

HOUSE BILL NO. 88

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/24/01

Referred: House Special Committee on Military and Veterans' Affairs, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act changing the name of the Alaska Pioneers' Home to the Alaska Pioneers' and**
2 **Veterans' Home and of the Alaska Pioneers' Homes Advisory Board to the Alaska**
3 **Pioneers' and Veterans' Home Advisory Board; relating to services for veterans in the**
4 **home; relating to the advisory board for the home; making other amendments to the**
5 **statutes relating to the home; making conforming amendments to other statutes; and**
6 **providing for an effective date."**

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

8 * **Section 1.** AS 44.21.100 is amended to read:

9 **Sec. 44.21.100. Alaska Pioneers' and Veterans' Home [HOMES] Advisory**
10 **Board.** There is created the Alaska Pioneers' **and Veterans' Home** [HOMES]
11 **Advisory Board.**

12 * **Sec. 2.** AS 44.21.110 is amended to read:

13 **Sec. 44.21.110. Purpose of the board.** The board shall conduct annual

1 inspections of the property and procedures of the Alaska Pioneers' and Veterans'
 2 Home [HOMES] and recommend to the governor changes and improvements. The
 3 board shall meet on an annual basis to review admissions procedures and to consider
 4 complaints.

5 * **Sec. 3.** AS 44.21.120 is amended to read:

6 **Sec. 44.21.120. Composition of the board.** (a) The Alaska Pioneers' and
 7 Veterans' Home [HOMES] Advisory Board consists of

8 (1) five [SEVEN] members appointed by the governor from among
 9 citizens of the state; [AND]

10 (2) one member, appointed by the governor, who

11 (A) is a veteran of active service in the armed forces of the
 12 United States, including the Alaska National Guard or the Alaska
 13 Territorial Guard; and

14 (B) meets the age and state residency requirements under
 15 AS 47.55 for admission to the Alaska Pioneers' and Veterans' Home;

16 (3) one member, appointed by the governor, who is a veteran of
 17 active service in the armed forces of the United States, including the Alaska
 18 National Guard or the Alaska Territorial Guard; and

19 (4) one member who is the chair of the Alaska Commission on Aging
 20 established under AS 44.21.200.

21 (b) The term of office of a member of the board appointed under (a)(1), (2), or
 22 (3) of this section is four years. A member of the board appointed under (a)(1), (2),
 23 or (3) of this section may not serve more than eight consecutive years. A chair shall
 24 be elected by the voting members of the board. The members of the board appointed
 25 under (a)(1), (2), or (3) of this section serve at the pleasure of the governor.

26 * **Sec. 4.** AS 44.21.120 is amended to read:

27 **Sec. 44.21.120. Composition of the board.** (a) The Alaska Pioneers' and
 28 Veterans' Home Advisory Board consists of

29 (1) five members appointed by the governor from among citizens of
 30 the state;

31 (2) one member, appointed by the governor, who

1 (A) is a veteran of active service in the armed forces of the
 2 United States, including the Alaska National Guard or the Alaska Territorial
 3 Guard; and

4 (B) meets the age and state residency requirements under
 5 AS 47.55 for admission to the Alaska Pioneers' and Veterans' Home;

6 (3) one member who is the chair of the Alaska Veterans Advisory
 7 Council established in AS 44.35 [APPOINTED BY THE GOVERNOR, WHO IS A
 8 VETERAN OF ACTIVE SERVICE IN THE ARMED FORCES OF THE UNITED
 9 STATES, INCLUDING THE ALASKA NATIONAL GUARD OR THE ALASKA
 10 TERRITORIAL GUARD]; and

11 (4) one member who is the chair of the Alaska Commission on Aging
 12 established under AS 44.21.200.

13 (b) The term of office of a member of the board appointed under (a)(1) or (2)
 14 [(a)(1), (2), OR (3)] of this section is four years. A member of the board appointed
 15 under (a)(1) or (2) [(a)(1), (2), OR (3)] of this section may not serve more than eight
 16 consecutive years. A chair shall be elected by the voting members of the board. The
 17 members of the board appointed under (a)(1) or (2) [(a)(1), (2), OR (3)] of this section
 18 serve at the pleasure of the governor.

19 * **Sec. 5.** AS 44.21.200(a) is amended to read:

20 (a) The Alaska Commission on Aging is established in the Department of
 21 Administration. The members of the commission include

22 (1) the commissioner of administration or the commissioner's
 23 designee;

24 (2) the commissioner of community and economic development or the
 25 commissioner's designee;

26 (3) the commissioner of health and social services or the
 27 commissioner's designee;

28 (4) the chair of the Alaska Pioneers' and Veterans' Home [HOMES]
 29 Advisory Board under AS 44.21.120; and

30 (5) seven persons selected on the basis of their knowledge and
 31 demonstrated interest in the concerns of older Alaskans, appointed by the governor in

1 accordance with (b) of this section.

2 * **Sec. 6.** AS 47.55.010(a) is amended to read:

3 (a) The state shall maintain institutions known collectively as the Alaska
4 Pioneers' and Veterans' Home. Pioneers' and Veterans' Homes shall be maintained
5 at Sitka and at other sites designated by the commissioner of administration.

6 * **Sec. 7.** AS 47.55.010(c) is amended to read:

7 (c) The Department of Administration shall

8 (1) cooperate with the federal government in matters pertaining to the
9 welfare of Alaskan pioneers and veterans, make the reports in the form and
10 containing the information the federal government from time to time desires, and
11 accept funds allotted by the federal government, its agencies or instrumentalities, in
12 establishing, extending, and strengthening services for pioneers and veterans of
13 Alaska;

14 (2) adopt regulations necessary for the conduct of the business of the
15 home [PIONEERS' HOME] and for carrying out the provisions of this chapter,
16 require bonds and undertakings from persons employed by it as in its judgment are
17 necessary, and pay the premiums on them, and establish regional and local offices and
18 the advisory groups that are necessary or considered expedient to carry out or assist in
19 carrying out a duty or authority assigned to it;

20 (3) perform all executive or administrative duties necessary and
21 advisable to carry out the purpose of this chapter, including the power to make
22 contracts and to make disbursements on vouchers against funds for the purpose of this
23 chapter, within the limit of funds available;

24 (4) study the needs of Alaska's pioneers and veterans and submit
25 recommendations for new regulations and proposed legislation; and

26 (5) prepare a biennial report in even-numbered years and notify the
27 legislature that the report is available.

28 * **Sec. 8.** AS 47.55.010(d) is amended to read:

29 (d) The Department of Administration may employ the necessary subordinate
30 officers and employees, and shall prescribe methods for operation of the home
31 [PIONEERS' HOME], standards of care and service to home residents, and rules

1 governing personnel and rewarding employees on a merit basis.

2 * **Sec. 9.** AS 47.55.010 is amended by adding new subsections to read:

3 (e) As provided in this subsection, a certain number of beds in the home shall
4 be reserved for use by veterans who meet all other qualifications for admission to the
5 home. The Department of Administration shall by regulation

6 (1) specify the number of beds reserved for use by veterans under this
7 subsection;

8 (2) establish procedures that

9 (A) provide for a veteran to be considered for admission to a
10 non-reserved, unoccupied bed in the home under admission criteria in or under
11 this chapter if all beds reserved under this subsection are occupied;

12 (B) provide for a person who is not a veteran to be considered
13 for admission to an unoccupied bed reserved under this subsection if no
14 veteran who is qualified for admission to a reserved bed has applied for
15 admission; and

16 (C) ensure that to the extent possible, the beds reserved for use
17 by veterans under this subsection are occupied by veterans.

18 (f) In this section, "veteran" means a person with 181 days or more of active
19 service in the armed forces of the United States, including the Alaska National Guard
20 or the Alaska Territorial Guard.

21 * **Sec. 10.** AS 47.55.020(a) is amended to read:

22 (a) Every person residing in the state who is 65 years of age or older, has been
23 a resident of the state continuously for more than one year [15 YEARS] immediately
24 preceding application for admission, and is in need of residence at the home because
25 of physical disability or other reason, is eligible for admission under conditions
26 prescribed in regulations of the Department of Administration. The spouse of a person
27 who is eligible for admission under other provisions of this subsection is also eligible
28 for admission to the home under conditions prescribed by the department if the spouse
29 is 65 years of age or older and has been a resident of the state continuously for more
30 than one year [15 YEARS] immediately preceding application for admission. In this
31 subsection, "physical disability or other reason" means inability to maintain a

1 household without regular assistance in shopping, housekeeping, meal preparation,
 2 dressing, or personal hygiene because of physical or medical impairment, infirmity, or
 3 disability.

4 * **Sec. 11.** AS 47.55.020(b) is amended to read:

5 (b) **A home resident** [EVERY PERSON ADMITTED TO THE PIONEERS'
 6 HOME] who receives income from any source in excess of \$100 per month may be
 7 required by the Department of Administration to pay the excess to the department
 8 immediately upon receipt of the money in payment, or part payment, of the cost of the
 9 person's care. However, the department may not require in any month the payment of
 10 an amount greater than the monthly rate set under AS 47.55.030(b) except to satisfy an
 11 indebtedness incurred under AS 47.55.070. The department may not evict a person
 12 from the **home** [PIONEERS' HOME] if the income and assets of the person are
 13 insufficient to pay the monthly rate set under AS 47.55.030(b) and the person is
 14 otherwise in compliance with requirements under this chapter.

15 * **Sec. 12.** AS 47.55.020(e) is amended to read:

16 (e) Notwithstanding AS 47.55.070 and (b) of this section, a **home** resident
 17 whose income and assets are insufficient to pay the monthly rate set under
 18 AS 47.55.030(b) qualifies for payment assistance if the resident is otherwise in
 19 compliance with requirements under this chapter. The amount of payment assistance
 20 shall equal the amount needed, when added to other income and assets of the resident,
 21 to pay the monthly rate set under AS 47.55.030(b). Payment assistance received by a
 22 **home** resident is a debt to the state. In determining the amount of payment assistance
 23 for which a **home** resident qualifies, the following income and assets of the [A
 24 PIONEERS' HOME] resident shall be disregarded:

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

27 (2) the following assets received under **43 U.S.C. 1601 - 1629g**
 28 [43 U.S.C. 1601 - 1629e] (Alaska Native Claims Settlement Act):

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

31 (B) stock;

- 1 (C) noncash dividends from stock; and
- 2 (D) land;
- 3 (3) a permanent fund dividend issued under AS 43.23;
- 4 (4) veterans' benefits paid under **38 U.S.C. 1110** [38 U.S.C. 1114];
- 5 (5) compensation to volunteers under the federal retired and senior
- 6 volunteers (42 U.S.C. 5001), foster grandparents (42 U.S.C. 5011), and senior
- 7 companion (42 U.S.C. 5013) programs made in accordance with 42 U.S.C. 5044(f);
- 8 (6) federal World War II restitution payments made under **50 U.S.C.**
- 9 **App. 1989b-4 and c-5** [50 U.S.C. 1989b-4 and c-5];
- 10 (7) payments under AS 18.67 (crime victim compensation);
- 11 (8) an amount determined by regulation of the Department of
- 12 Administration sufficient for burial expenses of the resident, the resident's spouse, and
- 13 dependents of the resident;
- 14 (9) real property being used as the primary residence of the resident's
- 15 spouse or a dependent of the resident;
- 16 (10) **for a home resident who has no spouse or dependent and who**
- 17 **has not been admitted to a permanent bed at the home, real property being used**
- 18 **as the resident's primary residence;**
- 19 (11) other real or personal property equal to at least a total value of
- 20 \$5,000 as established by regulation of the Department of Administration.

21 * **Sec. 13.** AS 47.55.030(b) is amended to read:

22 (b) The Department of Administration shall adopt regulations establishing a

23 monthly rate for the compensation a **home** resident is to be charged under (a) of this

24 section. The rate charged need not fully compensate the state for the cost of care and

25 support. The commissioner of administration shall review the rate each year.

26 * **Sec. 14.** AS 47.55.030(c) is amended to read:

27 (c) The Department of Administration shall provide to all **home** residents [OF

28 THE PIONEERS' HOME] written notice of any proposed change in the rate charged

29 for care and support of persons at the home. Notice under this section shall be given

30 not less than 60 days before a change is adopted. The notice must include the time,

31 date, and place of a hearing to be held by the Department of Administration under (d)

1 of this section. The department may not change the rate charged more than once in a
2 fiscal year.

3 * **Sec. 15.** AS 47.55.060 is amended to read:

4 **Sec. 47.55.060. Trust fund.** Unless otherwise provided by the donor, money
5 bequeathed to the **former** Alaska Pioneers' Home **or to the Alaska Pioneers' and**
6 **Veterans' Home** constitutes a special trust fund. Unless otherwise provided by the
7 donor, interest from the special trust fund is under the control and at the disposal of the
8 Department of Administration, and expenditure from it is limited to the benefit and
9 comfort of the residents of the home.

10 * **Sec. 16.** AS 47.55 is amended by adding a new section to read:

11 **Sec. 47.55.062. Private nonprofit corporation: grants, donations, or**
12 **bequests.** Private nonprofit corporations may be established to accept grants,
13 donations, or bequests for the benefit of the home. The Department of Administration
14 may assist in the establishment of those corporations.

15 * **Sec. 17.** AS 47.55.070(a) is amended to read:

16 (a) The following expenses incurred for a **home** [PIONEERS' HOME]
17 resident under this chapter and not recoverable from a collateral source are a debt of
18 the resident to the state and may be recovered during the life of the resident:

19 (1) costs of standard or nursing care provided in the **home**
20 [PIONEERS' HOME] each month to the resident not exceeding the rate established by
21 the Department of Administration under AS 47.55.030, with credit given for any
22 amounts paid by or collected from the resident;

23 (2) allowances paid under AS 47.55.020(c);

24 (3) [REPEALED

25 (4)] arrearages in fees for television and telephone services provided in
26 the **home** [PIONEERS' HOME]; **and**

27 **(4) [(5)]** prescription **medicines and other medical supplies specified**
28 **by regulation** [MEDICINE; AND

29 (6) REPEALED].

30 * **Sec. 18.** AS 47.55.080 is amended to read:

31 **Sec. 47.55.080. Enforcement against estate.** If a **home resident**

1 [BENEFICIARY UNDER THIS CHAPTER] dies leaving an estate in the **United**
 2 **States** [STATE], the attorney general or the Department of Administration shall file
 3 with the executor or administrator, or with the probate court, the claim of the state
 4 against the estate, and the attorney general **or the Department of Administration**
 5 shall take the steps necessary to enforce and collect the claim. Money collected shall
 6 be paid into the treasury of the state.

7 * **Sec. 19.** AS 47.55.095 is amended to read:

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

9 Notwithstanding AS 47.55.080 [AND 47.55.090], upon the death of a **home**
 10 [PIONEERS' HOME] resident [OR OF A RECIPIENT OF DAY CARE OR RESPITE
 11 SERVICES], a state claim for unpaid debt owed to the **home** [PIONEERS' HOME]
 12 may be satisfied only out of the decedent's estate. The state may not pursue a claim to
 13 the extent doing so would work undue hardship, as determined by regulation of the
 14 Department of Administration, on the surviving spouse or dependent of the decedent.
 15 Family portraits and heirlooms of the type identified under AS 09.38.020(a)(3),
 16 without regard to value, may not be taken by the state in satisfaction of a debt to the
 17 **home** [PIONEERS' HOME].

18 * **Sec. 20.** AS 47.55.100 is amended to read:

19 **Sec. 47.55.100. Certificate as evidence.**

20 A certificate by the attorney general
 21 to the effect that a decedent was a **home resident** [BENEFICIARY] under this chapter
 22 and that the state has a claim against the decedent's estate, is prima facie evidence of
 23 these facts in a proceeding in the courts of the state.

24 * **Sec. 21.** AS 47.55 is amended by adding a new section to read:

25 **Sec. 47.55.990. Definitions.** In this chapter, unless the context otherwise
 26 requires,

27 (1) "home" means the Alaska Pioneers' and Veterans' Home;

28 (2) "home resident" includes any person who is receiving services
 29 from the home, regardless of whether the person's primary abode is the home.

30 * **Sec. 22.** AS 47.55.035, 47.55.040, and 47.55.090 are repealed.

31 * **Sec. 23.** The uncodified law of the State of Alaska is amended by adding a new section to
 read:

1 REVISOR OF STATUTES INSTRUCTIONS. (a) When consistent with the changes
 2 in this Act, the revisor of statutes is instructed to change references to "Alaska Pioneers'
 3 Home" to read "Alaska Pioneers' and Veterans' Home" in the Alaska Statutes, including the
 4 following:

- 5 (1) AS 08.68.395(g)(2) and AS 08.70.080;
- 6 (2) AS 15.05.020(1);
- 7 (3) AS 18.07.111(8)(A);
- 8 (4) AS 36.30.990(1)(A);
- 9 (5) AS 37.05.146(b)(4)(EE) and 37.05.990(2);
- 10 (6) AS 37.07.120(1);
- 11 (7) AS 39.25.120(c)(8);
- 12 (8) AS 44.21.020(9);
- 13 (9) AS 47.25.140.

14 (b) When consistent with the changes in this Act, the revisor of statutes is instructed
 15 to change the references to "Pioneers' Home" to "Alaska Pioneers' and Veterans' Home" in the
 16 Alaska Statutes, including the following:

- 17 (1) AS 17.37.070(6)(B);
- 18 (2) AS 18.35.300(11);
- 19 (3) chapter heading of AS 47.55;
- 20 (4) section heading of AS 47.55.070.

21 (c) The revisor of statutes is instructed to change "Article 2. Pioneers' Homes
 22 Advisory Board" to "Article 2. Alaska Pioneers' and Veterans' Home Advisory Board" in the
 23 heading of art. 2 of AS 44.21.

24 * **Sec. 24.** The uncodified law of the State of Alaska is amended by adding a new section to
 25 read:

26 REGULATIONS ATTORNEY INSTRUCTIONS. Wherever in the Alaska
 27 Administrative Code the terms "Alaska Pioneers' Home," "state pioneer home," and "pioneers'
 28 home" are used, they shall be read as "Alaska Pioneers' and Veterans' Home" when to do so
 29 would be consistent with the changes in this Act. Under AS 44.62.125(b)(6), the regulations
 30 attorney is instructed to make changes in the Alaska Administrative Code consistent with this
 31 section.

1 * **Sec. 25.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 TRANSITION: REGULATIONS. The Department of Administration may
4 immediately proceed to adopt regulations necessary to implement the changes made by this
5 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
6 before the effective date of the statutory change.

7 * **Sec. 26.** Section 25 of this Act takes effect immediately under AS 01.10.070(c).

8 * **Sec. 27.** (a) Section 4 of this Act takes effect only if a version of a bill establishing the
9 Alaska Veterans' Advisory Council is passed by the Twenty-Second Alaska State Legislature
10 and becomes law.

11 (b) If sec. 4 of this Act takes effect, it takes effect the day after the effective date of
12 sec. 3 of this Act or on the effective date of the Act described in (a) of this section, whichever
13 is later.