

Original sponsor: Ray and Banfield

Offered: 3/13/68
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 583

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state liens on property of welfare
7 assistance recipients taken for public purposes; and
8 providing for an effective date."

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

10 * Section 1. AS 47.25 is amended by adding new sections to read:

11 Sec. 47.25.575. PROPERTY TAKEN UNDER EMINENT DOMAIN POWERS. (a)
12 If a recipient's property to which, under sec. 570 of this chapter, a
13 lien for assistance has attached, and which is used by him as a personal
14 dwelling, is taken for urban renewal or other public purposes, the
15 department, with the approval of the attorney general, may release its
16 lien upon the property and the proceeds paid the recipient as a result
17 of the taking.

18 (b) If the recipient expresses his intent to purchase another
19 personal dwelling, the proceeds shall be paid by the taking authority
20 into an escrow account under escrow instructions approved by the
21 department. If the proceeds are paid into such an account and are
22 applied by the recipient within one year to the purchase of a
23 personal dwelling, the proceeds may not cause a reduction of the
24 amount of assistance to which the recipient would otherwise be en-
25 titled. The department shall inform the recipient of the provisions
26 of this section at the time of the taking.

27 (c) Nothing in this section prohibits a lien in an amount equal
28 to the total of all assistance granted the recipient from attaching to
29 property purchased with the proceeds paid by the taking authority.

1 Sec. 47.25.905. PROPERTY TAKEN UNDER EMINENT DOMAIN POWERS. (a)
2 If a recipient's property to which, under sec. 900 of this chapter, a
3 lien for assistance has attached, and which is used by him as a
4 personal dwelling, is taken for urban renewal or other public purposes,
5 the department, with the approval of the attorney general, may re-
6 lease its lien upon the property and the proceeds paid the recipient
7 as a result of the taking.

8 (b) If the recipient expresses his intent to purchase another
9 personal dwelling, the proceeds shall be paid by the taking authority
10 into an escrow account under escrow instructions approved by the
11 department. If the proceeds are paid into such an account and are
12 applied by the recipient within one year to the purchase of a personal
13 dwelling, the proceeds may not cause a reduction of the amount of
14 assistance to which the recipient would otherwise be entitled. The
15 department shall inform the recipient of the provisions of this section
16 at the time of the taking.

17 (c) Nothing in this section prohibits a lien in an amount equal
18 to the total of all assistance granted the recipient from attaching
19 to property purchased with the proceeds paid by the taking authority.

20 * Sec. 2. AS 47.30 is amended by adding a new section to read:

21 Sec. 47.30.275. PROPERTY TAKEN UNDER EMINENT DOMAIN POWERS. (a)
22 If a recipient's property to which, under sec. 270(d) of this chapter,
23 a lien for assistance has attached, and which is used by him as a
24 personal dwelling, is taken for urban renewal or other public purposes,
25 the department, with the approval of the attorney general, may release
26 its lien upon the property or the proceeds paid the recipient as a
27 result of the taking.

28 (b) If the recipient expresses his intent to purchase another
29 personal dwelling, the proceeds shall be paid by the taking authority

1 into an escrow account under escrow instructions approved by the
2 department. If the proceeds are paid into such an account and are
3 applied by the recipient within one year to the purchase of a personal
4 dwelling, the proceeds may not cause a reduction of the amount of
5 assistance to which the recipient would otherwise be entitled. The
6 department shall inform the recipient of the provisions of this section
7 at the time of the taking.

8 (c) Nothing in this section prohibits a lien in an amount equal
9 to the total of all assistance granted the recipient from attaching to
10 property purchased with the proceeds paid by the taking authority.

11 * Sec. 3. This Act takes effect on the day after its passage and
12 approval or on the day it becomes law without approval.
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