

# House Bill 16 Background Information

## Alaska Senior Benefits Program Statutes

### Title 09. CODE OF CIVIL PROCEDURE

#### Chapter 09.38. ALASKA EXEMPTIONS ACT

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

(11) [See delayed amendment note]. benefits paid or payable under AS 47.45.301 - 47.45.309.

#### Sec. 47.45.301. Alaska senior benefits payment program. [See delayed repeal note]..

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

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

(c) If the department estimates that appropriations for the program are insufficient to meet the demands of the program in a fiscal year, the department may reduce or eliminate the cash benefit available to recipients.

#### Sec. 47.45.302. Cash assistance benefit. [See delayed repeal note]..

(a) An individual is eligible for a cash assistance benefit under the program if the individual

(1) is 65 years of age or older;

(2) is a resident of the state;

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

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

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

(b) An eligible individual shall receive a monthly cash assistance payment beginning on August 1, 2007, as follows:

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

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

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

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

#### Sec. 47.45.304. Continuation of benefits. [See delayed repeal note]..

An eligible individual who leaves the state may not receive a cash benefit under [AS 47.45.302](#) during the absence unless the individual's absence is temporary and is for one of the following reasons:

(1) to receive medical treatment for the individual;

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

(3) for a vacation, business trip, or other absence of less than 30 consecutive days, unless the individual has applied for and received a time extension from the department for special circumstances.

**Sec. 47.45.306. Appeal rights. [See delayed repeal note]..**

An individual who receives a determination from the department that denies, limits, or modifies a cash benefit under [AS 47.45.301](#) - 47.45.309, other than a determination under [AS 47.45.301](#) (c) to reduce or eliminate benefits, may request a hearing before the department under regulations adopted by the department.

**Sec. 47.45.308. Ability to recover or recoup improper assistance or benefits. [See delayed repeal note]..**

An individual is liable to the department for the value of assistance or benefits improperly paid to the individual under AS 47.45.302 or former [AS 47.45.310](#) or 47.45.320 if the improper payment was based on inaccurate or incomplete information provided by the individual. In a civil action brought by the state to recover from the individual the value of assistance or benefits improperly paid under AS 47.45.302 or former [AS 47.45.310](#) or 47.45.320, the state may recover from the individual the costs of investigation and prosecution of the civil action, including attorney fees as determined under court rules.

**Sec. 47.45.309. Definitions. [See delayed repeal note]..**

In [AS 47.45.301](#) - 47.45.309,

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