

Introduced: 1/9/89  
Referred: Health, Education and  
Social Services and Finance

6-0035E

1 IN THE SENATE

BY DUNCAN

2

SENATE BILL NO. 50

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to persons who are handicapped or

7

mentally ill; and providing for an effective date."

8

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

9

\* Section 1. AS 47.80 is amended by adding new sections to read:

10

ARTICLE 3A. SPECIAL FUNDS.

11

Sec. 47.80.200. SELF-SUFFICIENCY TRUST FUND. (a) There is

12

established in the state treasury the self-sufficiency trust fund. It

13

consists of money deposited in the trust fund by the commissioner of

14

health and social services under AS 47.80.210.

15

(b) The commissioner of revenue is the custodian of the trust

16

fund in the same manner as provided for the public school trust fund

17

in AS 37.14.160 - 37.14.170, except where the provisions of AS 47.80.-

18

200 - 47.80.290 conflict.

19

Sec. 47.80.210. CONTRIBUTIONS TO THE FUND. (a) The department

20

shall deposit into the trust fund money accepted by the department

21

from a self-sufficiency trust under an agreement with the trust. The

22

agreement must name a beneficiary who is a resident person with a

23

handicap or mental illness and specify the care or treatment to be

24

provided for the beneficiary. The agreement may name more than one

25

qualified beneficiary.

26

(b) The commissioner of revenue shall keep separate accounts in

27

the trust fund for each beneficiary named under (a) of this section

28

and allocate interest earned on the fund pro rata to the respective

29

accounts.

1           Sec. 47.80.220. USE OF THE TRUST FUND. (a) Money in the ac-  
2           counts established under AS 47.80.210 may only be used by the depart-  
3           ment under its regulations to provide care and treatment to the named  
4           beneficiaries in accordance with the terms of the agreements by which  
5           the money was accepted and to pay the costs incurred by the Department  
6           of Revenue and the Department of Health and Social Services in admin-  
7           istering AS 47.80.200 - 47.80.290. The commissioner of revenue shall  
8           direct payments from the trust fund upon vouchers properly certified  
9           by the Department of Health and Social Services.

10           (b) If the department determines that the money in an account  
11           cannot be used consistent with the agreement by which it was accepted  
12           or the regulations of the department, or upon request of the self-  
13           sufficiency trust that deposited the money, the balance of the ac-  
14           count, together with any accumulated interest on it, shall be promptly  
15           returned to the self-sufficiency trust.

16           Sec. 47.80.230. EFFECT ON OTHER ASSISTANCE. The receipt by a  
17           beneficiary of money from the trust fund, or of care or treatment  
18           provided with that money, does not in any way affect the benefits to  
19           which the beneficiary is otherwise entitled by law.

20           Sec. 47.80.240. CHARITABLE ACCOUNT. (a) There is established  
21           in the trust fund a handicap and mental illness charitable account.  
22           The account consists of money from any source that is deposited with  
23           the commissioner of revenue for the account.

24           (b) Subject to appropriation, the department may use money in  
25           the account to provide care and treatment of low-income persons with  
26           handicaps or mental illnesses.

27           Sec. 47.80.290. DEFINITIONS. In AS 47.80.200 - 47.80.290

28           (1) "mental illness" has the meaning given in AS 47.30.915;

29           (2) "person with a handicap" has the meaning given in

1 AS 47.80.900, except that it does not include "gifted children" as  
2 defined in AS 14.30.350;

3 (3) "self-sufficiency trust" means a trust established by a  
4 nonprofit organization that

5 (A) has as its purpose the provision of care or treat-  
6 ment of persons with handicaps or mental illnesses;

7 (B) is incorporated under AS 10.20; and

8 (C) meets the requirements of 26 U.S.C. 501(c)(3);

9 (4) "trust fund" means the fund established under AS 47.-  
10 80.200.

11 \* Sec. 2. This Act takes effect July 1, 1989.