



# LAWS OF ALASKA

**2007**

**FIRST SPECIAL SESSION**

**Source**

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**Chapter No.**

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## **AN ACT**

Relating to cash assistance for seniors; establishing the senior benefits payment program; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1



## AN ACT

1 Relating to cash assistance for seniors; establishing the senior benefits payment program; and  
2 providing for an effective date.

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4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6           **LEGISLATIVE INTENT.** It is the intent of the legislature that  
7            (1) the Alaska senior benefits payment program established under  
8 AS 47.45.301, as enacted by sec. 3 of this Act, be funded under the fiscal year 2008 public  
9 assistance appropriation as a general relief assistance allocation until the Second Regular  
10 Session of the Twenty-Fifth Alaska State Legislature convenes and passes an appropriation  
11 bill that creates a new allocation under the public assistance appropriation, and the  
12 appropriation bill becomes law; and

13            (2) during the period described in (1) of this section, the program pay the full  
14 authorized benefit, notwithstanding AS 47.45.301(c) and 47.45.302(c), as enacted by sec. 3 of

1 this Act.

2 \* **Sec. 2.** AS 09.38.015(a) is amended to read:

3 (a) An individual is entitled to exemption of the following property:

4 (1) a burial plot for the individual and the individual's family;

5 (2) health aids reasonably necessary to enable the individual or a  
6 dependent to work or to sustain health;

7 (3) benefits paid or payable for medical, surgical, or hospital care to  
8 the extent they are or will be used to pay for the care;

9 (4) an award under AS 18.67 (Violent Crimes Compensation Board) or  
10 a crime victim's reparations act of another jurisdiction;

11 (5) benefits paid or payable as a longevity bonus under AS 47.45;

12 (6) compensation or benefits paid or payable and exempt under federal  
13 law;

14 (7) liquor licenses granted under AS 04;

15 (8) tuition credit or savings accounts under a higher education savings  
16 account established under AS 14.40.802 or an advance college tuition savings contract  
17 authorized under AS 14.40.809(a);

18 (9) a permanent fund dividend to the extent allowed under  
19 AS 43.23.065;

20 (10) benefits paid or payable as a senior care benefit under  
21 AS 47.45.300 - 47.45.390;

22 **(11) benefits paid or payable under AS 47.45.301 - 47.45.309.**

23 \* **Sec. 3.** AS 47.45 is amended by adding new sections to read:

24 **Sec. 47.45.301. Alaska senior benefits payment program.** (a) The Alaska  
25 senior benefits payment program is established in the Department of Health and Social  
26 Services to provide cash benefits as far as practicable under appropriations provided  
27 by law.

28 (b) The department shall administer the program and adopt regulations under  
29 AS 44.62 to carry out the purposes of the program.

30 (c) If the department estimates that appropriations for the program are  
31 insufficient to meet the demands of the program in a fiscal year, the department may

1 reduce or eliminate the cash benefit available to recipients.

2 **Sec. 47.45.302. Cash assistance benefit.** (a) An individual is eligible for a  
3 cash assistance benefit under the program if the individual

4 (1) is 65 years of age or older;

5 (2) is a resident of the state;

6 (3) has a household income that does not exceed 175 percent of the  
7 annual federal poverty line for Alaska, as determined by the United States Department  
8 of Health and Human Services and revised under 42 U.S.C. 9902(2);

9 (4) has not received a longevity bonus payment under AS 47.45.010 -  
10 47.45.160 for the same period; and

11 (5) applies on a form provided by the department; the department may  
12 use an abbreviated form for an individual who received a payment under an assistance  
13 program for seniors that paid \$120 a month and was administered by the department  
14 on or before the effective date of this section.

15 (b) An eligible individual shall receive a monthly cash assistance payment  
16 beginning on August 1, 2007, or on the effective date of this Act, whichever is later, as  
17 follows:

18 (1) \$250 if the individual's household income does not exceed 75  
19 percent of the federal poverty line for Alaska;

20 (2) \$175 if the individual's household income does not exceed 100  
21 percent but is above 75 percent of the federal poverty line for Alaska;

22 (3) \$125 if the individual's household income does not exceed 175  
23 percent but is above 100 percent of the federal poverty line for Alaska.

24 (c) Cash assistance provided under this section is subject to appropriation.

25 **Sec. 47.45.304. Continuation of benefits.** An eligible individual who leaves  
26 the state may not receive a cash benefit under AS 47.45.302 during the absence unless  
27 the individual's absence is temporary and is for one of the following reasons:

28 (1) to receive medical treatment for the individual;

29 (2) to accompany the individual's family member who is receiving  
30 medical treatment outside the state; or

31 (3) for a vacation, business trip, or other absence of less than 30

1 consecutive days, unless the individual has applied for and received a time extension  
2 from the department for special circumstances.

3 **Sec. 47.45.306. Appeal rights.** An individual who receives a determination  
4 from the department that denies, limits, or modifies a cash benefit under AS 47.45.301  
5 - 47.45.309, other than a determination under AS 47.45.301(c) to reduce or eliminate  
6 benefits, may request a hearing before the department under regulations adopted by  
7 the department.

8 **Sec. 47.45.308. Ability to recover or recoup improper assistance or**  
9 **benefits.** An individual is liable to the department for the value of assistance or  
10 benefits improperly paid to the individual under AS 47.45.302 or former AS 47.45.310  
11 or 47.45.320 if the improper payment was based on inaccurate or incomplete  
12 information provided by the individual. In a civil action brought by the state to recover  
13 from the individual the value of assistance or benefits improperly paid under  
14 AS 47.45.302 or former AS 47.45.310 or 47.45.320, the state may recover from the  
15 individual the costs of investigation and prosecution of the civil action, including  
16 attorney fees as determined under court rules.

17 **Sec. 47.45.309. Definitions.** In AS 47.45.301 - 47.45.309,  
18 (1) "department" means the Department of Health and Social Services;  
19 (2) "eligible individual" means an individual who meets the  
20 requirements of AS 47.45.301 - 47.45.309 and regulations adopted under those  
21 statutes for eligibility for the program;  
22 (3) "family member" means a person who is  
23 (A) legally related to an eligible individual through marriage or  
24 guardianship; or  
25 (B) an eligible individual's sibling, parent, grandparent, son,  
26 daughter, grandson, granddaughter, uncle, aunt, niece, nephew, or first cousin;  
27 (4) "program" means the senior benefits payment program established  
28 in AS 47.45.301 - 47.45.309;  
29 (5) "resident" has the meaning given in AS 47.25.430(a).

30 \* **Sec. 4.** AS 09.38.015(a)(11); AS 47.45.301, 47.45.302, 47.45.304, 47.45.306, 47.45.308,  
31 and 47.45.309 are repealed June 30, 2011.

1       \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3           APPLICABILITY: SENIOR BENEFITS PAYMENT PROGRAM. In addition to  
4 meeting the eligibility requirements under AS 47.45.302 and 47.45.304, a person may not  
5 receive cash assistance under the senior benefits payment program enacted by sec. 3 of this  
6 Act if the person is receiving cash assistance or a prescription drug benefit under a separate  
7 senior benefit program established by the Department of Health and Social Services under 7  
8 AAC 47.575 - 7 AAC 47.590.

9       \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to  
10 read:

11           TRANSITION: SENIOR BENEFITS PAYMENTS MADE DURING FISCAL YEAR  
12 2008. The provisions of AS 47.45.301(c), enacted by sec. 3 of this Act, and AS 47.45.302(c),  
13 enacted by sec. 3 of this Act, do not apply to payments made under AS 47.45.301 - 47.45.309,  
14 enacted by sec. 3 of this Act, by the Department of Health and Social Services for the period  
15 beginning August 1, 2007, and ending on the effective date of enactment by the Twenty-Fifth  
16 Alaska State Legislature of an appropriation bill that makes an allocation under the public  
17 assistance appropriation to fund the senior benefits payment program, but not later than  
18 June 30, 2008.

19       \* **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).