

SENATE CS FOR HOUSE BILL NO. 241(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 5/8/97

Referred: Rules

Sponsor(s): REPRESENTATIVES CROFT, Brice, Nicholia, Dyson, Phillips, Ogan, Ivan, Davies, Hudson, Elton, Porter, Kemplen, Rokeberg, Mulder, Kelly, Therriault

SENATORS Green, Mackie, Sharp, Ellis, Wilken, Duncan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to payment assistance for costs of residing in the Alaska
2 Pioneers' Home, and providing that certain income and assets of a resident shall
3 be disregarded in determining payment assistance, including income from any
4 source in an amount equal to at least \$100, cash dividends and other income
5 equal to at least \$2,000 received under the Alaska Native Claims Settlement Act,
6 a permanent fund dividend, an amount for burial expenses of the resident, the
7 resident's spouse and dependents of the resident, the primary residence of the
8 resident's spouse or a dependent of the resident, and other property equal to at
9 least a total value of \$5,000; relating to claims against the estate of a beneficiary
10 of the Pioneers' Home program; and providing for an effective date."

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

12 * **Section 1.** AS 47.55.020 is amended by adding a new subsection to read:

(e) Notwithstanding AS 47.55.070 and (b) of this section, a resident whose income and assets are insufficient to pay the monthly rate set under AS 47.55.030(b) qualifies for payment assistance if the resident is otherwise in compliance with requirements under this chapter. The amount of payment assistance shall equal the amount needed, when added to other income and assets of the resident, to pay the monthly rate set under AS 47.55.030(b). Payment assistance received by a resident is a debt to the state. In determining the amount of payment assistance for which a resident qualifies, the following income and assets of a Pioneers' Home resident shall be disregarded:

(1) income from any source in an amount equal to at least \$100 per month as established by regulation of the Department of Administration;

(2) the following assets received under 43 U.S.C. 1601 - 1629e (Alaska Native Claims Settlement Act):

(A) cash dividends and other income equal to at least \$2,000 as established by regulation of the Department of Administration;

(B) stock;

(C) noncash dividends from stock; and

(D) land;

(3) a permanent fund dividend issued under AS 43.23;

(4) veterans' benefits paid under 38 U.S.C. 1114;

(5) compensation to volunteers under the federal retired and senior volunteers (42 U.S.C. 5001), foster grandparents (42 U.S.C. 5011), and senior companion (42 U.S.C. 5013) programs made in accordance with 42 U.S.C. 5044(f);

(6) federal World War II restitution payments made under 50 U.S.C. 1989b-4 and c-5;

(7) payments under AS 18.67 (crime victim compensation);

(8) an amount determined by regulation of the Department of Administration sufficient for burial expenses of the resident, the resident's spouse, and dependents of the resident;

(9) real property being used as the primary residence of the resident's spouse or a dependent of the resident;

1 (10) other real or personal property equal to at least a total value of
2 \$5,000 as established by regulation of the Department of Administration.

3 * **Sec. 2.** AS 47.55 is amended by adding a new section to read:

4 **Sec. 47.55.095. Limitation on enforcement of claims against estate.**

5 Notwithstanding AS 47.55.080 and 47.55.090, upon the death of a Pioneers' Home
6 resident or of a recipient of day care or respite services, a state claim for unpaid debt
7 owed to the Pioneers' Home may be satisfied only out of the decedent's estate. The
8 state may not pursue a claim to the extent doing so would work undue hardship, as
9 determined by regulation of the Department of Administration, on the surviving spouse
10 or dependent of the decedent. Family portraits and heirlooms of the type identified
11 under AS 09.38.020(a)(3), without regard to value, may not be taken by the state in
12 satisfaction of a debt to the Pioneers' Home.

13 * **Sec. 3.** This Act takes effect July 1, 1997.