

SENATE BILL NO. 90

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE 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.