

SENATE BILL NO. 184

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATOR BEGICH

Introduced: 2/8/22

Referred: Health and Social Services, Finance

A BILL**FOR AN ACT ENTITLED**

1 **"An Act relating to Alaska Native settlement trusts and eligibility for adult public**
2 **assistance, senior benefits, and the Alaska Pioneers' Home."**

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

4 * **Section 1.** AS 47.25.435 is amended to read:

5 **Sec. 47.25.435. Exclusion of income.** Notwithstanding the provisions of
6 AS 47.25.430 - 47.25.615, if the applicable provisions of 42 U.S.C. 301 - 1397f
7 (Social Security Act), as amended, permit, in determining the need of an applicant for,
8 or a recipient of, an assistance grant under AS 47.25.430 - 47.25.615, the department
9 shall exclude from the computation of the applicant's or recipient's income the
10 amounts specified in 42 U.S.C. [SEC.] 1382a(b), as amended, amounts specified in
11 regulations adopted to implement the supplemental security income provisions of
12 federal law, [AND] any amounts specified by the department by regulation so long as
13 exclusion of those amounts is not in conflict with federal law, **and an interest in a**
14 **settlement trust or an amount distributed from or benefit provided by a**

settlement trust to an Alaska Native individual, or descendant of an Alaska Native individual, who is an aged, blind, or disabled individual. In this section, "aged, blind, or disabled individual" has the meaning given in 42 U.S.C. 1382c(a)(1).

* **Sec. 2.** AS 47.45.302 is amended by adding a new subsection to read:

(d) In calculating household income under (a)(4) of this section, the department shall exclude an interest in a settlement trust or an amount distributed from or benefit provided by a settlement trust to an Alaska Native individual, or descendant of an Alaska Native individual, who is an aged, blind, or disabled individual. In this subsection, "aged, blind, or disabled individual" has the meaning given in 42 U.S.C. 1382c(a)(1).

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

(d) Notwithstanding AS 47.55.070 and (b) of this section, a resident of a home whose income, assets, and other resources are insufficient to pay the monthly or daily rates set under AS 47.55.030(f) plus charges under AS 47.55.030(b), and who does not have private insurance to cover the cost of care, qualifies for payment assistance if the resident is otherwise in compliance with requirements under this chapter. The amount of payment assistance equals the amount needed, when added to other income and assets of the resident, to pay the monthly or daily rates set under AS 47.55.030(f) plus charges under AS 47.55.030(b). Payment assistance received by a home resident is a debt to the state. In determining the amount of payment assistance for which a home resident qualifies, the following income, assets, and other resources of the resident shall be disregarded:

(1) income from any source in an amount up to \$300 a month as established by the department by regulation;

(2) the following assets received under 43 U.S.C. 1601 et seq. (Alaska Native Claims Settlement Act):

(A) cash dividends and other income equal to at least \$2,000 as established by the department by regulation;

(B) stock;

(C) noncash dividends from stock; and

- 1 (D) land;
- 2 (3) a permanent fund dividend issued under AS 43.23;
- 3 (4) compensation to volunteers under the federal retired and senior
- 4 volunteers (42 U.S.C. 5001), foster grandparents (42 U.S.C. 5011), and senior
- 5 companion (42 U.S.C. 5013) programs made in accordance with 42 U.S.C. 5044(f);
- 6 (5) federal World War II restitution payments made under 50 U.S.C.
- 7 App. 1989b-4 and c-5;
- 8 (6) payments under AS 18.67 (Violent Crimes Compensation Board);
- 9 (7) an amount, determined by the department by regulation, that is
- 10 sufficient for burial expenses of the resident, the resident's spouse, and dependents of
- 11 the resident;
- 12 (8) real property being used as the primary residence of the resident's
- 13 spouse or a dependent of the resident;
- 14 (9) other real or personal property equal to at least a total value of up
- 15 to \$10,000 as established by the department by regulation;
- 16 (10) federal payments that are excluded by law from income for
- 17 federal assistance purposes;
- 18 **(11) an interest in a settlement trust or an amount distributed**
- 19 **from or benefit provided by a settlement trust to an Alaska Native individual, or**
- 20 **descendant of an Alaska Native individual, who is an aged, blind, or disabled**
- 21 **individual; in this paragraph, "aged, blind, or disabled individual" has the**
- 22 **meaning given in 42 U.S.C. 1382c(a)(1).**