.

336 - The last item on the agenda was HB 591.

340 - Mr. Walker testified in favor of this bill.

441 - Senator Anderson moved to pass HB 591 with individual recommendations. There was no objection.

444 - The meeting adjourned at 3:00 P.M.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3630

MEMORANDUM

April 30, 1982

SUBJECT: Statutory authority for regulations
(SCS HB 339)

TO: Senator Patrick M. Rodey
Chairman, Senate Judiciary Committee

FROM: Diane T. Colvin
Legislative Counsel

In connection with committee work on HB 339, you asked me to prepare a proposal in response to Senator Parr's suggestion on the need for specific, rather than general, statutory authority for administrative regulations. I had previously proposed an amendment to AS 44.52.020; suggested language for that amendment is contained in my memorandum to Senator Nels Anderson of April 28th.

Another possibility would be to amend AS 24.30, relating to the enactment of statutes, to require that all bills contain express language on the adoption of regulations. I believe this may be closer to meeting Senator Parr's intent. A new section could be added to this chapter to read:

Sec. 24.30.032. REGULATIONS STATEMENT ON BILLS. Each bill shall contain a statement regarding the adoption of regulations by the agency affected by the bill. The statement shall grant the express authority to adopt regulations to implement the provisions of the bill. If a bill does not contain this statement of authority an agency may not adopt regulations to implement the statutes affected by the bill.

It is the opinion of this office that this proposal, if enacted, would have a detrimental effect on the operations of all state departments and agencies. There would be a great deal of confusion resulting from any bills enacted which did not contain this statement but which affected

Senator Rodey
Page 2
April 30, 1982

statutes which are part of a broad statutory scheme or part of an integrated title.

In our opinion, there is no single approach which would cure this problem. The only solution would be to go through the statutes and remove, title by title or chapter by chapter, the general authority of departments and agencies to adopt regulations.

If we can be of further assistance, please do not hesitate to contact us.

DTC:ljb

Dick has talked
to Mulcahy
about having the
bill waived - Dick
discussed the
points w/ Mulcahy
as outlined in
this memo.

Also note copy
of previous memo to
Mulcahy. Pat should
probably review this memo
in case Mulcahy discusses same.

MEMORANDUM

TO: Senator Bob Mulcahy, Chairman
Senate Labor and Commerce Committee

FROM: Dickerson Regan, Consultant
Alaska Code Revision Commission

DATE: April 28, 1982

RE: CSHB 74 (Rls) am (Exemptions Act)

Previously I have sent you materials on CSHB 74 (Rls) am. What I sent probably was in such detail that it could not be digested.

House committees and staff over the past two years spent a lot of time with the bill. Most of that time was spent in becoming familiar with the subject matter. With my memorandum to you dated April 15, 1982, I enclosed some analysis of House changes.

The House changes left the essential features of the bill intact. The bill does three important things.

(1) It adjusts for inflation the two most basic protections of the judgment debtor, i.e., the minimum earnings that are protected and the minimum value of a home that is protected.

(2) It provides for indexing exemptions to changes in the cost-of-living index, thereby keeping protections at the same level in terms of real value and avoiding the need for periodic adjustment by the legislature.

(3) It provides for a continuing garnishment of wages to pay off a court judgment. Both under existing law and under terms of the CSHB 74 (Rls) am, a judgment creditor may follow procedures to require the employer of a judgment debtor to withhold and pay over the unprotected part of the wages the employer owes to that judgment debtor. By existing law this costly and frictional procedure must be repeated each pay period until the judgment is satisfied. By terms of the bill

Senator Bob Mulcahy
April 28, 1982
Page 2

once the judgment holder has had the required notice (garnishment) served, it continues in effect each successive pay period until the judgment is paid. This avoids a source of much frustration to the judgment creditor and a source of expense to the judgment debtor since costs of collection are added to the judgment he must pay.

I did not work with the code revision commission on drafting of the bill. However, I have become quite familiar with it. As I became familiar with it I recognized it to be well drafted and helpful legislation. And I have seen those legislators and staff members in the House who were able to study the details of the bill become supporters of it, regardless of their political persuasion.

Time threatens to run out on the bill. I understand Senator Rodey has suggested it be waived over to Judiciary. I hope you will follow this or some other means to move the bill along.

DR:chw

ALASKA CODE REVISION COMMISSION



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(907) 465-4878

EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: Senator Bob Mulcahy, Chairman
Senate Labor and Commerce Committee
ATTN: Michael Thill, A.A.

FROM: Dickerson Regan, Consultant
Alaska Code Revision Commission *Jack Regan*

DATE: April 15, 1982

RE: CSHB 74 (Rls) am--Debtor and Creditor

Quite extensive committee work was done on HB 74 (debtor and creditor) in the House, and I hope the bill can be moved rapidly through the Senate.

Both Jim Baldwin, who worked as draftsman on the bill, and I will be happy to respond to your committee's questions.

Attached are (1) a statement of the general background of the bill, (2) the Baldwin commentary for the original bill, marked with the changed section numbers, (3) a review of the changes from that bill as they appear in CSHB 74 (Rls) am, and (4) the changes by page and line.

The code revision commission's office telephone is 465-4878. Jim Baldwin is now in the Department of Law, telephone 465-3600.

DR:chw

Attachments:

Background on CSHB 74 (Rls) am on Debtor and Creditor

CSHB 74 (Rules) deals with the nature and extent of a judgment debtor's rights as against the rights of a judgment creditor. It is often referred to as the "exemptions" bill since it defines what minimum property of a debtor is exempt from seizure and sale to satisfy a judgment. It also contains (1) procedures designed to be relatively simple for the creditor while assuring protection of the debtor's rights, and (2) an indexing of the dollar amounts of exemptions to the fluctuation of the consumer price index, thereby avoiding the need for frequent adjustments by the legislature.

Attached is a commentary that was drawn by Jim Baldwin, the Legislative Affairs Agency draftsman who worked with the code revision commission on the bill. (Baldwin is now the executive department representative on the commission. However, when the bill was drafted in 1977 he was not in a policy position with regard to the content of the bill.)

The bill was introduced in the 1979 legislative session as HB 56. It is basically a workaday procedural and cleanup bill; it had no active constituency either pushing it or opposing it, and it was not scheduled for committee hearings in the 1979 or 1980 sessions.

The bill was reintroduced in the 1981 legislature as HB 74. It was given staff work and committee hearings in the House Judiciary Committee in 1981 and was given more work and hearings by the reconstituted Judiciary Committee in 1982, resulting in a Judiciary CS bill that included figures marked-up for inflation and changed the bill's treatment of liquor licenses and limited entry permits so as to leave the exemption of these licenses and permits just as it is in existing law. There was no significant difference between the treatment given the bill by the House Judiciary Committee as constituted in 1981 and the treatment given the bill by the reconstituted committee in 1982.

The Rules Committee passed out the Judiciary substitute, but some of the figures were challenged on the floor, the Judiciary substitute was rejected, and the bill was returned to Rules.

By this point there were a core of representatives of differing political persuasions who thought the basic bill worth saving. Since the numbers (the dollar amounts) in the bill seemed to be the sticking points, the Rules Committee got out a substitute bill, mainly adjusting the dollar amounts. In outline these adjustments were a markup for inflation of only the two basic exemption figures--the homestead exemption and the wage exemption--leaving most of the other figures unchanged.

In the file of the code revision commission and in the file of the House committees there is correspondence which follows through the processing of the bill in the House.

Changes of HB 74 appearing in CSHB 74 (Rls) am

CSHB 74 (Rls) am includes a floor amendment that was not in either the Judiciary substitute or the Rules substitute: It eliminates from the bill a provision that would have placed alimony and separate maintenance payments in a category of claim against which no exemption applies.

CSHB 74 (Rls) am includes the following amendments to the original bill that are also in the Judiciary substitute and the Rules substitute:

(1) an amendment of the original bill that would retain the exemption of liquor licenses and limited entry permits without substantive change from existing law;

(2) technical amendments to correct an error in the repealer and to reflect a change in the name of the consumer price index;

(3) adjustments for inflation of (a) the basic homestead exemption, (b) the exemption for tools of trade, and (c) the wage exemption. The adjustments are based on the 43 percent increase in the Anchorage consumer price index since the bill was originally drafted in December, 1977.

CSHB 74 (Rls) am does not include the balance of the Judiciary Committee's markup of figures in the original bill. It marks down an exemption for pets from \$3,000 to \$500, and eliminates a provision of the original bill that would have given a larger exemption when a home is owned jointly or by the entirety.

CSHB 74 (Rls) am contains the following additional changes that were not in the Judiciary substitute:

(1) eliminating a provision of the original bill lumping the exemption of child support with certain other exemptions that are treated as an aggregate, the effect being to leave child support as it is treated in existing law;

(2) extending the period in which proceeds of the voluntary sale of a homestead are exempt from three to six months;

(3) requiring that a notice of rights be served on the judgment debtor along with an order temporarily restraining him from disposing of his exempt property;

(4) requiring notice of procedures for seeking a change of venue;

The foregoing changes are made by page-and-line amendments to HB 74 shown on the attached sheet.

Amendments to HB 74 appearing in CSHB 74 (Rls) am

- Page 1, line 20: Change "\$19,000" to \$27,000"
- Page 1, lines 26 and 28: Change \$28,000" to \$27,000"
- Page 4, line 5: Change \$1,000" to "\$1,400"
- Page 4, line 9: Change \$4,300" to "\$500"
- Page 6, line 5: Delete "support,"
- Page 8, line 6: Change "\$200" to "\$275"
- Page 8, line 8: Change "\$800" to "\$1,100"
- Page 8, lines 11-13: Delete the sentence starting on
line 11
- Page 9, line 8: (A) delete "alimony,"
insert "child"
- After "support"
Delete ", or separate maintenance"
- Page 11, line 18: Delete "and"
- Page 11, line 20: Change period to comma
- Page 11, following line 20: Insert "(D) of the
information required by AS 09.38.085(a)."
- Page 14, line 9: Before "AS 09.38.080(c)" insert
"AS 09.38.075(b) and"
- Page 14, line 20: After "property" insert "changing
venue,"
- Page 16, line 13: After "for" insert "All Urban
Consumers for"
- Page 16, line 14: After "Area" delete "Consumer Price
Index"
- Page 16, line 16: Change "November" to "January"

Delete "preceding the year"
- Page 22, line 12: After "09.35.050" change the comma
to a semicolon
- Page 22, line 13: Change "AS 21.42.320--21.42.350" to
"AS 21.42.320--21.42.340, AS 21.-
42.350"

Copy of this report located in LAA file.

JH 7/6/82



STATE OF ALASKA

Legislative Affairs Agency

A

PROPOSED

ALASKA EXEMPTIONS ACT

PREPARED AND APPROVED FOR DISTRIBUTION

BY THE

"ALASKA CODE REVISION COMMISSION"

ALASKA STATE LEGISLATURE

Staff Preparation By the
Division of Legal Services
LEGISLATIVE AFFAIRS AGENCY

DECEMBER

1980

ALASKA CODE REVISION COMMISSION



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ALASKA STATE LEGISLATURE
POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-4878

EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

Don't copy
Kevin
for your file
Dick
TO: Senator Tim Kelly, Chairman
Senate Rules Committee
FROM: Dickerson Regan, Consultant
Alaska Code Revision Commission *Dick Regan*
DATE: May 11, 1982
RE: CSHB 74 (Rls) am (debtor and creditor/exemptions)

CSHB 74 (Rls) am reached the Rules Committee May 8th after considerable attention had been given it by both House and Senate committees over the past two years.

Attached is a history of the bill as it worked its way to your committee. After committee work the main substance of the bill remains intact.

This is a bill that has been recognized on its merits with no special interest group pushing it. Since (I assume) it is not the kind of bill that will be anyone's trading material, I trust you will assure that the bill is placed on the calendar without the need for special contact from other legislators about it.

If you wish anything further about the bill, we will try to provide it. The code revision commission's telephone number through which I can be reached is 465-4878.

DR:chw

Attachments

Original sponsor: Rules/Legislative Council

Offered: 4/7/82
For Calendar 4/8/82

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 74 (Rules) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the rights of debtors and credi-
7 tors."

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

9 * Section 1. It is the intent of the legislature to modernize the proce-
10 dures for execution on a judgment and to afford to a judgment debtor adequate
11 protection of his personal property and income necessary to provide for his
12 own needs and the needs of his dependents while remaining independent of
13 further public assistance.

14 * Sec. 2. AS 09 is amended by adding a new chapter to read:

15 CHAPTER 38. ALASKA EXEMPTIONS ACT.

16 Sec. 09.38.010. HOME[STEAD] EXEMPTION. (a) An individual is en-
17 titled to an exemption as a home[stead] of his interest in property in
18 this state used as the principal residence of that individual or his
19 dependents, but the value of the home[stea] exemption may not exceed
20 \$27,000.

21 (b) If property owned by the entirety or in common is used by one
22 or more individual owners or their dependents as their principal resi-
23 dence, each owner is entitled to a home[stead] exemption of his interest
24 in the property as provided in (a) of this section. The aggregate
25 value of multiple home[stead] exemptions allowable with respect to a
26 single living unit may not exceed \$27,000. If there are multiple
27 owners of property exempt as a home[stead], the value of the exemption of
28 each individual owner may not exceed his pro rata portion of \$27,000.

29 (c) If property that includes a home[stead] is sold under an execu-

1 tion, the sale becomes effective upon confirmation by order of the
2 court. The court shall enter the order of confirmation unless, within
3 60 days after the sale, the individual repurchases the property under
4 this section or the court extends the time for confirmation upon the
5 filing of a timely motion by a party in interest. The individual may
6 repurchase property, including his homestead, at a sale on execution
7 before confirmation by paying into court the costs of the sale plus the
8 lesser of either (1) the difference between the highest bid and the
9 amount of the exemption in the property, or (2) the amount of the
10 creditor's claim. If the individual does not exercise his repurchase
11 right under this subsection, the clerk of the court shall first remit
12 an amount determined to be exempt to him from the proceeds of sale and
13 the balance less the cost of the sale to the creditor. For the purpose
14 of collecting an amount remaining unpaid on his judgment after repur-
15 chase of property by an individual under this subsection, the creditor
16 or his assignee may not make another levy on the property repurchased.

17 (d) Upon entry of the order of confirmation under (c) of this
18 section and expiration of the time period for repurchase, the clerk may
19 execute a deed to the property and when delivered it shall be sufficient
20 to convey all title of the individual in the premises sold to the pur-
21 chaser at the sale.

22 Sec. 09.38.015. PROPERTY EXEMPT WITHOUT LIMITATION. (a) An
23 individual is entitled to exemption of the following property:

- 24 (1) a burial plot for the individual and his family;
- 25 (2) health aids reasonably necessary to enable the individual
26 or a dependent to work or to sustain health;
- 27 (3) benefits paid or payable for medical, surgical, or hos-
28 pital care to the extent they are or will be used to pay for the care;
- 29 (4) an award under AS 18.67 (Violent Crimes Compensation

1 Board) or a crime victim's reparations Act of another jurisdiction;

2 (5) benefits paid or payable as a longevity bonus under
3 AS 47.45;

4 (6) compensation or benefits paid or payable and exempt
5 under federal law;

6 (7) liquor licenses granted under AS 04;

7 (8) limited entry permits granted under AS 16.43, except as
8 provided in that chapter.

9 (b) The right to benefits held by the state on behalf of an indi-
10 vidual which may become payable by reason of disability, unemployment
11 or illness, amounts held in the teachers' or public employees' retire-
12 ment system, and child support ^{payments due the obligee.} (collections made by the child support
13 enforcement agency) are exempt.

14 (c) Property of the state, a general law or home rule munici-
15 pality, the Alaska State Housing Authority, the Alaska Municipal Bond
16 Bank Authority, or other state public corporation is exempt.

17 (d) Real property held by a cemetery association established
18 under AS 10.30 for the purpose of a cemetery and not exceeding 80 acres
19 is exempt.

20 Sec. 09.38.020. EXEMPTIONS OF PERSONAL PROPERTY SUBJECT TO VALUE
21 LIMITATIONS. (a) An individual is entitled to an exemption in property
22 not to exceed an aggregate value of \$1,500 chosen by him from the fol-
23 lowing categories of property:

24 (1) household goods and wearing apparel reasonably necessary
25 for one household;

26 (2) if reasonably held for the personal use of the individual
27 or a dependent, books and musical instruments; and

28 (3) family portraits and heirlooms of particular sentimental
29 value to the individual.

1 (b) An individual is entitled to exemption of jewelry, not ex-
2 ceeding \$500 in aggregate value, if held for the personal use of the
3 individual or a dependent.

4 (c) An individual is entitled to exemption, not exceeding \$1,400
5 in aggregate value, of implements, professional books, and tools of the
6 trade.

7 (d) An individual is entitled to the exemption of pets to the
8 extent of a value not exceeding \$500.

9 (e) An individual is entitled to an exemption of one motor vehicle
10 to the extent of a value not exceeding \$1,500 if the full value of the
11 motor vehicle does not exceed \$10,000.

12 Sec. 09.38.025. EXEMPTION OF UNMATURED LIFE INSURANCE AND ANNUITY
13 CONTRACTS. (a) Except as provided in this section, an individual is
14 entitled to exemption of unmatured life insurance and annuity contracts
15 owned by him. If the contracts have accrued dividends and loan values
16 available to the individual aggregating more than \$5,000, a creditor
17 may obtain a court order requiring the individual debtor to pay the
18 creditor, and authorizing the creditor on the debtor's behalf to obtain
19 payment of, the amount of the accrued dividends and loan values in
20 excess of \$5,000 or the amount of the creditor's claim, whichever is
21 less.

22 (b) A judgment creditor or other claimant of an insurer may not
23 levy upon any of the assets or securities held in this state as a de-
24 posit for the protection of the insurer's policyholders or policyholders
25 and creditors. Deposits under AS 21.09.270 may be levied upon if pro-
26 vided in the order of the director of insurance, Department of Commerce
27 and Economic Development, under which the deposit is made.

28 Sec. 09.38.030. EXEMPTION OF EARNINGS AND LIQUID ASSETS. (a)
29 Except as provided in (b) and (c) of this section and AS 09.38.050, an

1 individual debtor is entitled to an exemption of his weekly net earnings
2 not to exceed \$175. The weekly net earnings of an individual are
3 determined by subtracting from the weekly gross earnings all sums
4 required by law or court order to be withheld. The weekly net earnings
5 of an individual paid on a monthly basis are determined by subtracting
6 from the monthly gross earnings of the individual all sums required by
7 law or court order to be withheld and dividing the remainder by 4.3.
8 The weekly net earnings of an individual paid on a semi-monthly basis
9 are determined by subtracting from the semi-monthly gross earnings all
10 sums required by law or court order to be withheld and dividing the
11 remainder by 2.17.

12 (b) An individual who does not receive earnings either weekly,
13 semi-monthly or monthly is entitled to a maximum exemption for the
14 aggregate value of cash and other liquid assets available in any month
15 of \$700 except as provided in AS 09.38.050. The term "liquid assets"
16 includes deposits, securities, notes, drafts, accrued vacation pay,
17 refunds, prepayments, and receivables.

18 (c) A creditor may levy upon earnings exempt under (a) and (b) of
19 this section if his claim is

20 (1) enforceable against exempt property under AS 09.38.-
21 065(a)(1); or

22 (2) enforceable under an order of a court of bankruptcy
23 under chapter XIII of the Bankruptcy Act (11 U.S.C., sec. 1001 et
24 seq.).

25 (d) If the individual debtor is a nonresident, the limitations on
26 garnishment imposed under 15 U.S.C. 1673 shall apply.

27 (e) The following property, unless exempt without limitation
28 under AS 09.38.015, upon receipt by and while it is in the possession
29 of the individual, shall be treated as earnings, income, cash, or other

1 liquid assets under this section:

2 (1) benefits paid by reason of disability, illness, or unem-
3 ployment;

4 (2) money or property received for alimony or separate
5 maintenance;

6 (3) proceeds of insurance, a judgment, or a settlement, or
7 other rights accruing as a result of bodily injury of the individual or
8 of the wrongful death or bodily injury of another individual of whom
9 the individual was or is a dependent;

10 (4) proceeds or benefits paid or payable on the death of an
11 insured, if the individual was the spouse or a dependent of the insured;
12 and

13 (5) amounts paid under a stock bonus, pension, profit-
14 sharing, annuity, or similar plan or contract, providing benefits by
15 reason of age, illness, disability, or length of service.

16 Sec 09.38.035. CONTINUING LIEN ON WAGES. (a) In the case of a
17 garnishment of earnings, when the garnishee's answer reflects that the
18 defendant is employed by him, the judgment or balance due as reflected
19 on the writ of garnishment shall become a lien on earnings due at the
20 time of service of the writ to the extent that they are not exempt from
21 garnishment, and that lien shall continue as to subsequent nonexempt
22 earnings until the total subject to the lien equals the amount stated
23 on the writ of garnishment, except that the lien on subsequent earnings
24 shall terminate sooner if the employment relationship is terminated, if
25 the underlying judgment is vacated, modified, or satisfied in full, or
26 if the writ is dismissed.

27 (b) A garnishee shall pay into court all nonexempt earnings of
28 the defendant subject to the continuing lien under (a) of this section.
29 Accrued interest on the judgment or balance due as reflected on the

1 writ of attachment may be garnished under a supplemental writ of
2 garnishment after the principal amount stated on the original writ of
3 garnishment has been paid.

4 Sec 09.38.040. PRIORITIES BETWEEN CONTINUING LIENS. A lien
5 obtained under AS 09.38.035 shall have priority over any subsequent
6 garnishment lien or wage assignment. Any writ creating a continuing
7 lien served upon an employer while a continuing lien imposed by a pre-
8 vious writ is still in effect shall be answered by the employer with a
9 statement that he is holding no funds and with a further statement
10 stating when all previous liens are expected to terminate. The subse-
11 quent writ shall have full effect from the termination of all prior
12 liens or until it is otherwise terminated under AS 09.38.035; however,
13 a subsequent writ is not effective if a writ in the same cause of
14 action is pending at the time of service of garnishment.

15 Sec. 09.38.045. EFFECTIVE DATE OF CONTINUING LIEN. The effective
16 date of a writ creating a continuing lien is the date of service upon
17 the garnishee; however, if there are, on that date, liens by virtue of
18 previous writs, the effective date is the date all previous writs
19 terminate.

20 Sec. 09.38.050. INCREASED EXEMPTION AMOUNT. (a) An individual
21 debtor who is in possession of money which was obtained as payment for
22 an injury or disability may request the court to order an increase in
23 the exemption amounts under AS 09.38.030. The individual debtor shall
24 submit affidavits or offer testimony in support of his request as re-
25 quired by the court. The court shall determine the exemption amount
26 after consideration of the individual's responsibilities and all the
27 present and anticipated ~~property~~ and income of the individual, including
28 that which is exempt.

29 (b) The exemption amounts under AS 09.38.030 may be increased

1 when the individual submits an affidavit, under penalty of perjury,
2 stating that his earnings alone support his household; by so doing, the
3 maximum part of his aggregate disposable earnings for any week subject
4 to execution may not exceed the amount by which his disposable earnings
5 for that week exceed \$275, or, if the individual is claiming an exemp-
6 tion for cash or other liquid assets under AS 09.38.030(b), a maximum
7 amount of \$1,100 available in any month is exempt.

8 Sec. 09.38.055. BANKRUPTCY PROCEEDINGS. In a proceeding under
9 the Bankrupt Act (11 U.S.C.) only the exemptions under AS 09.38.010,
10 09.38.015(a), 09.38.020, 09.38.025 and 09.38.030 apply.

11 Sec. 09.38.060. TRACING EXEMPT PROPERTY. (a) If property, or a
12 part of it, that could have been claimed as an exempt homestead under
13 AS 09.38.010, a burial plot under AS 09.38.015(a)(1), a health aid
14 under AS 09.38.015(a)(2), or personal property subject to a value
15 limitation under AS 09.38.020(a)(1), (2) or 09.38.020(c), has been
16 taken or sold by condemnation, or has been lost, damaged, or destroyed
17 and the owner has been indemnified for it, the individual is entitled
18 to an exemption of proceeds that are traceable for 12 months after the
19 proceeds are received. An individual is entitled to an exemption of
20 proceeds from the voluntary sale of an exempt homestead under AS 09.38.-
21 010 that are traceable for six months after the proceeds are received.
22 The exemption of proceeds under this subsection does not entitle the
23 individual to claim an aggregate exemption in excess of the value
24 limitation otherwise allowable under AS 09.38.010 or 09.38.020.

25 (b) Money or other property and proceeds exempt under this chapter
26 are traceable under this section by application of the principle of
27 first-in first-out, last-in first-out, or any other reasonable basis
28 for tracing selected by the individual claiming the exemption.

29 Sec. 09.38.065. CLAIMS ENFORCEABLE AGAINST EXEMPT PROPERTY. (a)

1 Notwithstanding other provisions of this chapter,

2 (1) a creditor may make a levy against exempt property of
3 any kind to enforce a claim for

4 (A) child support;

5 (B) unpaid earnings of up to one month's compensation
6 or the full-time equivalent of one month's compensation for per-
7 sonal services of an employee; or

8 (C) state or local taxes; and

(2) a creditor may make a levy against exempt property to
10 enforce a claim for

11 (A) the purchase price of the property or a loan made
12 for the express purpose of enabling an individual to purchase the
13 property and used for that purpose;

14 (B) labor or materials furnished to make, repair,
15 improve, preserve, store, or transport the property; and

16 (C) a special assessment imposed to defray costs of a
17 public improvement benefiting the property.

18 (b) Except as provided in AS 09.38.070, limiting the enforcement
19 of certain security interests, this chapter does not affect any statu-
20 tory lien or security interest in exempt property.

21 (c) A creditor having a claim enforceable under (a) of this
22 section against exempt property, before, at the time of, or a reasonable
23 time after making a levy on property of an individual, shall serve on
24 the individual a notice of the levy and of the basis for the creditor's
25 right to make a levy on exempt property.

26 Sec. 09.38.070. LIMITATION ON ENFORCEMENT OF CERTAIN SECURITY
27 INTERESTS IN EXEMPT GOODS. (a) This section applies to a security
28 interest, except a purchase-money security interest, or a security
29 interest in a motor vehicle, in an item of goods (1) possessed by an

1 individual, (2) being used by him or a dependent, and (3) exempt under
2 AS 09.38.020(a) - (d).

3 (b) Unless the individual, after written notice to him of his
4 rights under this section, voluntarily surrenders to the secured credi-
5 tor possession of an item of goods to which this section applies, the
6 creditor may not take possession of the item or otherwise enforce the
7 security interest according to its terms without an order or process of
8 court.

9 (c) The court may order or authorize process respecting any item
10 of goods to which this section applies only after a hearing, upon
11 notice to the individual of the hearing and of his rights at it. The
12 notice shall be as directed by the court. The order or authorization
13 may prescribe appropriate conditions as to payments upon the debt
14 secured or otherwise. The court may not order or authorize process
15 respecting the item if it finds upon the hearing both that the indivi-
16 dual lacks the means to pay all or part of the debt secured and that
17 continued possession or use of the item is necessary to avoid undue
18 hardship for the individual or a dependent.

19 (d) The court, upon application of the creditor or the individual
20 and notice to the other and after a hearing and finding of changed
21 circumstances, may vacate or modify an order or authorization under
22 this section.

23 Sec. 09.38.075. SPECIAL PROCEDURES RELATING TO LIMITED VALUE
24 EXEMPTIONS. (a) Unless he is seeking collection of a claim enforceable
25 against exempt property under AS 09.38.065, a creditor may obtain a
26 levy on an individual's property of a kind listed in AS 09.38.020 only
27 by complying with this section. Before levy, the creditor shall file
28 with the court out of which the process issues

29 (1) an affidavit stating that he has reason to believe the

1 individual has property of a kind listed in AS 09.38.020 that is not
2 exempt, identifying the property, setting out facts constituting the
3 basis for believing the property is not exempt; and

4 (2) a request for an order by the court notifying the
5 individual

6 (A) of the creditor's claim of a right to levy on the
7 property identified as nonexempt,

8 (B) of the individual's right to contest the creditor's
9 claim of a right to levy by filing with the clerk of the court, on
10 or before a date fixed by the court, but not exceeding 15 days
11 after the issuance of the order, a written objection to the pro-
12 posed levy and a statement of the grounds for the objection and of
13 his right to describe the property in lieu of setting its value,

14 (C) of the possible consequences of failure to respond
15 to the notice as provided in (c) of this section, and

16 (D) of the information required by AS 09.38.0&5(a).

17 (b) Notice of an order issued in accordance with a request under
18 (a) of this section, together with the creditor's affidavit, shall be
19 served on the individual. The order shall restrain the individual from
20 removing, encumbering, damaging, or disposing of any property of the
21 kind listed in AS 09.38.020 for 30 days after receipt of the order,
22 unless the court reduces, extends, or otherwise modifies the restraining
23 order during the 30-day period.

24 (c) If exemption of property identified in a notice served on an
25 individual under (b) of this section depends on its value, the indi-
26 vidual may describe the property in his responsive statement and indi-
27 cate the amount of any indebtedness chargeable against it. If the
28 individual, within the time allowed by the order of the court, fails to
29 respond to a notice served under (b) of this section that the creditor

1 believes the debtor has nonexempt property of a kind listed under
2 AS 09.38.020, the court may order the individual to appear and disclose
3 the description, location, and value of his property. If the individual
4 fails to appear and disclose the information specified in the order, he
5 waives objection to the creditor's levy on property of that kind.

6 (d) Except to the extent the procedure is prescribed by this
7 section, AS 09.38.080(e) governs a proceeding for the determination of
8 a contest in respect to a claim to exemption of property under AS 09.-
9 38.020.

10 (e) Costs incurred in making, or proposing to make, a levy on
11 property of a kind listed in AS 09.38.020 shall be paid out of the
12 proceeds of a sale of property of that kind. If the proceeds of a sale
13 of the property are insufficient to cover the costs incurred in pro-
14 ceedings commenced under this section, the creditor shall pay the costs
15 and may not recover them from the individual, notwithstanding any
16 agreement of the parties to the contrary.

17 (f) The burden of proving the validity of an exemption by a pre-
18 ponderance of the evidence is upon the individual claiming the exemp-
19 tion.

20 Sec. 09.38.080. PROCEDURES APPLICABLE TO A LEVY ON PROPERTY OF AN
21 INDIVIDUAL. (a) Except in a proceeding under AS 09.38.065, a creditor
22 shall comply with this section in obtaining a levy on property of an
23 individual. In a proceeding to levy on personal property of a kind
24 listed in AS 09.38.020, a creditor shall comply with this section and
25 AS 09.38.075.

26 (b) Before, at the time of, or within three days after levy
27 against property of an individual, the creditor shall file with the
28 court from which the process issued an affidavit stating that he has
29 reason to believe the individual has property that is not exempt, iden-

1 tifying the property, and stating facts constituting the basis for that
2 belief.

3 (c) Before, at the time of, or within three days after levy, the
4 creditor shall serve on the individual a notice under AS 09 38.085,
5 including a copy of the affidavit filed under (b) of this section.

6 (d) A bid for property that is less than the amount of the exempt
7 value is not acceptable at a sale of property under a levy. If in-
8 debtedness secured by a valid lien is chargeable against the proceeds
9 of the sale, the bid must exceed the amount of the indebtedness secured
10 plus the amount of the exempt value. If a sufficient bid is not re-
11 ceived, the officer shall file a notation of the fact with the clerk of
12 the court and return the property to the individual. The costs incurred
13 during levy, offering the property for sale, and returning the property
14 shall be assessed against the creditor and are not recoverable from the
15 individual, notwithstanding any agreement of the parties to the con-
16 trary.

17 (e) If any question arises as to the rights of an individual
18 entitled to an exemption under this chapter, an interested person may
19 file with the clerk of the court from which the process issued a state-
20 ment of the claim of exemptions and the question raised. The statement
21 shall be referred to the court as soon as practicable thereafter. The
22 court shall order that notice of a hearing be given. After hearing the
23 matter, the court shall make findings and issue an appropriate order.
24 The court may award to the prevailing party costs of a proceeding under
25 this subsection.

26 (f) An objection to levy on the ground that the property seized
27 is exempt must be filed with the clerk of the court within 15 days
28 after the levy. The burden of proving the validity of an exemption by
29 a preponderance of the evidence is upon the individual claiming the

1 exemption. Failure to file a timely objection may be held to be a
2 waiver of a claim to exemption in the property, unless for cause shown
3 the court excuses the failure.

4 Sec. 09.38.085. CONTENTS OF NOTICE. (a) The notice required by
5 AS 09.38.075(b) and 09.38.080(c) shall include the following information:
6

7 (1) the amount and date of the judgment to be enforced by
8 levy and sale or other mode of appropriating the individual's property;

9 (2) the name and address of the clerk of the court with whom
10 objections must be filed;

11 (3) the name and address of the creditor and of his attorney,
12 if any;

13 (4) a copy of the affidavit filed under AS 09.38.080(b);

14 (5) a summary statement in lay terminology of the exemptions
15 provided by the laws of this state;

16 (6) a summary statement in lay terminology of the procedures
17 for claiming exemptions, objecting to a levy on exempt property, changing
18 venue, and exercising the right to repurchase homestead property from a
19 sale before its confirmation; and

20 (7) a statement in lay terminology of the rights of persons
21 other than the individual as provided in AS 09.38.090.

22 (b) The supreme court may prescribe forms to be used by creditors,
23 debtors and court officers under this chapter. A notice substantially
24 complying with this section is effective even though the notice contains
25 errors if those errors do not result in substantial prejudice to the
26 rights of the individual debtor or his dependents.

27 Sec. 09.38.090. ASSERTION OF RIGHTS BY ANOTHER. If an individual
28 fails to select property entitled to be claimed as exempt or to object
29 to a levy on the property or to assert any other right under this chap-

1 ter, the spouse or a dependent of the individual or any other person
2 authorized by law may make the claim or objection or assert the rights
3 provided by this chapter.

4 Sec. 09.38.095. JUDICIAL RELIEF. (a) An individual or the
5 spouse, a dependent of the individual, or any other person authorized
6 by law is entitled to injunctive relief, damages, or both, against a
7 creditor or other person to prevent or redress a violation of this
8 chapter as provided in the Alaska Rules of Civil Procedure. A court
9 may award costs and reasonable attorney fees to a party entitled to
10 injunctive relief or damages.

11 (b) For cause shown the court may relieve a person from the
12 consequences of failing to take timely action to assert rights under
13 this chapter.

14 Sec. 09.38.100. DEBTOR'S PROPERTY OWNED WITH ANOTHER. (a) If an
15 individual and another own property in this state as tenants in common
16 or tenants by the entirety, a creditor of the individual, subject to
17 the individual's right to claim an exemption under this chapter, may
18 obtain a levy on and sale of the interest of the individual in the
19 property. A creditor who has obtained a levy, or a purchaser who has
20 purchased the individual's interest at the sale, may have the property
21 partitioned or the individual's interest severed.

22 (b) A partner's right in specific partnership property is exempt
23 except on a claim against the partnership; when partnership property is
24 attached for a partnership debt, the partners or any of them or the
25 representatives of a deceased partner may not claim an exemption for
26 that property under this chapter.

27 Sec. 09.38.105. WAIVER OF EXEMPTION. A waiver of exemption exe-
28 cuted in favor of an unsecured creditor before levy on an individual's
29 property is unenforceable, but a valid security interest may be given

1 in exempt property.

2 Sec. 09.38.110. FEDERAL REQUIREMENTS. If a federal department or
3 agency issues a formal ruling that a section of this chapter relating
4 to public assistance will cause a state plan for the delivery of ser-
5 vices or benefits to be out of conformity with federal requirements,
6 the section will not apply to the extent that it causes the program to
7 be out of conformity with federal requirements.

8 Sec. 09.38.115. ADJUSTMENT OF DOLLAR AMOUNTS. (a) The dollar
9 amounts in this chapter change, as provided in this section, according
10 to and to the extent of changes in the Consumer Price Index for all
11 Urban Consumers for the Anchorage Metropolitan Area compiled by the
12 Bureau of Labor Statistics, United States Department of Labor (the
13 index). The index for January of the year in which this section becomes
14 effective is the reference base index.

15 (b) The dollar amount change on July 1 of each even-numbered year
16 if the percentage of change, calculated to the nearest whole percentage
17 point, between the index for December of the preceding year and the
18 reference base index, is 10 percent or more, but

19 (1) the portion of the percentage change in the index in
20 excess of a multiple of 10 percent is disregarded and the dollar amounts
21 change only in multiples of 10 percent of the amounts appearing in this
22 chapter on the effective date of this chapter; and

23 (2) the dollar amounts do not change if the amounts required
24 by this section are those currently in effect as a result of earlier
25 application of this section.

26 (c) If the index is revised, the percentage of change is calcu-
27 lated on the basis of the revised index. If a revision of the index
28 changes the reference base index, a revised reference base index is
29 determined by multiplying the reference base index applicable by the

1 rebasing factor furnished by the United States Bureau of Labor Statis-
2 tics. If the index is superseded, the index referred to in this section
3 is the one represented by the Bureau of Labor Statistics as reflecting
4 most accurately changes in the purchasing power of the dollar for Alas-
5 kan consumers.

6 (d) The Department of Labor shall adopt a regulation announcing
7 (1) on or before April 30 of each year in which dollar
8 amounts are to change, the changes in dollar amounts required by (b) of
9 this section; and

10 (2) promptly after the changes occur, changes in the index
11 required by (c) of this section, including, if applicable, the numerical
12 equivalent of the reference base index under a revised reference base
13 index and the designation or title of any index superseding the index.

14 (e) The Department of Labor shall also provide notification of a
15 change in exemption amounts required under (c) of this section to the
16 clerks of court in each judicial district of the state.

17 Sec. 09.38.120. PROTECTION OF PROPERTY OF RESIDENTS AND NONRESI-
18 DENTS. (a) Residents of this state are entitled to the exemptions
19 provided under this chapter. Nonresidents are entitled to the exemp-
20 tions provided by the law of the jurisdiction of their residence.

21 (b) The term "resident" means an individual who is physically
22 present in the state and who intends to maintain his permanent home in
23 Alaska.

24 Sec. 09.38.125. DEFINITIONS. As used in this chapter, unless the
25 context otherwise requires,

26 (1) "burial plot" means a parcel of real estate used for
27 burial of human remains and which is located within an area designated
28 for cemetery purposes by the state or a general law or home rule munici-
29 pality;

1 (2) "debt" means a legally enforceable monetary obligation
2 or liability of an individual, whether arising out of contract, tort,
3 or otherwise;

4 (3) "dependent" means an individual who derives support
5 primarily from another individual;

6 (4) "earnings" means money received by the individual for
7 personal services and denominated as wages, salary, commissions, or
8 otherwise;

9 (5) "exempt" means protected, and "exemption" means pro-
10 tection, from subjection to process or a proceeding to collect an unse-
11 cured debt;

12 (6) "household goods" includes those items that make a resi-
13 dence habitable according to modern standards;

14 (7) "judicial lien" means a lien on property obtained by
15 judgment, levy, sequestration, or other legal or equitable process or
16 proceeding instituted for the purpose of collecting an unsecured debt;

17 (8) "levy" means the seizure of property under a writ of
18 attachment, garnishment, execution, or any similar legal or equitable
19 process issued for the purpose of collecting an unsecured debt;

20 (9) "lien" means a security interest, or a judicial,
21 statutory, or common-law lien, or any other interest in property secur-
22 ing payment of a debt or performance of an obligation;

23 (10) "principal residence" means the actual dwelling place of
24 the individual or his dependents and includes real and personal prop-
25 erty;

26 (11) "security interest" means an interest in property created
27 by contract to secure payment or performance of an obligation;

28 (12) "serve notice" means to give the person to be served a
29 written personal notice in the same manner a summons in a civil action

1 is served, or to mail the notice to the person's last known address by
2 first-class mail and by using a form of mail requiring a signed receipt;

3 (13) "statutory lien" means a lien arising by force of a
4 statute under specified circumstances or conditions, but does not in-
5 clude a security interest;

6 (14) "value" means fair market value of an individual's
7 interest in property, exclusive of liens of record;

8 (15) "wearing apparel" means clothing and garments intended
9 and adapted to be worn on the person to protect the person against the
10 elements or to provide personal comfort or decency, or serving to orna-
11 ment the person but does not include jewelry.

12 Sec. 09.38.110. SHORT TITLE. This chapter may be cited as the
13 Alaska Exemptions Act.

14 * Sec. 3. AS 14.25.200 is amended to read:

15 Sec. 14.25.200. EXEMPTION FROM TAXATION AND PROCESS. (a) Bene-
16 fits and other amounts held in the retirement fund on behalf of the
17 members are exempt from Alaska state and municipal taxes and are not
18 subject to anticipation, alienation, sale, transfer, assignment, pledge,
19 encumbrance, or charge [, GARNISHMENT, EXECUTION OR LEVY] of any kind,
20 either voluntary or involuntary, before they are received by the person
21 entitled to the amount under the terms of the system, and any attempt
22 to anticipate, alienate, sell, transfer, assign, pledge, encumber,
23 charge, or otherwise dispose of any right to amounts accrued in the
24 retirement fund is void.

25 (b) Teachers' retirement salaries and other amounts held in the
26 retirement fund on behalf of the members are exempt from garnishment,
27 execution or levy as provided in AS 09.38 (exemptions).

28 * Sec. 4. AS 23.20.405 is amended by adding a new subsection to read:

29 (e) Benefits paid or payable under this chapter are exempt from

1 levy to enforce the collection of a debt as provided in AS 09.38 (exemp-
2 tions).

3 * Sec. 5. AS 23.30.160 is amended to read:

4 Sec. 23.30.160. ASSIGNMENT AND EXEMPTION FROM CLAIMS OF CREDITORS.

5 (a) No assignment, release, or commutation of compensation or benefits
6 due or payable under this chapter, except as provided by this chapter,
7 is valid [, AND THE COMPENSATION AND BENEFITS ARE EXEMPT FROM ALL
8 CLAIMS OF CREDITORS AND FROM LEVY, EXECUTION, AND ATTACHMENT OR OTHER
9 REMEDY FOR RECOVERY OR COLLECTION OF A DEBT]. This exemption may not
10 be waived.

11 (b) Benefits payable under this chapter are exempt from levy to
12 enforce the collection of a debt as provided in AS 09.38 (exemptions).

13 * Sec. 6. AS 34.15.140(b) is repealed and reenacted to read:

14 (b) A homestead held by tenants by the entirety is exempt from
15 execution on a debt to the value specified under AS 09.38.010(b) and
16 may be liable for the debts of either tenant after partition of the
17 tenancy under AS 09.38.100.

18 * Sec. 7. AS 39.35.500 is amended to read:

19 Sec. 39.35.500. SAFEGUARD OF EMPLOYEE FUNDS HELD BY THE SYSTEM.

20 (a) Employee contributions and other amounts held in the pension fund
21 are exempt from Alaska state and local taxes. Amounts held on behalf
22 of, or payable to, any employee or other person who is or may become
23 eligible for benefits under the system are not subject to anticipation,
24 alienation, sale, transfer, assignment, pledge, encumbrance, or charge
25 [, GARNISHMENT, EXECUTION, OR LEVY] of any kind, either voluntary or
26 involuntary, before being received by the person entitled to the amount
27 under the terms of the system. An attempt to anticipate, alienate,
28 sell, transfer, assign, pledge, encumber, charge, or otherwise dispose
29 of a right to amounts held under the system is void.

1 (b) Employee contributions and other amounts held in the pension
2 fund and retirement benefits payable under this chapter are exempt from
3 levy to enforce the collection of a debt as provided in AS 09.38 (exemp-
4 tions).

5 * Sec. 8. AS 47.25.210 is amended to read:

6 Sec. 47.25.210. ALIENATION AND ATTACHMENT. Assistance granted
7 under AS 47.25.120 - 47.25.300 is inalienable by assignment or transfer
8 and is exempt from garnishment, levy, or execution as provided in
9 AS 09.38 (exemptions) [UNDER THE LAWS OF THIS STATE].

10 * Sec. 9. AS 47.25.395 is amended to read:

11 Sec. 47.25.395. ALIENATION AND ATTACHMENT. Assistance granted
12 under AS 47.25.310 - 47.25.420 is inalienable by assignment or transfer
13 and is exempt from garnishment, levy, or execution as provided in
14 AS 09.38 (exemptions) [UNDER THE LAWS OF THIS STATE].

15 * Sec. 10. AS 47.25.550 is amended to read:

16 Sec. 47.25.550. ALIENATION AND ATTACHMENT. Assistance granted
17 under AS 47.25.430 - 47.25.610 is inalienable by an assignment or
18 transfer and is exempt from garnishment, levy, or execution as provided
19 in AS 09.38 (exemptions) [UNDER THE LAWS OF THIS STATE].

20 * Sec. 11. AS 47.25.710 is amended to read:

21 Sec. 47.25.710. ALIENATION AND ATTACHMENT. Assistance granted
22 under AS 47.25.620 - 47.25.780 is inalienable by assignment or transfer
23 and is exempt from garnishment, levy, or execution as provided in
24 AS 09.38 (exemptions) [UNDER THE LAWS OF THE STATE].

25 * Sec. 12. AS 47.25.880 is amended to read:

26 Sec. 47.25.880. ALIENATION AND ATTACHMENT. Assistance granted
27 under AS 47.25.790 - 47.25.970 is inalienable by assignment or transfer
28 and is exempt from garnishment, levy, or execution as provided in
29 AS 09.38 (exemptions) [UNDER THE LAWS OF THIS STATE].

1 * Sec. 13. AS 47.45.120 is amended to read:

2 Sec. 47.45.120. EXEMPTION FROM TAXATION AND PROCESS. (a) Bonuses
3 received under this chapter are exempt from all state and political
4 subdivision taxes except sales and use taxes [AND ARE NOT SUBJECT TO
5 EXECUTION, ATTACHMENT, GARNISHMENT OR OTHER PROCESS]. No bonus received
6 under this chapter may be exempt from a federal tax requirement.

7 (b) Bonuses received under this chapter are exempt from levy to
8 enforce the collection of a debt as provided in AS 09.35 (exemptions).

9 * Sec. 14. AS 09.35.035, 09.35.040, 09.35.050, 09.35.080 - 09.35.090,
10 09.35.120; AS 21.24.110; AS 21.42.320 - 21.42.340, 21.42.350; AS 23.20.405(b)
11 and (c); and AS 32.05.200(b)(3) are repealed.

12 * Sec. 15. All writs of execution, claims of exemption, sales, confirma-
13 tions of sales, rights of redemption and priorities of redemption issued or
14 filed under any law repealed by this Act and in full force and effect on the
15 effective date of this Act, shall remain in full force and effect for the
16 term issued or until revoked, vacated, or modified under the provisions of
17 this Act.

Background on CSHB 74 (Rls) am on Debtor and Creditor

CSHB 74 (Rules) deals with the nature and extent of a judgment debtor's rights as against the rights of a judgment creditor. It is often referred to as the "exemptions" bill since it defines what minimum property of a debtor is exempt from seizure and sale to satisfy a judgment. It also contains (1) procedures designed to be relatively simple for the creditor while assuring protection of the debtor's rights, and (2) an indexing of the dollar amounts of exemptions to the fluctuation of the consumer price index, thereby avoiding the need for frequent adjustments by the legislature.

Attached is a commentary that was drawn by Jim Baldwin, the Legislative Affairs Agency draftsman who worked with the code revision commission on the bill. (Baldwin is now the executive department representative on the commission. However, when the bill was drafted in 1977 he was not in a policy position with regard to the content of the bill.)

The bill was introduced in the 1979 legislative session as HB 56. It is basically a workaday procedural and cleanup bill; it had no active constituency either pushing it or opposing it, and it was not scheduled for committee hearings in the 1979 or 1980 sessions.

The bill was reintroduced in the 1981 legislature as HB 74. It was given staff work and committee hearings in the House Judiciary Committee in 1981 and was given more work and hearings by the reconstituted Judiciary Committee in 1982, resulting in a Judiciary CS bill that included figures marked-up for inflation and changed the bill's treatment of liquor licenses and limited entry permits so as to leave the exemption of these licenses and permits just as it is in existing law. There was no significant difference between the treatment given the bill by the House Judiciary Committee as constituted in 1981 and the treatment given the bill by the reconstituted committee in 1982.

The Rules Committee passed out the Judiciary substitute, but some of the figures were challenged on the floor, the Judiciary substitute was rejected, and the bill was returned to Rules.

By this point there were a core of representatives of differing political persuasions who thought the basic bill worth saving. Since the numbers (the dollar amounts) in the bill seemed to be the sticking points, the Rules Committee got out a substitute bill, mainly adjusting the dollar amounts. In outline these adjustments were a markup for inflation of only the two basic exemption figures--the homestead exemption and the wage exemption--leaving most of the other figures unchanged.

In the file of the code revision commission and in the file of the House committees there is correspondence which follows through the processing of the bill in the House.

Amendments to SB 74 appearing in CSHB 7 (RIs) am

- Page 1, line 20: Change "\$15,000" to \$27,000" A
- Page 1, lines 26 and 28: Change \$28,000" to \$27,000" A+B
- Page 3, lines 6-9: Delete all material and insert
"(7) liquor licenses granted under
AS 04; (8) limited entry permits
granted under AS 16.43, except as
provided in that chapter." G
- Page 3, line 10: Change "(c)" to (b)"
- Page 3, line 15: Change "(d)" to "(c)"
- Page 3, line 18: Change "(e)" to "(d)"
- Page 4, line 5: Change \$1,000" to "\$1,400" C
- Page 4, line 9: Change \$3,000" to "\$500" D
- Page 5, line 3: Change "125" to "175" F
- Page 6, line 5: Delete "support," E
- Page 8, line 6: Change "\$200" to "\$275" F
- Page 8, line 8: Change "\$800" to "\$1,100" F
- Page 8, lines 11-13: Delete the sentence starting on
line 11 G
- Page 8, line 25: Change "three" to "six" H
- Page 9, line 8: (A) delete "alimony,"
insert "child"
After "support"
Delete ", or separate maintenance" I
- Page 11, line 18: Delete "and"
- Page 11, line 20: Change period to comma
- Page 11, following line 20: Insert "(D) of the
information required by AS 09.38.085(a)." J
- Page 14, line 9: Before "AS 09.38.080(c)" insert
"AS 09.38.075(b) and"
- Page 14, line 20: After "property" insert "changing
venue," K
- Page 16, line 13: After "for" insert "All Urban
Consumers for"
- Page 16, line 14: After "Area" delete "Consumer Price
Index" L

Amendments to HB 74 (cont'd)

Page 16, line 16: Change "November" to "January"

Delete "preceding the year"

Page 22, line 12: After "09.35.050" change the comma
to a semicolon

Page 22, line 13: Change "AS 21.42.320--21.42.350" to
"AS 21.42.320--21.42.340, AS 21.-
42.350"

L

M

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(907) 465-4878

EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: Senator Patrick M. Rodey, Chairman
Senate Judiciary Committee
ATTN: Kevin Bruce, Committee Aide

FROM: Dickerson Regan, Consultant *Dick Regan*
Alaska Code Revision Commission

DATE: May 3, 1982

RE: CSHB 74 (Rls) am--Debtor and Creditor

As you know, there were several committee hearings on HB 74 in the House.

You have the commentary prepared by Jim Baldwin for the original bill.

To supplement that commentary, there are attached:

- bill;
- (1) a statement on the general background of the
 - (2) a review of the changes from that bill as they appear in CSHB 74 (Rls) am; and
 - (3) the changes by page and line.

The line-and-page changes are marked with penciled letters that are also marked on the page explaining the changes, providing a cross reference.

DR:chw

Attachments

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EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: Senator Patrick M. Rodey, Chairman
Senate Judiciary Committee

FROM: Dickerson Regan, Consultant
Alaska Code Revision Commission *Dick Regan*

DATE: April 27, 1982

RE: CSHB 74 (Rls) am (exemptions)

Except by my memorandum to Senator Mulcahy, attached, and by contacts Kate Walsh made with Michael Thill soon after CSHB 74 (Rls) am reached the Senate Labor and Commerce Committee, we have not sought to get the bill heard by the committee.

We need your guidance.

We have understood that you will ask Senator Mulcahy, Chairman of the Labor and Commerce Committee, to waive jurisdiction so the bill can be heard by the Judiciary Committee and can quickly get to the floor. Should I also be trying to reach Senator Mulcahy, and, if so, should my effort be to get the bill released to Judiciary? Or should I leave the waiver question to you?

A great deal of work was done by committees in the House to get an understanding of the bill. This did not result in large changes, however, and the bill retains the structure and the basic provisions of the code revision commission bill.

Please note that the attachments to my memorandum to Senator Mulcahy include the history of the bill and a statement of the difference between the original bill and CSHB 74 (Rls) am, as well as the general commentary prepared by Jim Baldwin.

I will do anything you may suggest to help move the bill to passage.

DR:chw

Attachments

MEMORANDUM

State of Alaska

TO: Joseph K. Donohue
Deputy Commissioner, Taxation

DATE: April 30, 1982

FILE NO:

TELEPHONE NO:

FROM: Marilla Gemmer
Director, Enforcement Division

SUBJECT: CSHB 74 (Rules) am
Requested Amendments

Dan Copeland, Director of Child Support Enforcement Division and this writer request that the following three amendments be added to CSHB 74 am:

No. 1.

A.S 09.65.132 is amended to read:

Sec. 09.65.132 (g) An income assignment under this section has priority over all other attachments, executions, garnishments, or other assignments unless otherwise ordered by the court. An income assignment is not limited to the wages of an obligor but may include all money owed to the obligor not otherwise exempt by law. The exemptions from execution by judgment debtors under AS 09.38 [AS 09.35.080 (A) AND THE RESTRICTIONS FROM EXECUTION BY JUDGEMENT DEBTORS UNDER AS 09.35.080 (b)(1)] do not apply to income assignments under this section; however, 50 percent of the gross wages of the obligor or \$100 a week, whichever is less, is exempt from execution under this section.

No. 2.

AS 43.20.270 is amended to read:

Sec.43.20 270. DISTRAINT ON PROPERTY. (b) Notwithstanding the provisions of AS 09.35.070, 09.38.010-09.38.020 (-09.35.090) or any other provision of law exempting property from execution, only the following property, if it belongs to the head of a family, is exempt from distraint and sale under this chapter:

No. 3.

As.47.23.250 is amended to read:

Sec.47.23.250.(1) The exemptions from execution by judgment debtors under AS 09.38 [AS 09.35.080(b)(1)] do not apply to proceeding to enforce the payment of child support under AS 47.23.230 - 47.23.270; however, 50 percent of the gross wages of the obligor or \$100 a week whichever is less, is exempt from execution under AS 47.23.230 - 47.23.270. (29 ch 126 SLA 1977; am 8 ch 96 SLA 1981)

Background on CSHB 74 (Rls) am on Debtor and Creditor

CSHB 74 (Rls) deals with the nature and extent of a judgment debtor's rights as against the rights of a judgment creditor. It is often referred to as the "exemptions" bill since it defines what minimum property of a debtor is exempt from seizure and sale to satisfy a judgment. It also contains (1) procedures designed to be relatively simple for the creditor while assuring protection of the debtor's rights, and (2) an indexing of the dollar amounts of exemptions to the fluctuation of the consumer price index, thereby avoiding the need for frequent adjustments by the legislature.

Attached is a commentary that was drawn by Jim Baldwin, the Legislative Affairs Agency draftsman who worked with the code revision commission on the bill. (Baldwin is now the executive department representative on the commission. However, when the bill was drafted in 1977 he was not in a policy position with regard to the content of the bill.)

The bill was introduced in the 1979 legislative session as HB 56. It is basically a workaday procedural and cleanup bill; it had no active constituency either pushing it or opposing it, and it was not scheduled for committee hearings in the 1979 or 1980 sessions.

The bill was reintroduced in the 1981 legislature as HB 74. It was given staff work and committee hearings in the House Judiciary Committee in 1981 and was given more work and hearings by the reconstituted Judiciary Committee in 1982, resulting in a Judiciary CS bill that included figures marked-up for inflation and changed the bill's treatment of liquor licenses and limited entry permits so as to leave the exemption of these licenses and permits just as it is in existing law. There was no significant difference between the treatment given the bill by the House Judiciary Committee as constituted in 1981 and the treatment given the bill by the reconstituted committee in 1982.

The Rules Committee passed out the Judiciary substitute, but some of the figures were challenged on the floor, the Judiciary substitute was rejected, and the bill was returned to Rules.

By this point there were a core of representatives of differing political persuasions who thought the basic bill worth saving. Since the numbers (the dollar amounts) in the bill seemed to be the sticking points, the Rules Committee got out a substitute bill, mainly adjusting the dollar amounts. In outline these adjustments were a markup for inflation of only the two basic exemption figures--the homestead exemption and the wage exemption--leaving most of the other figures unchanged.

The vote for the bill in the House, after a minor floor amendment was 34-2.

In the Senate, the bill, now CSHB 74 (Rls) am, was referred to Labor and Commerce. After a review of the bill by the chairman, the referral to Labor and Commerce was waived and the bill was referred to Judiciary.

The Senate Judiciary Committee held hearings on the bill on May 3, 1982, and on May 7, 1982, and voted the bill out with no changes.

On May 8, 1982, the bill was referred to Rules.

In the file of the code revision commission there are notes on the amendments to the original bill, and there is correspondence which follows through the processing of the bill in both houses.

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EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: Senate Judiciary Committee

FROM: Dickerson Regan, Consultant
Alaska Code Revision Commission *Julie Regan*

DATE: May 6, 1982

RE: CSHB 74 (Rls) am (debtor and creditor)

Following the hearing May 3, 1982, on the exemptions bill, CSHB 74 (Rls) am, I got from committee staff copies of two memoranda, one from the Child Support Enforcement Agency (Revenue) dated May 3, 1982, concerning exemptions when a claim is for child support and one from the Department of Labor dated April 30, 1982, concerning the consumer price index.

When the Judiciary Committee met on the bill neither Jim Baldwin nor I knew that the amendments set out in these memoranda were to be proposed.

This memorandum covers the subject matter of the two memoranda and other questions that were raised at the hearing.

The Revenue memorandum, May 3, 1982. Ms. Gemmer is correct that cross references in AS 09.65.132(g), AS 43.20.-270(b), and AS 47.23.250 would be obsolete if CSHB 74 (Rls) am is enacted in its present form. However, there are two reasons why it is not necessary to make the amendments at this time:

(a) The cross-references are clearly matters that can be included in the next session's revisor's bill. Donna Pegues is my authority for this.

(b) In the interim, the obsolete cross references do no harm. I called and talked with Dan Copeland, Director of Child Support Enforcement, on April 9, 1982, about the child support sections referred to (No. 1 and No. 3 in the Gemmer memorandum). At that time we both recognized that the cross references would be obsolete, but that seemed to be of no concern for two reasons:

(1) The repeal of the sections that appear as cross-references in AS 09.65.132(g) and AS 47.23.250(i) does not affect the meaning of the two sections: The old exemptions in AS 09.35 will not apply since they will be repealed. The new exemptions in AS 09.38 will not apply when the claim is for collection of child support, because the bill includes a section, AS 09.38.065, that says the exemptions do not apply when the claim is for child support.

(2) In the instances when the claim for child support has been brought within the auspices of the Child Support Enforcement Agency for use of the "order to withhold and deliver" under AS 47.23.250(i), and in the instances when the wage assignment under AS 09.65.132 has gone into effect, the minimal exemption provided in these two sections applies.

(c) The same thing is true of Item No. 2 in the Gemmer memorandum as is true of Items Nos. 1 and 3. The meaning of AS 43.20.270(b) is the same whether or not the requested change is made, and the change can be made in next year's revisor's bill.

The Department of Labor memorandum, April 30, 1982. Please see the attached memorandum showing that the request for changes related to the December consumer price index is withdrawn. If the bill has to go back to the House for other reasons, these changes, or a form of them, could be included, but the needed change or changes can wait for the 1983 revisor's bill with no problem.

Please see also the attached memorandum to Donna Pegues, a co-revisor of statutes.

Child support matters. There will be differences of opinion on exemptions relating to child support. A comparison is attached as an Appendix.

The question is whether there is likelihood of losing the good features of the bill by opening up this area for further legislative action.

DR:chw

Attachments

APPENDIX

Comparison of Exemptions Relating to Child Support in Present Law, HB 74 and CSHB 74 (Rls) am

Present law.

AS 09.35.085 provides for an exemption of the amount the judgment debtor is required to pay to a court trustee as child support.

AS 09.55.210(2) provides for an exemption of an amount the judgment debtor has assigned to a court trustee for child support.

There is no general exemption of the amount a judgment debtor is required to pay as child support.

The usual exemption; can be claimed by a judgment debtor, even when the claim against him is for enforcement of child support except there is a more limited exemption (1) when the claim is made for funds to be paid to the Child Support Enforcement Agency under assignment procedures of AS 09.65.132, or (2) when the claim is being enforced by the Child Support Enforcement Agency under the procedure of AS 47.23.250 using an "order to withhold and deliver."

Original bill (HB 74)

(a) The original bill (AS 09.38.065) provides that no exemption is available to the debtor when the claim is for child support. However, since AS 09.65.132(g) and AS 47.23.-250(i) are not repealed by the bill, it appears that when the claim for child support is made by the Child Support Enforcement Agency under one of those two sections (statutory wage assignment or "order to withhold and deliver") a minimal exemption (the lesser of \$100 per week or 50% of weekly earnings) can be claimed by the debtor.

(b) The money (up to \$175 per week) that has been received as a child support payment is exempt when it is in the hands of the person who has received it (the mother, usually), but that \$175 exemption is an aggregate exemption that covers money from certain other sources as well--unemployment compensation, disability or injury payments, pension payments.

Bill that passed the House (CSHB 74 (Rls) am)

(a) Child support is not exempt in the hands of the person (the mother, usually) who receives it. (This is existing law, also.)

(b) Child support not yet paid by the obligor (the father, usually) is not protected (exempt) from a judgment

creditor's claim against him, except in the rare cases where he has given an assignment of his wages to the court trustee for child support payments (AS 47.23.070(c)).

(c) A person can claim no exemptions when the claim is for child support, except for the limited exemption under existing law in those instances when the Child Support Enforcement Agency is involved (AS 09.65.132(g) and AS 47.23.250(i)).

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EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: Donna Pegues
Co-Revisor of Statutes
Legislative Affairs Agency

FROM: Dickerson Regan, Consultant
Alaska Code Revision Commission

DATE: May 5, 1982

RE: CSHB 74 (Rls) am (exemptions)

We talked about CSHB 74 (Rls) am on exemptions.

HB 74 and its identical predecessor have been in the legislative process for four years. This year and last year, House committees considered the bill in depth. Finally, it came through the House substantially in its original form, with amendments that did not go to the heart of the bill.

No two legislators will agree on all the inclusions, exclusions and dollar amounts in a bill on exemptions. I see little chance of its passage at this stage of the legislature if it is amended in the Senate. As I see it, a lot of committee and staff time, and the time and effort of the code revision commission, probably will be wasted if the bill is further amended at this point.

Therefore, I ask whether, if the bill is enacted as it is, certain corrections could be made in the annual revisor's bill in 1983.

(1) Regarding the consumer price index. On page 16, line 17 of the bill, in referring to the consumer price index, the term "index for December" is used. At present there is no "index for December." The consumer price index comes out every other month. There is no change in the consumer price index issued for November until an index is issued for January. This is the subject of the attached memorandum dated April 30, 1982, from Judy Knight of the Department of Labor to Senator Rodey and the Judiciary Committee.

The question is, if the bill is enacted referring to a "December" index, can the next revisor's bill simply change the term to "November"? The November figure remains

unchanged during December, and the change could be considered a change in form only, as I see it.

But, of course, the question is how you and David Walker see it.

If you have a definite position on the question, please let me know by marking your concurrence here, so I can provide a copy to the Judiciary Committee. That committee then can better make its choices of what to do with the bill.

(2) Regarding cross-references. Attached is a memorandum from Marilla L. Gemmer to Joseph K. Donohue. It refers to cross references in three sections of law that the Department of Revenue administers.

You will remember that you and I looked over the Gemmer memorandum together May 4th. You agreed that the changes proposed in the memorandum could be made in the 1983 revisor's bill. If that still is your opinion, please add your concurrence here or provide me with something else I can give to the committee to clarify the point.

Thanks.

DR:chw

Attachments

*This correction will be privileged in 1983 revisor's bill.
D. Pegues
5/6/82*

*These corrections will be included in the 1983 revisor's bill.
D. Pegues
5/6/82*

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EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: Judy Knight, Legislative Liason
Department of Labor

FROM: Dickerson Regan, Consultant
Alaska Code Revision Commission *Dick Regan*

DATE: May 5, 1982

RE: CSHB 74 (Rls) am--Debtor and Creditor

This follows up the conversation I had with you and Chris Miller of the Research and Analysis Section on May 4th, 1982.

As I understood from our conversation you had, since you testified May 3rd, discussed with Art Peterson of the Department of Law the content of the May 3rd memorandum you had addressed to Senator Rodey and the Senate Judiciary Committee. Based upon the advice received from Art Peterson, I understand that you no longer ask for the amendments proposed in your May 3rd memorandum unless the committee finds there is a need for some other amendments to the bill. I understand there are at least three reasons you are withdrawing your request.

(1) The Revisor of Statutes in the revisor's bill next session probably can take care of the fact that at present a consumer price index comes out every other month and no consumer price index is issued for "December," the month referred to in the bill. My memorandum to the Revisor of Statutes is attached.

(2) The Commissioner of Labor can "adopt" a regulation by April 30, the date used in the bill, even if a January CPI were to be used in preparing the regulation. Therefore, a change in the "April 30" date on page 17, line 7, is not necessary. What makes the difference is the distinction between the date of "adoption" and the date thirty days later when a regulation takes effect.

Judy Knight, Legislative Liason
May 5, 1982
Page 2

(3) In any event, since the computation is made and the regulation is called for every other year, there will be no need for any action by the Department of Labor before another legislature has time to enact the annual Revisor's Bill, and to deal with unforeseen problems, if any problems appear.

After we talked, I talked with Donna Pegues, one of the co-revisors of statutes. Whether the "December" on page 16, line 17 is changed to "November" or "January" is not of much significance. Please see my attached memorandum to Donna in which I suggest that since the November CPI does not change until a January CPI is issued, it would be a revisor's prerogative to change the word to "November." With that change there would be more than ample time to adopt the regulation by April 30, the date in the bill.

If you agree with what I have set out in this memorandum, please add your concurrence so I can provide it to the committee.

DR:chw

Attachment

I concur.

Glenn Lumbell, Deputy Commissioner

Jn

Judy Knight, Legislative Liason
Department of Labor

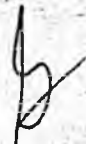
MEMORANDUM

State of Alaska

TO: Joseph K. Donohue
Deputy Commissioner - Taxation

DATE: May 3, 1982

FILE NO:

FROM: Marilla L. Gemmer 
Director
Division of Enforcement

TELEPHONE NO:

CSHB 74 (Rules) am
requested Amendments

SUBJECT:

Dan Copeland, Director of Child Support Enforcement Division and this writer request that the following three amendments be added to CSHB 74 am:

No. 1.

AS 09.65.132 is amended to read:

Sec. 09.65.132. (g) An income assignment under this section has priority over all other attachments, executions, garnishments, or other assignments unless otherwise ordered by the court. An income assignment is not limited to the wages of an obligor but may include all money owed to the obligor not otherwise exempt by law. The exemptions from execution by judgment debtors under AS 09.38 [AS 09.35.080 (a) and restrictions from execution by judgment debtors under AS 09.35.080(b)(1)] do not apply to income assignments under this section; however 50 percent of the gross wages of the obligor or \$100 a week, whichever is less, is exempt from execution under this section.

No. 2.

AS 43.20.270 is amended to read:

Sec. 43.20.270. DISTRAINT ON PROPERTY. (b) Notwithstanding the provisions of AS 09.35.070, 09.38.010-09.38.020 [-09.35.090] or any other provision of law exempting property from execution, only the following property, if it belongs to the head of a family, is exempt from distraint and sale under this chapter:

No. 3 - Corrected from memorandum of April 30, 1982.

AS 47.23.250 is amended to read:

Sec. 47.23.250. (i) The exemptions from execution by judgment debtors under AS 09.35.080(a) and the restrictions from execution by judgment debtors under AS 09.38 [AS 09.35.080(b)(1)] do not apply to proceedings to enforce the payment of child support under AS 47.23.230-47.23.270; however, 50 percent of the gross wages of the obligor or \$100 a week, whichever is less, is exempt from execution under AS 47.23.230-47.23.270. (sec. 29 ch 126 SLA 1977; am sec. 8 ch 96 SLA 1981),

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

P. O. BOX 1149
JUNEAU, ALASKA 99811

Phone: 465-2700

April 30, 1982

The Honorable Patrick M. Rodey
Chairman, Senate Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Rodey:

The Department of Labor was not aware of the requirements prescribed in Section 09.38.115, page 16 and 17, of Committee Substitute for House Bill No. 74 (Rules) until the bill was calendared by the House of Representatives. The department does have the information and the requirements of this section would not present a work load problem.

However, several technical changes are needed. The Consumer Price Index for Anchorage is only published bi-monthly and there is approximately a 30-day delay in publishing data. For instance, data published for January of a given year would not be available until the end of February. Therefore, the following changes are requested.

Page 16, line 17 should be amended to read:

"point, between the index for January of the even-numbered year . . ."

Page 17, line 7 should be amended to read:

"1) On or before June 15 of each year . . ."

There is no consumer price index for December and the date change would insure the department could adopt the regulation and adhere to the statutory time requirements for promulgating regulations.