

CS FOR SENATE BILL NO. 4(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/4/07

Referred: Today's Calendar

Sponsor(s): SENATOR OLSON

A BILL

FOR AN ACT ENTITLED

1 **"An Act extending the cash assistance benefit program for seniors under the senior care**
2 **program and increasing the benefit amount; and providing for an effective date."**

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

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

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

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

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

13 (1) DEDUCTIBLE COVERAGE UNDER AS 47.45.320(c);

14 (2) PREMIUM COVERAGE UNDER AS 47.45.320(c);

1 (3) CASH ASSISTANCE UNDER AS 47.45.310(b).]

2 * **Sec. 3.** AS 47.45.310 is repealed and reenacted to read:

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

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

6 (2) is a resident of the state;

7 (3) has a household income that does not exceed 150 percent of the
8 annual federal poverty guidelines for Alaska, as determined by the United States
9 Department of Health and Human Services and revised under 42 U.S.C. 9902(2);

10 (4) has not received a longevity bonus payment under AS 47.45.010 -
11 47.45.160 for the same period; and

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

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

18 (1) \$175 if the individual's household income does not exceed 100
19 percent of the federal poverty guidelines for Alaska;

20 (2) \$150 if the individual's household income does not exceed 135
21 percent but is above 100 percent of the federal poverty guidelines for Alaska;

22 (3) \$100 if the individual's household income does not exceed 150
23 percent but is above 135 percent of the federal poverty guidelines for Alaska.

24 (c) Cash assistance provided under this section is subject to appropriation.

25 * **Sec. 4.** AS 47.45.330 is amended to read:

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

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

31 (2) to accompany the individual's family member who is receiving

1 medical treatment outside the state; or

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

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

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

11 * **Sec. 6.** AS 47.45.350 is amended to read:

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

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

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

25 * **Sec. 8.** Section 4, ch. 89, SLA 2005, is repealed and reenacted to read:

26 Sec. 4. AS 47.45.320 is repealed on June 30, 2007.

27 * **Sec. 9.** AS 09.38.015(a)(10); AS 37.05.146(c)(80); AS 47.45.300, 47.45.310, 47.45.330,
28 47.45.340, 47.45.350, 47.45.360, and 47.45.390 are repealed June 30, 2011.

29 * **Sec. 10.** Section 9, ch. 89, SLA 2005, is repealed.

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

1 RETROACTIVITY AND REVIVAL. If secs. 1 - 10 of this Act take effect after
2 June 30, 2007,

3 (1) AS 47.45.300 - 47.45.390, as amended by this Act, and secs. 8 and 10 of
4 this Act, are retroactive to June 30, 2007; and

5 (2) AS 47.45.300, 47.45.310, 47.45.330, 47.45.340, 47.45.350, 47.45.360, and
6 47.45.390, as amended by this Act, are revived.

7 * **Sec. 12.** Section 11 of this Act takes effect immediately under AS 01.10.070(c).

8 * **Sec. 13.** Except as provided in sec. 12 of this Act, this Act takes effect June 30, 2007.