

HOUSE BILL NO. 246

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE G.DAVIS

Introduced: 3/9/95

Referred: Health, Education and Social Services, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act directing the commissioner of administration to seek a buyer for the
2 Alaska Pioneers' Home and eliminating the Alaska Pioneers' Home program if the
3 Alaska Pioneers' Home is sold; directing the commissioner of administration to
4 contract for all or part of the operation of the Alaska Pioneers' Home if a
5 suitable buyer is not found; relating to the closure of the Alaska Pioneers' Home;
6 and providing for an effective date."

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

8 * **Section 1.** PURPOSE. The purpose of this Act is to direct the commissioner of
9 administration to seek a suitable buyer for the Alaska Pioneers' Home who will agree to operate
10 the facilities that comprise the home as nursing homes, assisted living facilities, or a combination
11 of nursing homes and assisted living facilities for at least five years after the date of sale. If a
12 sale takes place, it is the purpose of this Act to repeal the Alaska Pioneers' Home program. If
13 a suitable buyer is not found by June 30, 1996, it is the purpose of this Act to direct the

1 commissioner of administration to seek contractors to perform all or some of the functions
2 involved in operating and administering the Alaska Pioneers' Home on behalf of the state.

3 * **Sec. 2.** AS 08.68.395(g)(2) is amended to read:

4 (2) "health care facility" means a private, municipal, state, or federal
5 hospital, psychiatric hospital, tuberculosis hospital, skilled nursing facility, kidney disease
6 treatment center (excluding freestanding hemodialysis units), or intermediate care facility
7 [, OR ALASKA PIONEERS' HOME ADMINISTERED BY THE DEPARTMENT OF
8 ADMINISTRATION UNDER AS 47.55].

9 * **Sec. 3.** AS 08.70.080 is amended to read:

10 Sec. 08.70.080. LICENSE REQUIRED. Only a licensed nursing home
11 administrator may manage, supervise, or be generally in charge of a nursing home. The
12 care provided by a nursing home or a licensed hospital providing nursing home care
13 through the use of skilled nursing beds or intermediate care beds shall be supervised by
14 a licensed nursing home administrator or by a person exempted from licensure
15 requirements under this section. This section does not apply to persons engaged on
16 July 1, 1980, in managing or administering [AN ALASKA PIONEERS' HOME OR] a
17 hospital with skilled nursing beds or intermediate care beds.

18 * **Sec. 4.** AS 15.05.020 is amended to read:

19 Sec. 15.05.020. RULES FOR DETERMINING RESIDENCE OF VOTER. For
20 the purpose of determining residence for voting, the place of residence is governed by
21 the following rules:

22 (1) A person may not be considered to have gained a residence solely by
23 reason of presence nor may a person lose it solely by reason of absence while in the civil
24 or military service of this state or of the United States or of absence because of marriage
25 to a person engaged in the civil or military service of this state or the United States,
26 while a student at an institution of learning, while in an institution or asylum at public
27 expense, while confined in public prison, while engaged in the navigation of waters of
28 this state, or the United States or of the high seas, while residing upon an Indian or
29 military reservation, or while residing in the former Alaska Pioneers' Home.

30 (2) The residence of a person is that place in which the person's
31 habitation is fixed, and to which, whenever absent, the person has the intention to return.
32 If a person resides in one place, but does business in another, the former is the person's

1 place of residence. Temporary construction camps do not constitute a dwelling place.

2 (3) A change of residence is made only by the act of removal joined with
3 the intent to remain in another place. There can only be one residence.

4 (4) A person does not lose residence if the person leaves home and goes
5 to another country, state, or place in this state for temporary purposes only and with the
6 intent of returning.

7 (5) A person does not gain residence in any place to which the person
8 comes without the present intention to establish a permanent dwelling at that place.

9 (6) A person loses residence in this state if the person votes in another
10 state's election, either in person or by absentee ballot, and will not be eligible to vote in
11 this state until again qualifying under AS 15.05.010.

12 (7) [REPEALED.

13 (8)] The term of residence is computed by including the day on which
14 the person's residence begins and excluding the day of election.

15 (8) [(9) REPEALED.

16 (10)] The address of a voter as it appears on an official voter registration
17 card is presumptive evidence of the person's voting residence. This presumption is
18 negated only by the voter notifying the director in writing of a change of voting
19 residence.

20 * **Sec. 5.** AS 36.30.990(1) is amended to read:

21 (1) "agency"

22 (A) means a department, institution, board, commission, division,
23 authority, public corporation, [THE ALASKA PIONEERS' HOME,] or other
24 administrative unit of the executive branch of state government;

25 (B) does not include

26 (i) the University of Alaska;

27 (ii) the Alaska Railroad Corporation;

28 (iii) the Alaska Housing Finance Corporation;

29 (iv) a regional Native housing authority created under
30 AS 18.55.996 or a regional electrical authority created under
31 AS 18.57.020;

32 (v) the Department of Transportation and Public Facilities,

1 in regard to the repair, maintenance, and reconstruction of vessels,
2 docking facilities, and passenger and vehicle transfer facilities of the
3 Alaska marine highway system;

4 (vi) the Alaska Aerospace Development Corporation;

5 (vii) the Alaska State Pension Investment Board;

6 * **Sec. 6.** AS 37.05.990(2) is amended to read:

7 (2) "state agency," "agency," "department," or similar term means a
8 department, office, institution, board, commission, bureau, division, or other
9 administrative unit forming the state government, and includes [THE ALASKA
10 PIONEERS' HOME AND] the University of Alaska.

11 * **Sec. 7.** AS 37.07.120(1) is amended to read:

12 (1) "agency" means a department, officer, institution, board, commission,
13 bureau, division, or other administrative unit forming the state government and includes
14 [THE ALASKA PIONEERS' HOME AND] the University of Alaska, but does not
15 include the legislature or the judiciary;

16 * **Sec. 8.** AS 44.21.210(b) is amended to read:

17 (b) The members of the commission listed in AS 44.21.200(a)(2) and (3) may
18 not vote on matters before the commission. A majority of the members of the
19 commission listed in AS 44.21.200(a)(1) [, (4),] and (5) constitutes a quorum for
20 conducting business and exercising the powers of the commission.

21 * **Sec. 9.** AS 44.21.230(c) is amended to read:

22 (c) The commission may not investigate, review, or undertake any responsibility
23 for the longevity bonus program under AS 47.45 [OR, EXCEPT FOR ACTIVITIES OF
24 THE OFFICE OF THE LONG TERM CARE OMBUDSMAN, THE ALASKA
25 PIONEERS' HOMES UNDER AS 47.55].

26 * **Sec. 10.** AS 47.25.140 is amended to read:

27 Sec. 47.25.140. RESIDENTS OF PUBLIC INSTITUTIONS. Payment under
28 AS 47.25.120 - 47.25.300 may not be made to or in behalf of an individual who is a
29 resident of a [THE ALASKA PIONEERS' HOME OR OTHER] public institution,
30 except as a patient in a public medical institution, or an individual who is a patient in
31 a public or private institution for tuberculosis or mental disease. A resident of a [THE
32 ALASKA PIONEERS' HOME OR OTHER] public institution who is otherwise eligible

1 to receive an allowance under AS 47.25.120 - 47.25.300 may apply for the allowance
2 instead of the support and maintenance provided in the [HOME OR] public institution.

3 * **Sec. 11.** AS 47.55.010 is amended by adding a new subsection to read:

4 (e) The commissioner of administration shall actively solicit private contractors
5 to perform all or some of the functions involved in operation and administration of the
6 Alaska Pioneers' Home by issuing a request for competitive sealed proposals governed
7 by AS 36.30.200 - 36.30.270. The commissioner shall approve contracts under this
8 subsection in a manner that complies with AS 36.30.250.

9 * **Sec. 12.** AS 47.55.070(a) is amended to read:

10 (a) The following expenses incurred for a [PIONEERS' HOME] resident **of the**
11 **former Pioneers' Home** under **the former provisions of** this chapter and not
12 recoverable from a collateral source are a debt of the resident to the state and may be
13 recovered during the life of the resident:

14 (1) costs of standard or nursing care provided in the Pioneers' Home each
15 month to the resident not exceeding the rate established by the Department of
16 Administration under **former** AS 47.55.030, with credit given for any amounts paid by
17 or collected from the resident;

18 (2) allowances paid under **former** AS 47.55.020(c);

19 (3) [REPEALED].

20 (4) arrearages in fees for television and telephone services provided in
21 the Pioneers' Home; **and**

22 **(4)** [(5)] prescription medicine [; AND

23 (6) REPEALED].

24 * **Sec. 13.** AS 47.55.080 is amended to read:

25 Sec. 47.55.080. ENFORCEMENT AGAINST ESTATE. If a beneficiary under
26 **the former provisions of** this chapter dies leaving an estate in the state, the attorney
27 general or the Department of Administration shall file with the executor or administrator,
28 or with the probate court, the claim of the state against the estate, and the attorney
29 general shall take the steps necessary to enforce and collect the claim. Money collected
30 shall be paid into the treasury of the state.

31 * **Sec. 14.** AS 47.55.090 is amended to read:

32 Sec. 47.55.090. ENFORCEMENT AGAINST PROPERTY OUTSIDE STATE.

1 If a beneficiary under the former provisions of this chapter dies leaving property
2 outside the state, the attorney general on direction of the governor shall take the steps
3 with respect to the property that will protect and secure the rights of the state as a
4 creditor.

5 * **Sec. 15.** AS 47.55.100 is amended to read:

6 Sec. 47.55.100. CERTIFICATE AS EVIDENCE. A certificate by the attorney
7 general to the effect that a decedent was a beneficiary under the former provisions of
8 this chapter and that the state has a claim against the decedent's estate, is prima facie
9 evidence of these facts in a proceeding in the courts of the state.

10 * **Sec. 16.** COMMISSIONER TO SEEK A BUYER. (a) The commissioner of
11 administration shall, until June 30, 1996, actively seek a buyer for the land, buildings, and
12 other assets of the Alaska Pioneers' Home. As a condition of sale, the buyer shall agree that,
13 until July 1, 2001, the buyer will operate each facility that is part of the home so that the
14 number of beds designated as part of a nursing home, as defined in AS 08.70.180, and the
15 number of beds designated as part of an assisted living facility licensed under AS 47.33 are
16 substantially equal to the number of beds designated in those categories for each facility on
17 July 1, 1995.

18 (b) The addition of nursing home beds to the buyer's holdings as a result of a sale
19 under this section is not subject to the certificate of need requirements of AS 18.07; however,
20 after the effective date of transfer under the sale, changes in the designation of beds are
21 subject to AS 18.07 if AS 18.07 is otherwise applicable to the change.

22 (c) In addition to the condition of sale described in (a) of this section, the
23 commissioner of administration may attach other reasonable terms and conditions of sale that
24 are designed to

- 25 (1) protect the financial interests of the state;
- 26 (2) provide for an orderly transition from public to private ownership of the
27 facilities being sold;
- 28 (3) address the needs of the residents of the Alaska Pioneers' Home; and
- 29 (4) take into account other issues considered important by the commissioner.

30 (d) Until 12:01 a.m. on July 1, 1996, the commissioner of administration is authorized
31 to sell the Alaska Pioneers' Home in compliance with this section.

32 * **Sec. 17.** REPORTS. (a) The commissioner of administration shall report to the

1 governor on January 15, 1996, and April 15, 1996, concerning the efforts that the
2 commissioner has made under sec. 16 of this Act and the likelihood of concluding a sale of
3 the Alaska Pioneers' Home to a suitable buyer by June 30, 1996. The commissioner shall
4 notify the legislature when the reports are available.

5 (b) The commissioner of administration shall annually, beginning with January 15,
6 1997, report to the governor concerning the efforts that the commissioner has made to contract
7 for operation and administration of the Alaska Pioneers' Home under AS 47.55.010(e), enacted
8 by sec. 11 of this Act, and the results of those efforts. The commissioner shall annually notify
9 the legislature that the report is available.

10 * **Sec. 18.** AS 18.07.111(9)(A); AS 18.35.300(11); AS 39.25.120(c)(10); AS 44.21.020(9),
11 44.21.100, 44.21.110, 44.21.120, 44.21.130, 44.21.200(a)(4); AS 47.55.010, 47.55.020,
12 47.55.030, 47.55.035, 47.55.040, 47.55.050, and 47.55.060 are repealed.

13 * **Sec. 19.** Sections 2 - 10, 12 - 16, 17(a), and 18 of this Act are repealed on the date sec.
14 11 of this Act takes effect.

15 * **Sec. 20.** Sections 11 and 17(b) of this Act take effect if and only if a sales contract under
16 sec. 16 of this Act has not been signed on or before June 30, 1996.

17 * **Sec. 21.** Sections 2 - 10, 12 - 15, and 18 of this Act take effect if and only if the facilities
18 of the Alaska Pioneers' Home are transferred to a private person under a sales agreement
19 authorized under sec. 16 of this Act.

20 * **Sec. 22.** If secs. 2 - 10, 12 - 15, and 18 of this Act take effect, they take effect on the day
21 the facilities of the Alaska Pioneers' Home are transferred to a private person under a sales
22 agreement authorized under sec. 16 of this Act. The commissioner of administration shall notify
23 the revisor of statutes of the date of transfer.

24 * **Sec. 23.** Sections 1, 16, 17(a), and 19 - 21 of this Act take effect immediately under
25 AS 01.10.070(c).

26 * **Sec. 24.** If secs. 11 and 17(b) of this Act take effect, they take effect July 1, 1996.