



LAWS OF ALASKA

1995

Source
HB 108

Chapter No.
35

AN ACT

Relating to claims on permanent fund dividends for defaulted public assistance overpayments.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May 24, 1995
Actual Effective Date: August 22, 1995

AN ACT

1 Relating to claims on permanent fund dividends for defaulted public assistance overpayments.

2

3 * Section 1. AS 43.23 is amended by adding a new section to read:

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

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

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

12 (3) a statement that

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

Chapter 35

1 individual that future permanent fund dividends of the individual will be taken to
2 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 contested,
8 that the issue has been resolved in favor of the Department of Health and Social
9 Services; and

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

14 (b) The Department of Health and Social Services shall notify the individual if
15 a dividend is claimed under (a) of this section. The notice shall be sent to the address
16 provided in the individual's permanent fund dividend application and must provide the
17 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 has
23 30 days from the date the notice is mailed in which to file with the Department of Health
24 and Social Services an objection to the dividend claim if a mistake has been made.

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

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

28 (b) The permanent fund dividend of a former recipient of a public assistance
29 program listed under (a) of this section may be taken under AS 43.23.065(b)(6) and
30 43.23.068 to satisfy the balance due on a defaulted overpayment claim.