

**HOUSE BILL NO. 148**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/21/07

Referred: Health, Education and Social Services, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the senior care program; and providing for an effective date."**

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

3 \* **Section 1.** AS 47.45.300(a) is amended to read:

4 (a) The senior care program is established in the Department of Health and  
5 Social Services to provide cash assistance benefits [AND PRESCRIPTION DRUG  
6 BENEFITS] as far as practicable under appropriations provided by law.

7 \* **Sec. 2.** AS 47.45.300(c) is amended to read:

8 (c) If the department estimates that appropriations for the program are  
9 insufficient to meet the demands of the program in a fiscal year, the department may  
10 reduce or eliminate the cash assistance benefit [BENEFITS] available to recipients.  
11 [BENEFITS SHALL BE REDUCED OR ELIMINATED IN THE FOLLOWING  
12 ORDER:

- 13 (1) DEDUCTIBLE COVERAGE UNDER AS 47.45.320(c);  
14 (2) PREMIUM COVERAGE UNDER AS 47.45.320(c);  
15 (3) CASH ASSISTANCE UNDER AS 47.45.310(b).]

1 \* **Sec. 3.** AS 47.45.310(a) is amended to read:

2 (a) To be eligible for a cash assistance benefit under the program, an  
3 individual [SHALL]

4 (1) **must** be 65 years of age or older;

5 (2) **must** be a resident of the state;

6 (3) **must** have household income that does not exceed **135 percent of**  
7 **the annual federal poverty guidelines for Alaska, as determined by the federal**  
8 **Office of Management and Budget and revised under 42 U.S.C. 9902(2)**

9 [(A) \$16,133 A YEAR IF THE HOUSEHOLD CONSISTS OF  
10 ONE PERSON; OR

11 (B) \$21,641 A YEAR IF THE HOUSEHOLD CONSISTS OF  
12 TWO PEOPLE];

13 (4) **may not be receiving a longevity bonus payment under**  
14 **AS 45.45.010 - 47.45.150;**

15 (5) **must** meet other eligibility requirements specified in this  
16 subsection and in regulations adopted under this subsection; and

17 (6) **must** [(5)] apply on a form provided by the department; the  
18 department may use an abbreviated form for an individual who received a payment  
19 under an assistance program for seniors that paid \$120 a month and was administered  
20 by the department on or before the effective date of this section.

21 \* **Sec. 4.** AS 47.45.330 is amended to read:

22 **Sec. 47.45.330. Continuation of benefits.** An eligible individual who leaves  
23 the state may not receive a cash assistance benefit under AS 47.45.310 [OR  
24 PRESCRIPTION DRUG BENEFIT UNDER AS 47.45.320] during the absence unless  
25 the individual's absence is temporary and is for one of the following reasons:

26 (1) to receive medical treatment for the individual;

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

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

1 \* **Sec. 5.** AS 47.45.340 is amended to read:

2           **Sec. 47.45.340. Appeal rights.** An individual who receives a determination  
3 from the department that denies, limits, or modifies a cash assistance benefit [OR  
4 PRESCRIPTION DRUG BENEFIT] under AS 47.45.300 - 47.45.390, other than a  
5 determination under AS 47.45.300(c) to reduce or eliminate benefits, may request a  
6 hearing before the department under regulations adopted by the department.

7 \* **Sec. 6.** AS 47.45.350 is amended to read:

8           **Sec. 47.45.350. Ability to recover or recoup improper assistance benefits.**  
9 An individual is liable to the department for the value of assistance or benefits  
10 improperly paid to the person under AS 47.45.310 [OR 47.45.320] if the improper  
11 payment was based on inaccurate or incomplete information provided by the  
12 individual. In a civil action brought by the state to recover from the individual the  
13 value of assistance or benefits improperly paid under AS 47.45.310 [OR 47.45.320],  
14 the state may recover from the individual the costs of investigation and prosecution of  
15 the civil action, including attorney fees as determined under court rules.

16 \* **Sec. 7.** AS 47.45.390(2) is amended to read:

17           (2) "eligible individual" means an individual who meets the  
18 requirements of AS 47.45.310 [OR 47.45.320] and regulations adopted under **that**  
19 **statute** [THOSE STATUTES] for eligibility for the program;

20 \* **Sec. 8.** The uncodified law of the State of Alaska enacted in sec. 4, ch. 89, SLA 2005, is  
21 amended to read:

22           Sec. 4. AS 09.38.015(a)(10); **AS 37.05.146(c)(80)** [AS 37.05.146(c)(78)];  
23 AS 47.45.300, 47.45.310, [47.45.320,] 47.45.330, 47.45.340, 47.45.350, 47.45.360,  
24 **and** 47.45.390 [; AND SECS. 5 - 7 OF THIS ACT] are repealed [ON THE LATER  
25 OF] June 30, **2012** [2007, OR THE EFFECTIVE DATE UNDER SEC. 11 OF THIS  
26 ACT].

27 \* **Sec. 9.** The uncodified law of the State of Alaska enacted in sec. 9, ch. 89, SLA 2005, is  
28 amended to read:

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

31           **FUND REVERSION.** The unobligated, unencumbered, and unappropriated

1 balance of the Alaska senior care fund established in AS 47.45.360, added by sec. 2 of  
2 this Act, reverts to the unreserved general fund on June 30, 2012 [2007].

3 \* **Sec. 10.** AS 47.45.320 is repealed.

4 \* **Sec. 11.** Sections 8 and 9 of this Act take effect June 29, 2007.

5 \* **Sec. 12.** Section 10 of this Act takes effect June 30, 2007.

6 \* **Sec. 13.** Except as provided in secs. 11 and 12 of this Act, this Act takes effect July 1,  
7 2007.