

**CS FOR SENATE BILL NO. 376(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**Offered: 4/19/04**

**Referred: Finance**

**Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to public assistance and subpoena powers; and relating to the**  
2 **permanent fund dividend and subpoena powers."**

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

4 **\* Section 1.** AS 43.23 is amended by adding a new section to read:

5 **Sec. 43.23.033. Subpoena power.** (a) The commissioner or the  
6 commissioner's designee may issue subpoenas to compel the production of books,  
7 papers, correspondence, memoranda, and other records considered necessary as  
8 evidence in connection with an investigation under or the administration of this  
9 chapter.

10 (b) In case of refusal to obey a subpoena issued to any person under (a) of this  
11 section, the superior court may, upon application by the department, issue an order  
12 requiring the person to appear before the department to produce evidence if ordered.  
13 Failure to obey the order of the court is punishable as contempt.

14 (c) A person who, without just cause, fails or refuses to produce books,

1 papers, correspondence, memoranda, and other records, if it is in the person's power to  
 2 do so, in obedience to a subpoena of the department or an authorized representative of  
 3 it, upon conviction, is punishable by a fine of not more than \$200, or by imprisonment  
 4 for not more than 60 days, or by both. Each day the failure or refusal continues is a  
 5 separate offense.

6 \* **Sec. 2.** AS 47.05 is amended by adding a new section to read:

7 **Sec. 47.05.085. Subpoena power.** (a) The commissioner or the  
 8 commissioner's designee may issue subpoenas to compel the production of books,  
 9 papers, correspondence, memoranda, and other records considered necessary as  
 10 evidence in connection with an investigation under or the administration of AS 47.07  
 11 (medical assistance), AS 47.08 (assistance for catastrophic illnesses and acute or  
 12 chronic medical conditions), AS 47.25 (day care assistance, child care grants, general  
 13 relief, adult public assistance, and food stamps), and AS 47.27 (Alaska temporary  
 14 assistance program).

15 (b) In case of refusal to obey a subpoena issued to any person under (a) of this  
 16 section, the superior court may, upon application by the department, issue an order  
 17 requiring the person to appear before the department to produce evidence if ordered.  
 18 Failure to obey the order of the court is punishable as contempt.

19 (c) A person who, without just cause, fails or refuses to produce books,  
 20 papers, correspondence, memoranda, and other records, if it is in the person's power to  
 21 do so, in obedience to a subpoena of the department or an authorized representative of  
 22 it, upon conviction, is punishable by a fine of not more than \$200, or by imprisonment  
 23 for not more than 60 days, or by both. Each day the failure or refusal continues is a  
 24 separate offense.