

HOUSE BILL NO. 198

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES HAWKER, Harris, Coghill, Samuels, Chenault, Meyer, Foster, Doogan, Fairclough, Thomas, Wilson, Nelson, LeDoux

Introduced: 3/14/07

Referred: Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Alaska senior assistance payment program; repealing the**
2 **senior care and longevity bonus payment programs; and providing for an effective**
3 **date."**

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

5 *** Section 1.** AS 09.38.015(a) is amended to read:

6 (a) An individual is entitled to exemption of the following property:

7 (1) a burial plot for the individual and the individual's family;

8 (2) health aids reasonably necessary to enable the individual or a
9 dependent to work or to sustain health;

10 (3) benefits paid or payable for medical, surgical, or hospital care to
11 the extent they are or will be used to pay for the care;

12 (4) an award under AS 18.67 (Violent Crimes Compensation Board) or
13 a crime victim's reparations act of another jurisdiction;

14 (5) benefits paid or payable as a longevity bonus under **former**

1 **AS 47.45.010 - 47.45.160** [AS 47.45];

2 (6) compensation or benefits paid or payable and exempt under federal
3 law;

4 (7) liquor licenses granted under AS 04;

5 (8) tuition credit or savings accounts under a higher education savings
6 account established under AS 14.40.802 or an advance college tuition savings contract
7 authorized under AS 14.40.809(a);

8 (9) a permanent fund dividend to the extent allowed under
9 AS 43.23.065;

10 (10) benefits paid or payable as a senior **assistance** [CARE] benefit
11 under AS 47.45.300 - 47.45.390.

12 * **Sec. 2.** AS 18.56.850(b) is amended to read:

13 (b) In the development of a home energy conservation or weatherization
14 program under (a) of this section, the corporation may not consider the value of
15 [ALASKA LONGEVITY BONUS PAYMENTS UNDER AS 47.45 OR] permanent
16 fund dividends under AS 43.23 in determining whether a person meets income
17 guidelines established under AS 18.56.088 and (a) of this section for a state or, to the
18 extent permitted by federal law, a federal energy conservation or weatherization
19 program.

20 * **Sec. 3.** AS 37.05.146(c)(80) is amended to read:

21 (80) the Alaska **senior assistance** [SENIOR CARE] fund
22 (AS 47.45.360);

23 * **Sec. 4.** AS 44.99.205(c)(3) is amended to read:

24 (3) "program" includes the permanent fund dividend program under
25 AS 43.23 [AND THE LONGEVITY BONUS PROGRAM UNDER AS 47.45];

26 * **Sec. 5.** AS 47.45.240(c) is amended to read:

27 (c) The commission may not investigate, review, or undertake any
28 responsibility for [THE LONGEVITY BONUS PROGRAM UNDER AS 47.45.010 -
29 47.45.160 OR] the Alaska Pioneers' Home or Alaska Veterans' Home under AS 47.55.

30 * **Sec. 6.** AS 47.45.300 is repealed and reenacted to read:

31 **Sec. 47.45.300. Alaska senior assistance payment program.** (a) The Alaska

1 senior assistance payment program is established in the Department of Health and
 2 Social Services to provide cash assistance benefits as far as practicable under
 3 appropriations provided by law.

4 (b) The department shall administer the program and adopt regulations under
 5 AS 44.62 to carry out the purposes of the program.

6 (c) If the department estimates that appropriations for the program are
 7 insufficient to meet the demands of the program in a fiscal year, the department may
 8 reduce or eliminate the cash assistance benefit available to recipients.

9 * **Sec. 7.** AS 47.45.310 is repealed and reenacted to read:

10 **Sec. 47.45.310. Cash assistance benefit.** (a) An individual is eligible for a
 11 cash assistance benefit under the program if the individual

12 (1) is 65 years of age or older;

13 (2) is a resident of the state;

14 (3) has a household income that does not exceed 135 percent of the
 15 annual federal poverty guidelines for Alaska, as determined by the United States
 16 Department of Health and Human Services and revised under 42 U.S.C. 9902(2); and

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

21 (b) An eligible individual shall receive a monthly cash assistance payment as
 22 follows:

23 (1) \$250 if the individual's household income does not exceed 75
 24 percent of the federal poverty guidelines for Alaska;

25 (2) \$175 if the individual's household income does not exceed 100
 26 percent but is above 75 percent of the federal poverty guidelines for Alaska;

27 (3) \$125 if the individual's household income does not exceed 135
 28 percent but is above 100 percent of the federal poverty guidelines for Alaska.

29 * **Sec. 8.** AS 47.45.330 is amended to read:

30 **Sec. 47.45.330. Continuation of benefits.** An eligible individual who leaves
 31 the state may not receive a cash assistance benefit under AS 47.45.310 [OR

1 PRESCRIPTION DRUG BENEFIT UNDER AS 47.45.320] during the absence unless
2 the individual's absence is temporary and is for one of the following reasons:

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

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

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

9 * **Sec. 9.** AS 47.45.340 is amended to read:

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

15 * **Sec. 10.** AS 47.45.350 is amended to read:

16 **Sec. 47.45.350. Ability to recover or recoup improper assistance benefits.**
17 An individual is liable to the department for the value of assistance or benefits
18 improperly paid to the person under AS 47.45.310 or **former AS 47.45.320**
19 [47.45.320] if the improper payment was based on inaccurate or incomplete
20 information provided by the individual. In a civil action brought by the state to recover
21 from the individual the value of assistance or benefits improperly paid under
22 AS 47.45.310 or **former AS 47.45.320** [47.45.320], the state may recover from the
23 individual the costs of investigation and prosecution of the civil action, including
24 attorney fees as determined under court rules.

25 * **Sec. 11.** AS 47.45.360 is repealed and reenacted to read:

26 **Sec. 47.45.360. Alaska senior assistance fund.** The Alaska senior assistance
27 fund is established as an account in the general fund. The fund shall be used by the
28 commissioner of health and social services to pay for costs incurred in the provision of
29 senior services under AS 47.45.300 - 47.45.390. The fund consists of

30 (1) money in the former senior care fund established in sec. 2, ch. 89,
31 SLA 2005;

1 (2) appropriations to the Alaska senior assistance fund; and

2 (3) any appropriation of interest earned on money in the Alaska senior
3 assistance fund.

4 * **Sec. 12.** AS 47.45.390(2) is amended to read:

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

8 * **Sec. 13.** Section 4, ch. 89, SLA 2005, is amended to read:

9 Sec. 4. AS 09.38.015(a)(10); **AS 37.05.146(c)(80)** [AS 37.05.146(c)(78)];
10 AS 47.45.300, 47.45.310, [47.45.320,] 47.45.330, 47.45.340, 47.45.350, 47.45.360,
11 **and** 47.45.390; [AND SECS. 5 - 7 OF THIS ACT] are repealed [ON THE LATER
12 OF] June 30, **2011** [2007, OR THE EFFECTIVE DATE UNDER SEC. 11 OF THIS
13 ACT].

14 * **Sec. 14.** The uncodified law of the State of Alaska enacted in sec. 9, ch. 89, SLA 2005, is
15 amended to read:

16 Sec. 9. FUND REVERSION. The unobligated, unencumbered, and
17 unappropriated balance of the Alaska senior care fund established in AS 47.45.360,
18 added by sec. 2, **ch. 89, SLA 2005** [OF THIS ACT], reverts to the **unrestricted**
19 [UNRESERVED] general fund on June 30, **2011** [2007].

20 * **Sec. 15.** AS 44.64.030(a)(34), AS 47.08.060(c)(8); AS 47.45.010, 47.45.020, 47.45.030,
21 47.45.040, 47.45.050, 47.45.060, 47.45.070, 47.45.080, 47.45.100, 47.45.110, 47.45.120,
22 47.45.122, 47.45.130, 47.45.140, 47.45.150, 47.45.160, and 47.45.320 are repealed.

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

25 TRANSITION: TRANSFER OF ASSETS FROM THE ALASKA SENIOR CARE
26 FUND. Subject to appropriation, the assets of the senior care fund established by sec. 2, ch.
27 89, SLA 2005, are transferred to the Alaska senior assistance fund established by sec. 11 of
28 this Act.

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

31 TRANSITION: REGULATIONS. (a) To the extent the regulations are not

1 inconsistent with this Act, regulations adopted by the Department of Health and Social
2 Services to provide cash assistance of \$120 a month to seniors that were in effect on the
3 effective date of sec. 6 of this Act, remain applicable and in effect as valid regulations until
4 the Department of Health and Social Services adopts regulations under this Act and those
5 regulations take effect under AS 44.62.

6 (b) The Department of Health and Social Services may proceed to adopt regulations
7 to implement the changes made by this Act. The regulations take effect under AS 44.62
8 (Administrative Procedure Act), but not before the effective date of the statutory changes.

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

11 **RETROACTIVITY AND REVIVAL.** If secs. 1 - 15 of this Act take effect after
12 June 30, 2007,

13 (1) AS 47.45.300 - 47.45.390, as amended by this Act, the repeal of
14 AS 47.45.320, and secs. 13 and 14 of this Act, are retroactive to June 30, 2007; and

15 (2) AS 47.45.300, 47.45.310, 47.45.330, 47.45.340, 47.45.350, 47.45.360, and
16 47.45.390, as amended by this Act, are revived.

17 * **Sec. 19.** Sections 16, 17(b), and 18 of this Act take effect immediately under
18 AS 01.10.070(c).

19 * **Sec. 20.** Except as provided in sec. 19 of this Act, this Act takes effect June 30, 2007.