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Social Services, Judiciary
and Finance

5-0173B

1 IN THE HOUSE

BY LARSON AND MENARD

2

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 13

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to medical expenses of prisoners."

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

8 * Section 1. AS 33.30 is amended by adding a new section to read:

9 Sec. 33.30.015. MEDICAL EXPENSES OF PRISONERS. The commissioner
10 may attach the permanent fund dividend check of a prisoner who is in a
11 correctional facility or committed by a court to the custody of the
12 commissioner in order to pay the prisoner's medical expenses. The
13 commissioner may apply for a permanent fund dividend under AS 43.23.-
14 005(d) on behalf of a person whose dividend is subject to being taken
15 under this section. Property other than a permanent fund dividend
16 check may not be taken to pay a prisoner's medical expenses.

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

18 (d) The commissioner of corrections may claim the permanent fund
19 dividend of an individual as provided in AS 33.30.015 if the
20 commissioner has reason to believe the individual is eligible to
21 receive the dividend. A claim for a dividend under this subsection
22 has priority over a claim under (a) or (c) of this section.

23 * Sec. 3. AS 43.23.015(b) is amended to read:

24 (b) The department shall prescribe and furnish an application
25 form for claiming a permanent fund dividend. The application for a
26 claim under AS 43.23.005(d) must include a statement by the department
27 of corrections of the basis for its belief that the individual is
28 eligible to receive the dividend. The application for a claim under
29 AS 43.23.005(a) or (c) must contain a statement of eligibility and a

1 certification of residency in substantially the following form:

2 I certify that

3 () I am a state resident on the date of this application and I
4 have been a state resident for at least six months immediately preced-
5 ing the date of this application; or

6 () (name), the individual on whose behalf I am applying, is a
7 state resident and has been a state resident for at least six months
8 immediately preceding the date of this application.

9 I understand that a false claim of residency to obtain a
10 permanent fund dividend for myself or for another is a criminal of-
11 fense and that if convicted I will forfeit future permanent fund
12 dividends and that I must repay all permanent fund dividends that have
13 been paid to me. I understand that this penalty is in addition to any
14 criminal penalties imposed.

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(signature of individual, parent, guardian,
or other authorized representative)

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* Sec. 4. AS 43.23.015(c) is amended to read:

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(c) Except for claims under AS 43.23.005(d) and as provided in
(d) of this section or as may be provided by regulations adopted by
the department, an individual must personally sign the application for
permanent fund dividends, including the certification of residency
required under (b) of this section.

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* Sec. 5. AS 43.23.015(e) is amended to read:

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(e) If the commissioner of corrections claims a permanent fund
dividend of an individual, the dividend shall be deposited in the
general fund. If another [A] public agency claims a permanent fund
dividend on behalf of an individual, the public agency shall hold the
dividend in trust for the individual. Money held in trust under this

1 subsection shall be invested by the commissioner in accordance with
2 AS 37.10.070.

3 * Sec. 6. AS 43.23.065(b) is amended to read:

4 (b) An exemption is not available under this section for perma-
5 nent fund dividends taken to satisfy

6 (1) child support obligations required by court order or
7 decision of the child support enforcement agency under AS 47.23.140 -
8 47.23.220;

9 (2) court ordered restitution under AS 12.55.045 - 12.55.-
10 051 or 12.55.100;

11 (3) a court ordered probation fee under AS 12.55.105; [OR]

12 (4) a debt owed by an eligible individual to an agency of
13 the state, unless the debt is contested and an appeal is pending, or
14 the time limit for filing an appeal has not expired; or

15 (5) a debt owed by a prisoner for medical expenses under
16 AS 33.30.015.