

CS FOR SENATE BILL NO. 376(HES) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Amended: 5/8/04

Offered: 4/19/04

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