

CS FOR SENATE BILL NO. 55(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered: 5/12/02

Referred: Today's Calendar

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

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 housing and services for**
4 **veterans; relating to the advisory board for the home; making other amendments to the**
5 **statutes relating to the home; and providing for an effective date."**

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

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

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

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

12 **Sec. 44.21.110. Purpose of the board.** The board shall conduct annual
13 inspections of the property and procedures of the Alaska Pioneers' **and Veterans'**

1 **Home** [HOMES] and recommend to the governor changes and improvements. The
 2 board shall meet on an annual basis to review admissions procedures and to consider
 3 complaints.

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

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

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

9 (2) **one member, appointed by the governor, who**

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

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

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

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

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

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

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

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

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

31 (A) is a veteran of active service in the armed forces of the

1 United States, including the Alaska National Guard or the Alaska Territorial
2 Guard; and

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

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

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

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

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

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

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

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

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

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

29 (5) seven persons selected on the basis of their knowledge and
30 demonstrated interest in the concerns of older Alaskans, appointed by the governor in
31 accordance with (b) of this section.

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

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

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

6 (c) The Department of Administration shall

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

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

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

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

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

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

28 (d) The Department of Administration may employ the necessary subordinate
29 officers and employees, and shall prescribe methods for operation of the **home**
30 [PIONEERS' HOME], standards of care and service to **home** residents, and rules
31 governing personnel and rewarding employees on a merit basis.

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

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

5 (1) specify the number of beds reserved for use by veterans under this
6 subsection; the department may not specify that more than 30 percent of the beds in a
7 single institution, nor more than 21 percent of the beds collectively comprising the
8 Alaska Pioneers' Home system, are reserved for use by veterans;

9 (2) establish procedures that

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

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

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

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

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

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

1 subsection, "physical disability or other reason" means inability to maintain a
 2 household without regular assistance in shopping, housekeeping, meal preparation,
 3 dressing, or personal hygiene because of physical or medical impairment, infirmity, or
 4 disability.

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

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

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

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

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

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

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

- 1 (B) stock;
- 2 (C) noncash dividends from stock; and
- 3 (D) land;
- 4 (3) a permanent fund dividend issued under AS 43.23;
- 5 (4) veterans' benefits paid under **38 U.S.C. 1110** [38 U.S.C. 1114];
- 6 (5) compensation to volunteers under the federal retired and senior
- 7 volunteers (42 U.S.C. 5001), foster grandparents (42 U.S.C. 5011), and senior
- 8 companion (42 U.S.C. 5013) programs made in accordance with 42 U.S.C. 5044(f);
- 9 (6) federal World War II restitution payments made under **50 U.S.C.**
- 10 **App. 1989b-4 and c-5** [50 U.S.C. 1989B-4 AND c-5];
- 11 (7) payments under AS 18.67 (crime victim compensation);
- 12 (8) an amount determined by regulation of the Department of
- 13 Administration sufficient for burial expenses of the resident, the resident's spouse, and
- 14 dependents of the resident;
- 15 (9) real property being used as the primary residence of the resident's
- 16 spouse or a dependent of the resident;
- 17 (10) **for a home resident who has no spouse or dependent and who**
- 18 **has not been admitted to a permanent bed at the home, real property being used**
- 19 **as the resident's primary residence;**
- 20 (11) other real or personal property equal to at least a total value of
- 21 \$5,000 as established by regulation of the Department of Administration.

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

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

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

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

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

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

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

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

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

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

1 date, and place of a hearing to be held by the Department of Administration under (d)
 2 of this section. The department may not change the rate charged more than once in a
 3 fiscal year.

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

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

11 * **Sec. 16.** AS 47.55.080 is amended to read:

12 **Sec. 47.55.080. Enforcement against estate.** If a **home resident**
 13 [BENEFICIARY UNDER THIS CHAPTER] dies leaving an estate in the **United**
 14 **States** [STATE], the attorney general or the Department of Administration shall file
 15 with the executor or administrator, or with the probate court, the claim of the state
 16 against the estate, and the attorney general **or the Department of Administration**
 17 shall take the steps necessary to enforce and collect the claim. Money collected shall
 18 be paid into the treasury of the state.

19 * **Sec. 17.** AS 47.55.095 is amended to read:

20 **Sec. 47.55.095. Limitation on enforcement of claims against estate.**
 21 Notwithstanding AS 47.55.080 [AND 47.55.090], upon the death of a **home**
 22 [PIONEERS' HOME] resident [OR OF A RECIPIENT OF DAY CARE OR RESPITE
 23 SERVICES], a state claim for unpaid debt owed to the **home** [PIONEERS' HOME]
 24 may be satisfied only out of the decedent's estate. The state may not pursue a claim to
 25 the extent doing so would work undue hardship, as determined by regulation of the
 26 Department of Administration, on the surviving spouse or dependent of the decedent.
 27 Family portraits and heirlooms of the type identified under AS 09.38.020(a)(3),
 28 without regard to value, may not be taken by the state in satisfaction of a debt to the
 29 **home** [PIONEERS' HOME].

30 * **Sec. 18.** AS 47.55 is amended by adding a new section to read:

31 **Sec. 47.55.990. Definitions.** In this chapter, unless the context otherwise

1 requires, "home" means the Alaska Pioneers' and Veterans' Home.

2 * **Sec. 19.** AS 47.55.035, 47.55.040, and 47.55.090 are repealed.

3 * **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

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

9 * **Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 SURVEY AND EVALUATION. Subject to the availability of an appropriation for
12 the purpose of this section, the Department of Administration shall survey and evaluate
13 certain housing and care needs of veterans in this state that are not met by the Alaska
14 Pioneers' Home. The Department of Administration shall report to the governor and the
15 legislature on the results of the survey and evaluation no later than the first day of the Second
16 Regular Session of the Twenty-Third Alaska State Legislature.

17 * **Sec. 22.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 REVISOR INSTRUCTIONS. (a) When consistent with the changes in this Act, the
20 revisor of statutes is instructed to change references to "Alaska Pioneers' Home" to read
21 "Alaska Pioneers' and Veterans' Home" in the Alaska Statutes, including the following:

- 22 (1) AS 08.68.395(g)(2) and AS 08.70.080;
- 23 (2) AS 15.05.020(1);
- 24 (3) AS 18.07.111(8)(A);
- 25 (4) AS 36.30.990(1)(A);
- 26 (5) AS 37.05.146(b)(4)(EE) and 37.05.990(2);
- 27 (6) AS 37.07.120(1);
- 28 (7) AS 39.25.120(c)(8);
- 29 (8) AS 44.21.020(9);
- 30 (9) AS 47.25.140.

31 (b) When consistent with the changes in this Act, the revisor of statutes is instructed

1 to change references to "Pioneers' Home" to "Alaska Pioneers' and Veterans' Home" in the
2 Alaska Statutes, including the following:

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

7 (c) The revisor of statutes is instructed to change the heading of article 2 of AS 44.21
8 from "Article 2. Pioneers' Homes Advisory Board" to "Article 2. Alaska Pioneers' and
9 Veterans' Home Advisory Board."

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

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

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

20 CONTINGENT EFFECTIVENESS. (a) Section 4 of this Act takes effect only if a
21 version of a bill establishing the Alaska Veterans' Advisory Council is passed by the Twenty-
22 Second Alaska State Legislature and becomes law.

23 (b) Sections 1 - 19, 22, and 23 of this Act take effect only if an agreement is signed
24 between the federal Department of Veterans Affairs and the state Department of
25 Administration that includes a stipulation that federal regulations and laws in effect at the
26 time the agreement is signed will be construed by the Department of Veterans Affairs to allow
27 use of veterans' per diem payments from the Department of Veterans Affairs by veterans who
28 reside in the Alaska Pioneers' and Veterans' Home without any need for changes in the state
29 ownership and authority to operate and manage the home under the state laws as they would
30 exist after being amended by this Act.

31 * **Sec. 25.** Sections 20 and 21 of this Act take effect immediately under AS 01.10.070(c).

1 * **Sec. 26.** (a) If sec. 4 of this Act takes effect, it takes effect the day after the effective date
2 of sec. 3 of this Act or on the effective date of the Act described in sec. 24(a) of this Act,
3 whichever is later.

4 (b) If secs. 1 - 19, 22, and 23 of this Act take effect, they take effect on the date the
5 agreement described in sec. 24(b) of this Act is signed by both parties. The commissioner of
6 administration shall notify the revisor of statutes of this date and send a copy of the agreement
7 to the Legislative Budget and Audit Committee and the presiding officers of the Senate and
8 House of Representatives.