

HOUSE BILL NO. 331

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE TOOHEY

Introduced: 1/10/94

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to claims on permanent fund dividends for defaulted public**
2 **assistance overpayments."**

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. 43.23.068. CLAIMS ON DEFAULTED PUBLIC ASSISTANCE**
6 **OVERPAYMENT. (a) AS 09.38 does not apply to permanent fund dividends taken**
7 **under AS 47.05.080(b). Notwithstanding AS 09.35, execution on a dividend claimed**
8 **under AS 47.05.080(b) is accomplished by delivering a certified claim to the**
9 **department containing the following information:**

10 **(1) the name and social security number of the individual whose**
11 **dividend is being claimed;**

12 **(2) the amount the individual owes on the overpayment claim; and**

13 **(3) a statement that**

14 **(A) the Department of Health and Social Services has notified**

1 the individual that future permanent fund dividends of the individual will be
2 taken to satisfy the overpayment claim;

3 (B) the individual was notified of the right to request a hearing
4 and allowed 30 days from the date of the notice under (A) of this paragraph to
5 request the Department of Health and Social Services to hold a hearing on the
6 overpayment claim;

7 (C) the overpayment claim has not been contested, or, if
8 contested, that the issue has been resolved in favor of the Department of Health
9 and Social Services; and

10 (D) if the overpayment claim has been contested and resolved
11 in favor of the Department of Health and Social Services, no appeal is pending,
12 the time limit for filing an appeal has expired, or the appeal has been resolved
13 in favor of the Department of Health and Social Services.

14 (b) The Department of Health and Social Services shall notify the individual
15 if a dividend is claimed under (a) of this section. The notice shall be sent to the
16 address provided in the individual's permanent fund dividend application and must
17 provide the following information:

18 (1) the amount of the overpayment claim;

19 (2) notice that the amount of the permanent fund dividend that does not
20 exceed the amount of the overpayment claim shall be paid to the Department of Health
21 and Social Services; and

22 (3) notification that the individual has a right to request a hearing and
23 has 30 days from the date the notice is mailed in which to file with the Department
24 of Health and Social Services an objection to the dividend claim if a mistake has been
25 made.

26 (c) AS 44.62.330 - 44.62.630 apply to a hearing requested by an individual
27 under (b)(3) of this section.

28 * Sec. 2. AS 47.05.080 is amended by adding a new subsection to read:

29 (b) The permanent fund dividend of a current or former recipient of a public
30 assistance program listed under (a) of this section may be taken under
31 AS 43.23.065(b)(5) and 43.23.068 to satisfy the balance due on a defaulted

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overpayment claim.