

Original sponsor(s): SEN. DUNCAN

1 IN THE SENATE BY THE RULES COMMITTEE
2 CS FOR SENATE BILL NO. 50 (Rules)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND 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, 1990.