

CS FOR SENATE BILL NO. 55(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 4/19/02

Referred: Health, Education and Social Services, Finance

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska Pioneers' Home and the Alaska Pioneers' Homes**
2 **Advisory Board; relating to admissions to, payment assistance for, and transfers from**
3 **the home; relating to housing and services for veterans; and providing for an effective**
4 **date."**

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

6 * **Section 1.** AS 44.21.120 is amended to read:

7 **Sec. 44.21.120. Composition of the board.** (a) The Alaska Pioneers' Homes
8 Advisory Board consists of

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

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

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

13 **United States, including the Alaska National Guard or the Alaska**

14 **Territorial Guard; and**

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

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

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

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

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

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

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

21 (2) establish procedures that

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

25 (B) provide for a person who is not a veteran to be considered
 26 for admission to an unoccupied bed reserved under this subsection if no
 27 veteran who is qualified for admission to a reserved bed has applied for
 28 admission; and

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

31 (f) In this section, "veteran" means a person with 181 days or more of active

1 service in the armed forces of the United States, including the Alaska National Guard
2 or the Alaska Territorial Guard.

3 * **Sec. 3.** AS 47.55.020(a) is amended to read:

4 (a) Every person residing in the state who is 65 years of age or older, has been
5 a resident of the state continuously for more than **one year** [15 YEARS] immediately
6 preceding application for admission, and is in need of residence at the home because
7 of physical disability or other reason, is eligible for admission under conditions
8 prescribed in regulations of the Department of Administration. The spouse of a person
9 who is eligible for admission under other provisions of this subsection is also eligible
10 for admission to the home under conditions prescribed by the department if the spouse
11 is 65 years of age or older and has been a resident of the state continuously for more
12 than **one year** [15 YEARS] immediately preceding application for admission. In this
13 subsection, "physical disability or other reason" means inability to maintain a
14 household without regular assistance in shopping, housekeeping, meal preparation,
15 dressing, or personal hygiene because of physical or medical impairment, infirmity, or
16 disability.

17 * **Sec. 4.** AS 47.55.020(e) is amended to read:

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

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

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

31 (A) cash dividends and other income equal to at least \$2,000 as

1 established by regulation of the Department of Administration;

2 (B) stock;

3 (C) noncash dividends from stock; and

4 (D) land;

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

6 (4) veterans' benefits paid under **38 U.S.C. 1110** [38 U.S.C. 1114];

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

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

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

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

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

18 (10) **for a home resident who has no spouse or dependent and who**
19 **has not been admitted to a permanent bed at the home, real property being used**
20 **as the resident's primary residence;**

21 **(11)** other real or personal property equal to at least a total value of
22 \$5,000 as established by regulation of the Department of Administration.

23 * **Sec. 5.** AS 47.55.080 is amended to read:

24 **Sec. 47.55.080. Enforcement against estate.** If a beneficiary under this
25 chapter dies leaving an estate in the **United States** [STATE], the attorney general or
26 the Department of Administration shall file with the executor or administrator, or with
27 the probate court, the claim of the state against the estate, and the attorney general **or**
28 **the Department of Administration** shall take the steps necessary to enforce and
29 collect the claim. Money collected shall be paid into the treasury of the state.

30 * **Sec. 6.** AS 47.55.095 is amended to read:

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

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

9 * **Sec. 7.** AS 47.55.035, 47.55.040, and 47.55.090 are repealed.

10 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
 11 read:

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

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

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

24 * **Sec. 10.** Section 8 of this Act takes effect immediately under AS 01.10.070(c).