

ALASKA LEGISLATURE

2727

HOUSE and SENATE FINANCE COMMITTEE FILES, 2003-2004

SENATE FINANCE
COMMITTEE
Amendment Number: #2 3
Bill Number: SB 301
Sponsor: Green Date: 3/26/04
Logged In By: Rob W

ADOPTED
SB301R
3/26/4

AMENDMENT

OFFERED IN THE SENATE FINANCE BY. Sen. Green

TO:

- 1 Page 8, line ⁶7, following "space":
- 2 Insert ", up to 50 percent of the total floor space in a home,"

Conceptual
amendment #3

SENATE FINANCE COMMITTEE
3/26/2004 COMMITTEE ACTION

<u>Bill Number</u>	SB 301	
<u>Amendment</u>	Conceptual Amendment #3	
<u>Motion</u>	to ADOPT	
<u>Motion by</u>	GREEN	
<u>Objection by</u>	NONE	
<u>Removed</u>		
<u>Second Objection by</u>		
<u>Committee Member</u>	Y	Vote N
Senator Dyson		
Senator Hoffman		
Senator Olson		
Senator Stevens		
Senator Bunde		
Co-Chair Green		
Co-Chair Wilken		
<u>Tally</u>		
Yea		
Nay		
Absent		
<u>MOTION</u>	ADOPTED	



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: Fri 3/26/04 TIME: 11:20 AM

TO: LEGAL

NUMBER OF PAGES, INCLUDING COVER SHEET: 4

FROM: ROBIN PAUL
SENATE FINANCE CMTE. ASST. SECRETARY
PHONE: 465-2618
FAX: 465-2187

NOTES: Need SFC FINAL with attached changes pls.

Amend C.S SB 301 (HES) Version 23-GS 2005/Q

by incorporating

Amend #1 (attached)

Amend #3 (attached)

I changing page 3, line 3 voter's to
voter (or per Jean Mitchell & Stella Peterson)

Thanks
Robin

SB 301

3/26/04

Technical Questions

Page 1

Line 1
Line 2
Line 3

Alaska Pioneers' Home
or Home

Alaska Veterans' Home

drafting
require
single
used
not
limiting

Page 6

Line 26
same question

Page 3, Line 3

voters' or voter's

not drafting
grammatical
meaning is understand
issue
obscure

Jean
Mischel
Attorney

SB 301 3/26/04

Editorial change
on drafters,
Confirmed that
it is grammatical
Chicago style.



Could
Go back ~~to~~ Original
without issue

Not a Substantive change

Jean: 6658

11:10 AM
3/26/04

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P. 03

Manual of Style

The Essential Guide
for Writers, Editors,
and Publishers

14th
Edition

not unexpectedly, there are some exceptions to this rule. The plurals of abbreviations for *page*, *note*, and *line*, for example, are formed by doubling the letter: p., pp.; n., nn.; l., ll. Note also that in the plural abbreviation for *manuscript* the added *s* is a capital (MS, MSS).

- 6.17 Abbreviations having more than one period, such as M.D. and Ph.D., often form their plurals by the addition of an apostrophe and an *s*. Noun abbreviations with only one (terminal) period usually form their plurals by the addition of *s* before the period.

M.A.'s and Ph.D.'s	ed., eds.
vol., vols.	yr., yrs.

If the addition of an *s* to an abbreviation forms a different abbreviation (Mr., Mrs., for example), the plural is formed irregularly:

Mr., Messrs.	Mrs., Mmes or Mmes.
--------------	---------------------

If the word or term abbreviated is not a noun, but the abbreviation itself is referred to as a term and is hence italicized, its plural may be formed by the addition of a roman *s* before the terminal period:

The footnotes were overburdened with *ibids.* and *ut sups.*
 The author's penchant for *vizs.* was driving Manzoni insane.

CHOICE OF PLURALS

- 6.18 When the dictionary followed gives two different plurals for the same word, either may be used, although the first is usually preferred. In any case, the choice should be consistent throughout the work.

memorandums, memoranda	appendixes, appendices
symposia, symposiums	millennia, millenniums

Note, however, that different senses of the same word may have different plurals. Thus a book may have two *indexes* and a mathematical expression two *indices*.

Possessives

GENERAL RULES

- 6.19 The possessive of singular nouns is formed by the addition of an apostrophe and an *s*, and the possessive of plural nouns (except for a few irregular plurals) by the addition of an apostrophe only:

the horse's mouth the puppies' tails the children's desk

There are a few exceptions to the rule for common nouns. In one notable case, tradition and euphony dictate the use of the apostrophe only:

for appearance' (conscience', righteousness', etc.) sake

2157.

In another instance, the possessive singular of such uninflected nouns as *series* and *species* is also formed with the apostrophe only, although the more usual way to express possession with such nouns is by the prepositional phrase: *of the species*.

- 6.20 Closely linked nouns are often considered a single unit in forming the possessive, when the entity possessed is the same for both:

my aunt and uncle's house
 the skull and crossbones' symbolic meaning

When the "ownership" is separate, however, both nouns take the possessive form:

our son's and daughter's friends

- 6.21 Analogous to possessives, and formed like them, are expressions based on the old genitive case:

an hour's delay in three days' time
 Charles's having been there

In the last example, the genitive *Charles's* "possesses" the gerund *having*. Should the following word be a participle, or gerundive, however—that is, a verb form used as an adjective—the case is not the genitive and the apostrophe and *s* are not used:

Peter was annoyed by Carrie's reading the letter.
 but
 Max was delighted to see Carrie reading the letter.

COMPOUND NOUNS

- 6.22 It is customary to form the possessive of all compound nouns, whether closed, open, or hyphenated, and of similar noun phrases by adding the inflection at the end of the compound or phrase:

cookbook's	doctor of philosophy's
daughter-in-law's	the mayor of Chicago's

The possessive of the plurals of compound nouns may be formed in the same way, but many of the resulting forms are awkward and might profitably be replaced by the possessive prepositional phrase with *of*:

cookbooks'
 daughters-in-law's or of the daughters-in-law

To form the possessive of the plural of noun phrases, like the one illustrated above, it is best to use the construction with *of* and avoid the possessive inflection:

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NUMBER OF PAGES (including cover sheet): 3 DATE SENT 3/26 TIME 1105 SENT BY JM

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NOTES/INSTRUCTIONS:

CS SB 301 (HES)

Attention: Sheila
Of Senator Wilken's office
RE: SB 301

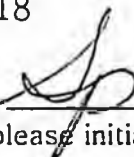
Date: 3/26/04 Time: 3:40 PM

The attached Senate Finance CS incorporates the amendment(s) your boss sponsored. Please review and approve so the bill can be forwarded to the Senate Secretary.

The CS is your copy.

*Looks good
to me*

Thanks,
Senate Finance Secretary
Mindy #4935
Robin #2618

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Attention: Deb

Of Senator Green's office

RE: SB 301

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Thanks,

Senate Finance Secretary

Mindy #4935

Robin #2618

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23-GS2085\S

CS FOR SENATE BILL NO. 301(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska Pioneers' Home and the Alaska Veterans' Home; relating**
2 **to eligibility for admission to the Alaska Pioneers' Home and Alaska Veterans' Home;**
3 **relating to the eligibility of residents for the Alaska Pioneers' Home and the Alaska**
4 **Veterans' Home for general relief assistance; relating to state veterans' home facilities;**
5 **making conforming amendments; and providing for an effective date."**

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

7 *** Section 1. AS 08.68.395(g)(2) is amended to read:**

8 (2) "health care facility" means a private, municipal, state, or federal
9 hospital, psychiatric hospital, tuberculosis hospital, skilled nursing facility, kidney
10 disease treatment center (excluding freestanding hemodialysis units), intermediate care
11 facility, or Alaska Pioneers' Home or Alaska Veterans' Home administered by the
12 Department of Health and Social Services [ADMINISTRATION] under AS 47.55.

13 *** Sec. 2. AS 15.05.020 is amended to read:**

1 **Sec. 15.05.020. Rules for determining residence of voter.** For the purpose
2 of determining residence for voting, the place of residence is governed by the
3 following rules:

4 (1) A person may not be considered to have gained a residence solely
5 by reason of presence nor may a person lose it solely by reason of absence while in the
6 civil or military service of this state or of the United States or of absence because of
7 marriage to a person engaged in the civil or military service of this state or the United
8 States, while a student at an institution of learning, while in an institution or asylum at
9 public expense, while confined in public prison, while engaged in the navigation of
10 waters of this state [,] or the United States or of the high seas, while residing upon an
11 Indian or military reservation, or while residing in the Alaska Pioneers' Home or the
12 Alaska Veterans' Home.

13 (2) The residence of a person is that place in which the person's
14 habitation is fixed, and to which, whenever absent, the person has the intention to
15 return. If a person resides in one place, but does business in another, the former is the
16 person's place of residence. Temporary construction camps do not constitute a
17 dwelling place.

18 (3) A change of residence is made only by the act of removal joined
19 with the intent to remain in another place. There can only be one residence.

20 (4) A person does not lose residence if the person leaves home and
21 goes to another country, state, or place in this state for temporary purposes only and
22 with the intent of returning.

23 (5) A person does not gain residence in any place to which the person
24 comes without the present intention to establish a permanent dwelling at that place.

25 (6) A person loses residence in this state if the person votes in another
26 state's election, either in person or by absentee ballot, and will not be eligible to vote
27 in this state until again qualifying under AS 15.05.010.

28 (7) [REPEALED

29 (8)] The term of residence is computed by including the day on which
30 the person's residence begins and excluding the day of election.

31 (8) [(9) REPEALED

·1 (10)] The address of a voter as it appears on an official voter
 2 registration card is presumptive evidence of the person's voting residence. This
 3 presumption is negated only by the voter notifying the director in writing of a change
 4 of voting residence.

5 * Sec. 3. AS 17.37.070(6) is amended to read:

6 (6) "facility monitored by the department or the Department of
 7 Administration" means an institution, building, office, or home operated by the
 8 department or the Department of Administration, funded by the department or the
 9 Department of Administration, under contract with the department or the Department
 10 of Administration, inspected by the department or the Department of Administration,
 11 designated by the department or the Department of Administration, or licensed by the
 12 department or the Department of Administration, for the care of

13 (A) juveniles; for the purposes of this subparagraph,
 14 "institution" includes a foster home and a group home, and a juvenile detention
 15 facility, a juvenile detention home, a juvenile work camp, and a treatment
 16 facility, as those terms are defined in AS 47.14.990;

17 (B) the elderly, for the purposes of this subparagraph,
 18 "institution" includes

19 (i) an assisted living home as defined in AS 47.33.990; and

20 (ii) the Alaska [A] Pioneers' Home or the Alaska Veterans'
 21 Home, operated under AS 47.55;

22 (C) the mentally ill; for the purposes of this subparagraph,
 23 "institution" includes a designated treatment facility and an evaluation facility,
 24 as those terms are defined in AS 47.30.915;

25 * Sec. 4. AS 18.07.111(8) is amended to read:

26 (8) "health care facility" means a private, municipal, state, or federal
 27 hospital, psychiatric hospital, tuberculosis hospital, skilled nursing facility, kidney
 28 disease treatment center (including freestanding hemodialysis units), intermediate care
 29 facility, and ambulatory surgical facility; the term excludes

30 (A) the [AN] Alaska Pioneers' Home and the Alaska
 31 Veterans' Home administered by the Department of Health and Social

· 1 Services [ADMINISTRATION] under [AS 44.21.02(9) AND] AS 47.55; and

2 (B) the offices of private physicians or dentists whether in
3 individual or group practice;

4 * Sec. 5. AS 18.35.300 is amended to read:

5 **Sec. 18.35.300. Places where smoking is regulated.** Smoking in any form is
6 a nuisance and a public health hazard and is prohibited in the following vehicles and
7 indoor places, except as allowed under AS 18.35.310:

8 (1) a vehicle of public transportation and a waiting, baggage, or
9 boarding area for a vehicle of public transportation, including a bus, ferry vessel, train,
10 limousine for hire, taxicab, or scheduled interstate or intrastate aircraft flight when
11 consistent with federal law;

12 (2) a place of employment, a building or other structure, or a portion of
13 them, owned, leased, or operated by the state or a political subdivision of the state,
14 including an office, library, museum, theater, concert hall, convention hall,
15 gymnasium, swimming pool, or other place of entertainment or recreation;

16 (3) a public or private postsecondary educational institution or adult
17 day care facility;

18 (4) a courtroom or jury deliberation room;

19 (5) a room, chamber, or other place under the control of the state
20 senate or state house of representatives while a public meeting or public assembly is
21 not in progress;

22 (6) a nursing home, rest home, or other residential health care
23 institution or facility, or a public or private office or facility that is engaged primarily
24 in providing mental health services;

25 (7) a food service establishment that has a seating capacity of at least
26 50 persons;

27 (8) a grocery store or other store maintained primarily for the retail
28 sale of food products;

29 (9) a place of employment in which the owner, manager, proprietor, or
30 other person who has control of the premises posts a sign stating that smoking is
31 prohibited by law;

1 (10) a correctional facility; and

2 (11) the Alaska [A] Pioneers' Home or the Alaska Veterans' Home.

3 * Sec. 6. AS 36.30.990(1) is amended to read:

4 (1) "agency"

5 (A) means a department, institution, board, commission,
6 division, authority, public corporation, the Alaska Pioneers' Home, the Alaska
7 Veterans' Home, or other administrative unit of the executive branch of state
8 government;

9 (B) does not include

10 (i) the University of Alaska;

11 (ii) the Alaska Railroad Corporation;

12 (iii) the Alaska Housing Finance Corporation;

13 (iv) a regional Native housing authority created under
14 AS 18.55.996 or a regional electrical authority created under
15 AS 18.57.020;

16 (v) the Department of Transportation and Public
17 Facilities, in regard to the repair, maintenance, and reconstruction of
18 vessels, docking facilities, and passenger and vehicle transfer facilities
19 of the Alaska marine highway system;

20 (vi) the Alaska Aerospace Development Corporation;

21 (vii) the Alaska State Pension Investment Board;

22 (viii) the Alaska Seafood Marketing Institute;

23 * Sec. 7. AS 37.05.146(c)(31) is amended to read:

24 (31) Alaska Pioneers' Home and Alaska Veterans' Home care and
25 support receipts under AS 47.55.030;

26 * Sec. 8. AS 37.05.990(2) is amended to read:

27 (2) "state agency," "agency," "department," or similar term means a
28 department, office, institution, board, commission, bureau, division, or other
29 administrative unit forming the state government, and includes the Alaska Pioneers'
30 Home, the Alaska Veterans' Home, and the University of Alaska.

31 * Sec. 9. AS 37.07.120(1) is amended to read:

1 (1) "agency" means a department, officer, institution, board,
 2 commission, bureau, division, or other administrative unit forming the state
 3 government and includes the Alaska Pioneers' Home, the Alaska Veterans' Home,
 4 and the University of Alaska, but does not include the legislature or the judiciary;

5 * Sec. 10. AS 39.25.120(c)(8) is amended to read:

6 (8) Alaska Pioneers' Home and Alaska Veterans' Home managers;

7 * Sec. 11. AS 44.29.020(a)(16) is amended to read:

8 (16) the Alaska Pioneers' Home and the Alaska Veterans' Home
 9 [HOMES];

10 * Sec. 12. AS 47.25.140 is amended to read

11 **Sec. 47.25.140. Residents of public institutions.** Payment under
 12 AS 47.25.120 - 47.25.300 may not be made to or on [IN] behalf of an individual who
 13 is a resident of a [THE ALASKA PIONEERS' HOME OR OTHER] public institution,
 14 except as a patient in a public medical institution, or an individual who is a patient in a
 15 public or private institution for tuberculosis or mental disease. A resident of a [THE
 16 ALASKA PIONEERS' HOME OR OTHER] public institution who is otherwise
 17 eligible to receive an allowance under AS 47.25.120 - 47.25.300 may apply for the
 18 allowance instead of the support and maintenance provided in the [HOME OR] public
 19 institution.

20 * Sec. 13. AS 47.25.140 is amended by adding a new subsection to read:

21 (b) In this section, "public institution" does not include the Alaska Pioneers'
 22 Home or the Alaska Veterans' Home.

23 * Sec. 14. AS 47.45.240(c) is amended to read:

24 (c) The commission may not investigate, review, or undertake any
 25 responsibility for the longevity bonus program under AS 47.45.010 - 47.45.160 or the
 26 Alaska Pioneers' Home or Alaska Veterans' Home [HOMES] under AS 47.55.

27 * Sec. 15. AS 47.55.010 is repealed and reenacted to read:

28 **Sec. 47.55.010. Maintenance of Alaska Pioneers' Home and Alaska**
 29 **Veterans' Home.** (a) The state shall maintain facilities known as the Alaska
 30 Pioneers' Home at Sitka and at other sites designated by the commissioner of health
 31 and social services. The state may maintain one or more facilities known as the

1 Alaska Veterans' Home at sites designated by the commissioner of health and social
2 services. The only Pioneers' Home that may be maintained as a Veterans' Home is the
3 Pioneer's Home located in Palmer, Alaska. The Alaska Pioneers' Home and the
4 Alaska Veterans' Home shall be collectively administered by the Department of
5 Health and Social Services as the Alaska Pioneers' Home and Alaska Veterans' Home.

6 (b) The department shall formulate general policies for the homes designated
7 under (a) of this section. It may hold hearings and subpoena witnesses and documents
8 and may administer oaths in connection with the homes.

9 (c) The department shall

10 (1) cooperate with the federal government in matters pertaining to the
11 welfare of Alaska pioneers and of veterans who reside in the homes operated under
12 this chapter, make the reports in the form and containing the information the federal
13 government from time to time desires, and accept money allotted by the federal
14 government, its agencies, or its instrumentalities in establishing, extending, and
15 strengthening services for pioneers and veterans who reside in a home operated under
16 this chapter;

17 (2) adopt regulations necessary to conduct business and to carry out
18 the provisions of this chapter, require bonds and undertakings from persons employed
19 by a home as in its judgment are necessary, and pay the premiums on them, and
20 establish regional and local offices and the advisory groups that are necessary or
21 considered expedient to carry out or assist in carrying out a duty or authority assigned
22 to it;

23 (3) perform all executive or administrative duties necessary and
24 advisable to carry out the purpose of this chapter, including the power to make
25 contracts and to make disbursements on vouchers against appropriations for the
26 purpose of this chapter, within the limit of appropriations available;

27 (4) study the needs of pioneers and veterans of this state who reside in
28 the homes operated under this chapter and submit recommendations for new
29 regulations and proposed legislation.

30 (d) The department may employ the necessary subordinate officers and
31 employees, and shall prescribe methods for operation of the homes, standards of care

1 and service to home residents, and rules governing personnel. The methods for
2 operation and standards of care and services to residents prescribed under this
3 subsection shall be the same as the methods for operation and standards of care
4 established by the department for an assisted living home licensed under AS 47.33.

5 (e) The department may engage in activities directed to increase revenue from
6 a home. These activities may include the lease of excess bed or floor space, up to 50
7 percent of the total floor space in a home, or lease of space or buildings that are not in
8 use or are underutilized.

9 * **Sec. 16.** AS 47.55.020 is repealed and reenacted to read:

10 **Sec. 47.55.020. Admission to a home.** (a) Every person residing in the state
11 who is 65 years of age or older, has been a resident of the state continuously for more
12 than one year immediately preceding application for admission, and is in need of
13 residence at a home because of physical disability or other reason, is eligible for
14 admission to the Alaska Pioneers' Home or the Alaska Veterans' Home under
15 conditions prescribed in regulations. The spouse of a person who is eligible for
16 admission under other provisions of this subsection is also eligible for admission to a
17 home under conditions prescribed by the department if the spouse is 65 years of age or
18 older and has been a resident of the state continuously for more than one year
19 immediately preceding application for admission.

20 (b) Every person admitted to a home who receives income from any source in
21 excess of \$100 a month shall be required by the department to pay the excess to the
22 department immediately upon receipt of the money in payment, or part payment, of
23 the cost of the person's care. However, the department may not require in any month
24 the payment of an amount greater than the monthly rate set under AS 47.55.030(b)
25 except to satisfy indebtedness incurred under AS 47.55.070. The department may not
26 evict a person from a home if the income and assets of the person are insufficient to
27 pay the monthly rate set under AS 47.55.030(b) and the person is otherwise in
28 compliance with requirements under this chapter.

29 (c) At the end of each month, the payments made under (b) of this section
30 shall be transmitted to the commissioner of revenue. The department may pay the sum
31 of \$100 a month to a resident without money.

'1 (d) Notwithstanding AS 47.55.070 and (b) of this section, a resident of a home
2 whose income, assets, and other resources are insufficient to pay the monthly rate set
3 under AS 47.55.030(b), and who does not have private insurance to cover the cost of
4 care, qualifies for payment assistance if the resident is otherwise in compliance with
5 requirements under this chapter. The amount of payment assistance equals the amount
6 needed, when added to other income and assets of the resident, to pay the monthly rate
7 set under AS 47.55.030(b). Payment assistance received by a home resident is a debt
8 to the state. In determining the amount of payment assistance for which a home
9 resident qualifies, the following income, assets, and other resources of the resident
10 shall be disregarded:

11 (1) income from any source in an amount up to \$100 a month as
12 established by the department by regulation;

13 (2) the following assets received under 43 U.S.C. 1601 - 1629g
14 (Alaska Native Claims Settlement Act):

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

17 (B) stock;

18 (C) noncash dividends from stock; and

19 (D) land;

20 (3) a permanent fund dividend issued under AS 43.23;

21 (4) compensation to volunteers under the federal retired and senior
22 volunteers (42 U.S.C. 5001), foster grandparents (42 U.S.C. 5011), and senior
23 companion (42 U.S.C. 5013) programs made in accordance with 42 U.S.C. 5044(f);

24 (5) federal World War II restitution payments made under 50 U.S.C.
25 App. 1989b-4 and c-5;

26 (6) payments under AS 18.67 (Violent Crimes Compensation Board);

27 (7) an amount, determined by the department by regulation, that is
28 sufficient for burial expenses of the resident, the resident's spouse, and dependents of
29 the resident;

30 (8) real property being used as the primary residence of the resident's
31 spouse or a dependent of the resident;

1 (9) other real or personal property equal to at least a total value of
2 \$5,000 as established by the department by regulation.

3 (e) As a condition for receipt of payment assistance under (d) of this section,
4 the department, under regulations adopted by the department, may require a person to
5 apply for other state or federally sponsored programs that may reduce the amount of
6 the payment assistance.

7 * Sec. 17. AS 47.55.030(a) is amended to read:

8 (a) A person eligible for admission under AS 47.55.020 may, on application,
9 be admitted to the Alaska Pioneers' Home or the Alaska Veterans' Home [HOME]
10 upon the person's agreement to pay to the state each month an amount the department
11 [DEPARTMENT OF HEALTH AND SOCIAL SERVICES] considers sufficient to
12 compensate the state for the cost of care and support of the person at the home. When
13 this agreement is entered into, the department [DEPARTMENT OF HEALTH AND
14 SOCIAL SERVICES] may require security for the payments.

15 * Sec. 18. AS 47.55.030(c) is amended to read:

16 (c) The department [DEPARTMENT OF HEALTH AND SOCIAL
17 SERVICES] shall provide to all residents of the homes [PIONEERS' HOME] written
18 notice of any proposed change in the rate charged for care and support of persons at
19 the homes [HOME]. Notice under this section shall be given not less than 60 days
20 before a change is adopted. The notice must include the time, date, and place of a
21 hearing to be held by the department [DEPARTMENT OF HEALTH AND SOCIAL
22 SERVICES] under (d) of this section. The department may not change the rate
23 charged more than once in a fiscal year.

24 * Sec. 19. AS 47.55.040 is amended to read:

25 **Sec. 47.55.040. Transfer of mentally ill residents to an [ANOTHER]**
26 **institution.** A person regularly admitted into the Alaska Pioneers' Home or the
27 Alaska Veterans' Home [HOME] who is found to be insane may be transferred to an
28 institution provided for the care and custody of insane persons for the state in the
29 manner provided by law for the admission of other persons to the institution.

30 * Sec. 20. AS 47.55.050 is amended to read:

31 **Sec. 47.55.050. Maintenance funds.** The legislature shall, each session,

1 appropriate the necessary funds for the maintenance of the Alaska Pioneers' Home
 2 and the Alaska Veterans' Home [HOME] to be expended by the department
 3 [DEPARTMENT OF HEALTH AND SOCIAL SERVICES], and the [THAT]
 4 department may receive funds, donations, and bequests from private individuals,
 5 societies, or organizations, and funds from the federal government for the support and
 6 maintenance of the homes [HOME].

7 * **Sec. 21.** AS 47.55.060 is amended to read:

8 **Sec. 47.55.060. Trust fund.** Unless otherwise provided by the donor, money
 9 bequeathed to the Alaska Pioneers' Home or the Alaska Veterans' Home constitutes
 10 a special trust fund. Unless otherwise provided by the donor, interest from the special
 11 trust fund is under the control and at the disposal of the department [DEPARTMENT
 12 OF HEALTH AND SOCIAL SERVICES], and expenditure from it is limited to the
 13 benefit and comfort of the residents of the homes [HOME].

14 * **Sec. 22.** AS 47.55.070 is repealed and reenacted to read:

15 **Sec. 47.55.070. Indebtedness of Alaska Pioneers' Home or Alaska**
 16 **Veterans' Home resident to state.** The following expenses incurred for an Alaska
 17 Pioneers' Home or Alaska Veterans' Home resident under this chapter and not
 18 recoverable from a collateral source are a debt of the resident to the state and may be
 19 recovered during the life of the resident:

20 (1) costs of standard or nursing care provided in the home each month
 21 to the resident not exceeding the rate established by the department under
 22 AS 47.55.030, with credit given for any amounts paid by or collected from the
 23 resident;

24 (2) allowances paid under AS 47.55.020(c);

25 (3) arrearages in fees for television and telephone services provided in
 26 the home; and

27 (4) prescription medicine.

28 * **Sec. 23.** AS 47.55.095 is amended to read:

29 **Sec. 47.55.095. Limitation on enforcement of claims against estate.**
 30 Notwithstanding AS 47.55.080 and 47.55.090, upon the death of an Alaska [A]
 31 Pioneers' Home or Alaska Veterans' Home resident or of a recipient of day care or

1 respite services, a state claim for unpaid debt owed to the home [PIONEERS' HOME]
 2 may be satisfied only out of the decedent's estate. The state may not pursue a claim to
 3 the extent doing so would work undue hardship, as determined by the department by
 4 regulation [OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES], on
 5 the surviving spouse or dependent of the decedent. Family portraits and heirlooms of
 6 the type identified under AS 09.38.020(a)(3), without regard to value, may not be
 7 taken by the state in satisfaction of a debt to the home [PIONEERS' HOME].

8 * **Sec. 24.** AS 47.55 is amended by adding a new section to read:

9 **Sec. 47.55.900. Definitions.** In this chapter, unless the context otherwise
 10 requires,

11 (1) "department" means the Department of Health and Social Services;

12 (2) "home" means

13 (A) the Alaska Pioneers' Home; or

14 (B) the Alaska Veterans' Home;

15 (3) "physical disability or other reason" means inability of an
 16 individual to maintain a household without regular assistance in shopping,
 17 housekeeping, meal preparation, dressing, or personal hygiene because of physical or
 18 medical impairment, infirmity, or disability;

19 (4) "resident of the state" has the meaning given "resident" in
 20 AS 47.25.430(a);

21 (5) "veteran" means a person who has been discharged from the armed
 22 forces of the United States, including the Alaska National Guard or the Alaska
 23 Territorial Guard; the discharge from the armed forces must be other than
 24 dishonorable.

25 * **Sec. 25.** (a) AS 44.29.020(a)(17) and 44.29.400 are repealed.

26 (b) Sections 5 and 8 - 15, ch. 4, SSSLA 2002, as those sections are amended
 27 by a version of HB 447, if HB 447 is passed by the Second Session of the Twenty-
 28 Third Alaska State Legislature and enacted into law, are repealed.

29 (c) Sections 50 and 51 of HB 447 or the equivalent bill sections of a later
 30 version of HB 447, if passed by the Second Session of the Twenty-Third Alaska State
 31 Legislature and enacted into law, are repealed.

1 * Sec. 26. The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 TRANSITION: STATUS OF CERTAIN RESIDENTS OF THE ALASKA
4 PIONEERS' HOME OR THE ALASKA VETERANS' HOME. (a) If a resident of an Alaska
5 Pioneers' Home facility or Alaska Veterans' Home facility was admitted to the facility before
6 the Department of Health and Social Services received the United States Veterans
7 Administration certification for the Alaska Veterans' Home to begin receiving per diem
8 payments for eligible veterans, the resident may not be evicted or required to relocate to a
9 different Alaska Pioneers' Home or Alaska Veterans' Home facility solely because of that
10 certification.

11 (b) The commissioner of the health and social services shall promptly post on the
12 Alaska Online Public Notice System (AS 44.62.175) the date that the certification described
13 in (a) of this section was received.

14 * Sec. 27. The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 TRANSITION: REGULATIONS. The Department of Health and Social Services
17 and other state agencies affected by this Act may immediately proceed to adopt regulations
18 necessary to implement the changes made by this Act. The regulations take effect under
19 AS 44.62 (Administrative Procedure Act), but not before the effective date of the respective
20 statutory changes.

21 * Sec. 28. The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the
24 heading of AS 47.55 from "Pioneers' Home" to "Alaska Pioneers' Home and Alaska Veterans'
25 Home."

26 * Sec. 29. Section 27 of this Act takes effect immediately under AS 01.10.070(c).

27 * Sec. 30. Except as provided in sec. 29 of this Act, this Act takes effect July 1, 2004.

Alaska State Veterans Home Feasibility Study

PREPARED FOR:

**Alaska State Legislature
Legislative Budget and Audit Committee**

PREPARED BY:



Juneau • Anchorage

IN ASSOCIATION WITH:



July 2003

Study Purpose

This study analyzes the feasibility of an Alaska State Veterans Home. Alaska and Hawaii are currently the only states that do not participate in the Department of Veterans Affairs State Home Program. Alternatives considered for Alaska include a freestanding State Veterans Home, utilization of the Alaska Pioneers' Home system to serve veterans, and the role of home and community-based care. A key element of the study was a statewide survey of Alaska veterans to learn about their long-term care needs, their personal preferences regarding long-term care settings, and their opinions about the locations and types of long-term care that make the most sense for Alaska's veterans.

Key Findings

- The number of veterans over age 65 in Alaska will increase from approximately 12,000 in 2000 to 20,000 by 2020. During that time, the overall number of veterans in the state will decline from about 70,000 to 50,000.
- There will be a need for additional long-term care services for Alaska veterans over the next 15 to 20 years. Some of this need could be met by a small State Veterans Home located in the most heavily populated part of the state, the Anchorage/Matanuska-Susitna region.
- A large majority of Alaska veterans – approximately 80 percent – would be reluctant to leave their home communities to obtain long-term care. This means that any single facility would be unable to serve veterans statewide.
- Estimates indicate a demand for 55 to 65 additional nursing home beds and 65 to 75 additional domiciliary/assisted living beds under the Department of Veterans Affairs (VA) State Home Program to serve veterans statewide by 2015. Approximately half of this demand is located in the Anchorage area.
- Major renovations or a new facility to provide long-term care to veterans would be partially funded by the VA, but would require financial commitments from the State both for construction and operations.
- Additional home and community-based care will be needed, particularly in the more rural areas of the state. Recent changes in the VA's vision of veterans' long-term care call for a "patient-centered" (rather than institutional) approach that utilizes home and community-based care as much as possible.

Conclusions

- Any new facility of a size large enough to be operated efficiently would need to be located in or near Anchorage. The appropriate size for such a facility is between 70 and 80 beds.

- However, a centrally located facility will not serve the needs of most veterans from outlying regions. For this reason, future state support for home and community-based veterans services will be needed.
- Most of the nursing home needs of veterans over the next 15 to 20 years can be met by the existing network of Community Nursing Homes, though the network may need to add some additional beds in the future to do so.
- The best way for a State Veterans Home to meet veterans' needs is by ensuring access to assisted living-type services specifically designed for them, including the higher levels of assisted living care currently provided by the Alaska Pioneers' Home System.

Recommendations

The study identified three "bricks and mortar" options for consideration. The three most promising approaches to developing an Alaska State Veterans Home are:

Option 1 - Convert the Palmer Pioneers' Home to a 78-bed State Veterans Home providing a range of levels of assisted living care similar to current Pioneers' Home services. Continue to provide services to veterans in the other Pioneers' Homes under the current system. This option requires the least state operating support. It adds no new beds to the system and allows the VA to pay a portion of the cost of veterans' care through State Home per diem reimbursements for domiciliary care.

Option 2 - Convert 60 beds in the Anchorage Pioneers' Home and 19 beds in the Fairbanks Pioneers' Home to a State Home providing services as in Option 1. This is somewhat more cumbersome administratively than Option 1, but has the advantage of spreading services across the two largest population centers. It would cost the state more than Option 1 because some of the Anchorage beds that would be provided to veterans are currently unused and are not funded. Similar to Option 1, this option allows the VA to pay a portion of veterans' care using the domiciliary per diem reimbursement rate.

Option 3 - Build a new, freestanding, 60-bed State Veterans Home in or near Anchorage. Half the beds would be nursing home beds and half would be assisted living units. This option would be the most expensive for the State for both construction and operations. A Certificate of Need (CON) process would be required under Alaska law to authorize the 30 new skilled nursing beds.

	Total Capital Costs*	Annual State Operating Support
Option 1	\$1.4 million	\$247,000 net gain
Option 2	\$5.3 million	\$255,000 net gain
Option 3	\$9.4 million	\$2.8 million additional cost

* Capital costs shown are designed to meet VA State Home Program basic requirements with respect to modifications or new construction. They are paid 65 percent by the VA and 35 percent by the State.

In addition to the options above, the study team recommends that Alaska explore development of a PACE (Program of All Inclusive Care of the Elderly) model in conjunction with Indian Health Services to serve veterans, particularly in rural areas.

FRANK H. MURKOWSKI

Governor

0001



P.O. Box 110001
Juneau, Alaska 99811-

(907) 465-3500
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

MEMORANDUM

TO: Representative Nick Stepovich
Representative Max Gruenberg

DATE: March 6, 2004

FROM: Denny DeWitt
E-MAIL: dennis_dewitt@gov.state.ak.us

TELEPHONE: (907) 465-3500
FAX: (907) 465-3532

SUBJECT: Merchant Marine Veteran Status

You asked if Merchant Marines would be eligible as veterans to enter the Alaska Veterans Home proposed in House Bill 440.

We asked the Veterans Administration about the issue. They provided us with the following information:

*On January 19, 1998, the Secretary of the Air Force declared certain Merchant Marine service as qualifying for Veterans benefits. **Merchant seamen who served in active oceangoing service from December 7, 1941 to August 15, 1945 are considered to be veterans.** Also eligible are Civil Service crewmembers serving aboard U.S. Army Transport Service and Naval Transportation Service vessels in oceangoing service. If they wish to be considered for VA benefits, they should apply for a discharge certificate (DD Form 214) by completing DD Form 2168 (Application For Discharge of Member or Survivor of Member of Group Certified To Have Performed Active Duty With the Armed Services of the United States).*

This directive makes specified members of the Merchant Marines eligible for veterans' benefits, including state veterans' home benefits.

Re: SB 301 - Pioneers' Homes / Veterans' Homes

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030
FAX: (907) 465-3068

March 3, 2004

Honorable Gary Wilken
Co-Chair
Senate Finance Committee
Alaska State Capitol; Rm. 518
Juneau, AK 99801-1182

Dear Senator Wilken,

The Department of Health and Social Services respectfully requests a hearing in the Senate Finance Committee on Senate Bill 301 "An Act relating to the Alaska Pioneers' Home, and the Alaska Veterans' Home; relating to eligibility for admission to the Alaska Pioneers' Home and Alaska Veterans' Home; relating to state veterans' home facilities; making conforming amendments; and providing for an effective date."

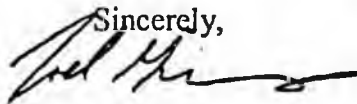
The purposes of this bill are twofold: 1) to establish a statutory framework for the operation of a State Veterans' Home in accordance with federal law; and 2) to allow the department to obtain additional sources of financing for the Alaska Pioneers' Home and Alaska Veterans' Home system.

The Senate Health, Education, and Social Services Committee has considered the bill and recommends it be replaced with a Committee Substitute with a new title. The department supports the Senate (HES) Committee Substitute.

A sectional analysis for CS SB 301 (HES) is attached. Also attached are a fact sheet for the pioneers' homes and a "FAQ" document addressing issues raised by the bill. The Governor's transmittal letter and fiscal note for SB 301 are on file with the committee. The original fiscal note applies to the Senate (HES) Committee Substitute.

Your favorable consideration of this request will be appreciated.

Sincerely,



Joel Gilbertson
Commissioner

Attachments

cc: Honorable Lyda Green, Co-Chair
Senate Finance Committee
Mike Tibbles, Director
Legislative Office, Office of the Governor
John Vowell, Director
Division of Alaska Pioneer Homes

STATE OF ALASKA

DEPARTMENT OF HEALTH & SOCIAL SERVICES
DIVISION OF ALASKA PIONEER HOMES

Frank H. Murkowski,
Governor

PO Box 110690
Juneau, AK 99811-0690
Phone (907)465-4400
FAX (907)465-4108
(907)465-8886

Senate Bill 301(i)
Sectional Analysis
March 2, 2004

Section 1: Amends AS 08.68.305(g)(2), dealing with nursing practices, to add a reference to the Alaska Veterans' Home within the definition of "health care facility". The section also updates the reference to the current administration of the Homes by the Department of Health and Social Services.

Section 2: Amends AS 15.05.020, dealing with rules for determining residence of a voter, to change the reference to the Alaska Pioneers' Home to include the Alaska Veterans' Home. The section also reorders the numbering by deleting numbering for current sections (7) and (9) for which the language was repealed in 1972.

Section 3: Amends AS 17.37.070(6), dealing with facilities monitored by the state with regard to medical use of marijuana to change the reference to Alaska Pioneers' Home by adding "Alaska Veterans' Home."

Section 4: Amends the AS 18.07.111(8) definition of "health care facility" under the Certificate of Need program, to add the Alaska Veterans' Home to the list of facilities excluded from the requirement for a Certificate of Need. The section also updates the reference to the administration of the Homes by the Department of Health and Social Services.

Section 5: Amends AS 18.35.300 to include the Alaska Veterans' Home as a place where smoking is prohibited.

Section 6: Amends the AS 36.30.990(1) (A) definition of "agency" within the State Procurement Code to include the Alaska Veterans' Home.

Section 7: Amends AS 37.05.146(c)(31) dealing with the handling of public receipts to add "and Alaska Veterans' Home" to the term "Alaska Pioneers' Home."

Section 8: Amends AS 37.05.990(2) definition of "state agency," "agency," "department," or similar terms dealing with state fiscal procedures to include the Alaska Veteran's Home.

Section 9: Amends the Executive Budget Act definition of "agency" in AS 37.07.120(1) to include the Alaska Veterans' Home.

Section 10: Amends the State Personnel Act in AS 39.25.120(c)(8) to clarify that Alaska State Veterans Home managers in the state service are partially exempt positions.

Section 11: Amends AS 44.29.020(a)(16) to include the Alaska Veterans Home within the duties of the Department of Health and Social Services.

Section 12: Amends AS 47.25.140 to remove the statutory prohibition for payment of public assistance to a resident of the Alaska Pioneers' Home.

Section 13: Adds a new section, as AS 47.25.140(b), to clarify that the Alaska Pioneers' Home or the Alaska Veterans' Home is not a "public institution" under the State's public assistance law. The effect is to identify the Alaska Pioneers' Home and Alaska Veterans' Home as a facility in which residents may receive a Medicaid benefit under federal Medicaid regulations. Under the federal Medicaid regulations (42 CFR 435.1009 "public institution") a person living in a "public institution" of more than 16 beds is prohibited from receiving Medicaid benefits, unless that person is living in a medical institution. This clarification will allow payment for Medicaid services, but Medicaid will not cover the cost for room and board provided by the Pioneers' or Veterans' Homes.

Section 14: Amends AS 47.45.240(c) dealing with the powers, duties, and limitations of the Older Alaskans Commission so as to not permit the Commission to investigate, review, or undertake any responsibility for the Alaska Veterans' Home.

Section 15: Repeals and reenacts AS 47.55 to provide for general operational policies and adoption of regulations necessary for the Department of Health and Social Services to maintain the Alaska Pioneers' Home and Alaska Veterans' Home. Subsection (a) provides that the state "shall" maintain Pioneer Home facilities and that the state "may" maintain one or more Veterans' Homes. However, the section designates the Palmer Pioneer Home as the only Pioneer Home that may be maintained as a Veterans' Home without a subsequent change in the statute. The reenacted section provides for department receipt of money from various sources, including the federal government, for general conduct of business and for the department to perform all executive or administrative duties necessary and advisable to conduct business and carry out the purposes of the chapter. The section also authorizes the department to engage in activities directed to increase revenue from a home, including lease of excess bed or floor space, or lease of space or buildings that are not in use or are underutilized.

Section 16: Repeals and reenacts AS 47.55.020 to establish the requirements for persons who wish to enter a home. The section continues the current Alaska Pioneers' Home eligibility requirement for a person to be 65 years of age or older and to have been a resident of the state continuously for more than one year prior to application for admission. The section extends those same requirements to a person who wants to enter an Alaska Veterans' Home. The section also sets out requirements for payment and provision for payment assistance from the state for those who are not able to pay the charges in full. The reenacted section continues the present prohibition of eviction of a person due to their inability to pay the monthly rate if the person is otherwise in compliance with other requirements of the chapter. Payment assistance provided to a resident under the section continues to be a debt to the state as in current law. Qualifications for payment assistance are set out in the section, including provisions for exclusion of specified real and personal property, income, and assets in determining eligibility for payment assistance. Under the bill, veterans benefits paid under Title 38, Section 1110 of federal law are made available to pay for the cost of care. Authorization is added for the department to require a person to apply for other state or federally sponsored programs as a condition for receipt of payment assistance.

Section 17: Amends AS 47.55.030(a) to reference both the Alaska Pioneers' Home and the Alaska Veterans' Home with regard to admission and payment.

Section 18: AS 47.55.030(c) is amended to reference both the Alaska Pioneers' Home³ and the Alaska Veterans' Home with regard to current notice requirements for a change in the rates charged.

Section 19: AS 47.55.040, regarding transfer of an insane person from a home, is amended to reference both the Alaska Pioneers' Home and the Alaska Veterans' Home.

Section 20: AS 47.55.050 regarding appropriation of funds by the legislature for maintenance and receipt of funds from various sources for support of a home is amended to reference both the Alaska Pioneers' Home and the Alaska Veterans' Home.

Section 21: AS 47.55.060 is amended to clarify that trust fund provisions for a home apply to both the Alaska Pioneers' Home and the Alaska Veterans' Home.

Section 22: AS 47.55.070 dealing with indebtedness to the state is repealed and reenacted to reference both the Alaska Pioneers' Home and the Alaska Veterans' Home and to remove numbering for several subsections that were repealed in 1990.

Section 23: AS 47.55.095 is amended to add "Alaska Veterans' Home" to the section that limits enforcement of claims against an estate.

Section 24: Amends AS 47.55 to add a definition section.

The section defines "department" to be the Department of Health and Social Services, in line with the recent transfer of organizational relationship of the Pioneer Homes system to that department.

The term "home" is defined to include both the Alaska Pioneers' Home and Alaska Veterans' Home.

The definition of "physical disability or other reason" is relocated to the definition section from the body of the current law in section AS 47.55.020.

The term "resident of the state" is defined, by reference to existing law AS 47.25.430(a), to mean a person who is living in the state voluntarily with the intention of making the state the person's home and who is not living in the state for a temporary purpose.

The term "veteran" is defined to mean a person who has not been dishonorably discharged from the armed forces of the United States. The term includes the Alaska National Guard or the Alaska Territorial Guard.

Section 25: This section of the bill repeals:

AS 44.20.020(a)(17), which is a separate listing of veterans' home facilities as a duty of the Department of Health and Social Services. The reference is incorporated in AS 44.20.020(a)(16) under section 11 of the bill.

Sections 1-15, ch.4, SSSLA 2002 provided amendments to many of the same sections that are changed in this bill, and those amendments are contingent upon implementation of a pilot project. The pilot project cannot be implemented as envisioned, and so, the contingent language is removed to avoid conflict with the provisions of this bill.

Section 26: Adds a new section to uncodified law that permits a resident of an Alaska 4
Pioneers' Home or Alaska Veterans' Home to remain living in the same facility they are
living in when the federal Veterans Administration certifies a home for veterans. This
addition to the statute assures residents that they will not be required to move from the
facility in which they live unless they wish to do so. Section (b) of the new uncodified
language requires the commissioner to promptly post the date of certification on the
Alaska Online Public Notice System.

Section 27: Adds a new section authorizing adoption of regulations necessary to
implement the changes made by the bill, in accordance with the effective date of the
respective statutory changes.

Section 28: Provides instruction to the revisor of statutes for changing the heading of
AS 47.55 in line with the changes to the body of the chapter: "Alaska Pioneers' Home
and Alaska Veterans' Home."

Section 29: Provides for an immediate effective date for section 27 that authorizes
regulations for implementation of the bill.

Section 30: Provides for an effective date for the bill of July 1, 2004 except for section-
29.

Fact Sheet: Alaska Pioneer Homes

February 3, 2004

The facilities

There are six Homes with a total of 602 beds. The homes are located in:

Anchorage -- <http://hss.state.ak.us/dalp/alp/anchorage/home.htm>

Fairbanks -- <http://hss.state.ak.us/dalp/alp/fairbanks/home.htm>

Juneau -- <http://hss.state.ak.us/dalp/alp/juneau/home.htm>

Ketchikan -- <http://hss.state.ak.us/dalp/alp/ketchikan/home.htm>

Palmer -- <http://hss.state.ak.us/dalp/alp/palmer/home.htm>

Sitka -- <http://hss.state.ak.us/dalp/alp/sitka/home.htm>

The services we provide to clients

For the last decade the Alaska Pioneer Homes have been licensed as assisted living facilities, offering a high degree of professional services to meet residents' needs. Typically, residents of the Homes are not able to live without some form of daily assistance, and may require nursing and other physical and emotional support services offered in a licensed assisted living facility. Professional services range from assurance of a safe environment and occasional help with daily life skills, to skilled nursing, personal care, and other support services including end of life care. Many residents receive a level of service that would otherwise be delivered in a nursing home or under the Older Alaskan Home and Community-Based Medicaid waiver.

The residents

Occupancy of Pioneer Homes fluctuates, but system-wide as of January 2004 there are 427 residents. All residents require a safe home environment, room and board, and opportunities for social interaction and recreation. Of the 427 residents, 253 require the high levels of professional care available 24-hours a day. Another 117 residents need assistance with basic living skills at some time during the day, and 57 residents are fairly self-sustaining, occasionally requiring emergency assistance.

Veterans in Pioneer Homes

During FY 2003, the Pioneer Homes served 553 seniors, of whom about 20 percent are veterans and about 26 percent had qualified for Medicaid before going into the Home. There were over 2,600 qualified Alaskan residents on the waiting list, which means they are over age 65 and intend to enter the Pioneer Homes in the future.

Rates and how residents pay them

The rates for the Pioneer Homes range from \$2,135 per month for housing with some assistance in making appointments and other social services, to \$6,450 for the highest level of care including 24-hour supervision, extensive assistance with activities of daily living, and intermittent health care. About 60 percent of Pioneer Home residents depend on the state-funded payment assistance program to pay for at least part of the monthly rate.

For more information:

Dave Williams, Project Coordinator

Division of Alaska Pioneer Homes

465-5737

Frequently Asked Questions: Alaska Veterans Home & Alaska Pioneer Homes

Q: How will the Alaska Veterans Home fit into the Alaska Pioneer Homes system?

The Palmer Pioneers' Home will be converted into the Alaska Veterans Home, but will remain as one of the six Homes within the Alaska Pioneer Home system. "Certifying" the Alaska Veterans Home means that the facility will be renovated to address deferred maintenance, and to meet requirements of the federal Veterans Administration. After renovation, the federal Veterans Administration will pay \$26.95 per day to the State for each veteran served in the Alaska Veterans Home. Using a nationwide formula, the federal Veterans Administration calculated that Alaska requires a facility providing 79 beds. The federal Veterans Administration is firm in its intent to certify one facility in Alaska, however they may increase the capacity to 82 beds, the capacity of the Palmer Pioneers' Home.

Q: If I am a veteran living in an Alaska Pioneer Home, will I have to move to the Alaska Veterans Home?

No. The choice of whether to move to the Alaska Veterans Home is up to the veteran. Residents who are living in a Pioneer Home will not be required to move to or from the Alaska Veterans Home. When the Alaska Veterans Home is open, veterans on the Pioneer Home waiting list will be given an opportunity to choose to enter the Alaska Veterans Home or another Pioneer Home. Admission to a Pioneer Home will continue to be based on availability of a bed and services appropriate to the need of the applicant.

Q: Will people living in the Palmer Pioneers' Home be required to move to another Pioneers' Home?

No. Current residents of the Palmer Pioneer Home will not be asked to move to another Home. The agreement between the Alaska Department of Health & Social Services and the federal Veterans Administration provides for a transition period of several years, during which time current residents of the Palmer Pioneers' Home will not have to move. Beyond the transition period, the federal Veterans Administration will permit 20 beds in the facility to continue to be used by non-veterans.

Q: Will people who are not veterans be allowed to move to the Palmer Pioneers' Home after it's converted to the Alaska Veterans Home?

Yes. After a transition period, the federal Veterans Administration requires that 62 of the 82 beds in the facility be reserved for veterans. The remaining 20 beds in the facility will be filled using the Pioneer Homes waiting list.

Q: Will a veteran be charged a different rate?

No. The rates are based on the level of care the resident requires and will not differ because the resident is a veteran.

Q: If I am a veteran and intend to move into the Alaska Veterans Home, will my federal veterans disability benefits help pay for my cost of care?

These benefits are salary replacement benefits and are counted as regular income for purposes of covering the cost of care. These benefits are typically available to pay for the cost of state veteran's home services in other states.

Q: How much will the federal Veterans Administration pay?

The federal Veterans Administration will eventually pay the state \$26.95 per day for domiciliary care provided to veterans in the Alaska Veterans Home. That amount will pay part of the daily rate billed to the resident.

Q: I already have payment assistance from the State. Do I also need to apply for "federally sponsored programs" like Medicaid?

You may be required to apply for "federally sponsored programs" like Medicaid. If you require payment assistance and are eligible for Medicaid, you probably won't notice a difference – Pioneer Homes services and rates won't change. However, part of your payment assistance will be federally funded. The federal funding will help sustain Alaska Pioneer Homes into the future, because State General Funds will not be paying the entire cost of payment assistance for residents.

Virginia Smiley, Administrative Services Manager
Division of Alaska Pioneer Homes
465-4422

Chronology, Alaska Veterans Home

1970s – Alaska begins 20-year search for a way to address veteran's benefits within the State.

1999 – Feasibility Study for a State Veterans Home requested by Department of Military & Veterans' Affairs, Division of Veterans' Affairs, State of Alaska, and partners including the American Legion, Disabled American Veterans, and the Veterans of Foreign Wars. Health Dimensions Consulting Group feasibility study recommends a comprehensive survey of Alaskan veterans to assess their preferences for long-term care services.

May 2002 – HCS SB 2001(FIN) SLA 2002 authorizes a pilot project to give veterans a preference for 125 beds in the Pioneer Homes system, contingent on an agreement between the federal Department of Veterans Affairs and the State of Alaska. The agreement is not negotiated; the bill's provisions do not take effect.

July 2003 – Alaska Legislature's "Alaska State Veterans Home Feasibility Study", completed by the McDowell Group, supports the need for 70 to 80 veterans beds in the Pioneer Homes system. The McDowell report provides three options: 1) convert Palmer Pioneers' Home to a State Veterans Home, 2) Convert 60 beds in the Anchorage Pioneers' Home and 19 Beds in Fairbanks Pioneers' Home, or 3) build a new, freestanding, 60-bed State Veterans Home in or near Anchorage.

July 30, 2003 – Governor Murkowski identifies creation of a State Veterans Home in Palmer as an Administration priority, following face-to-face meetings in Washington DC with Secretary of Veteran's Affairs Anthony J. Principi.

July 2003 – State submits initial federal Veterans Administration application.

August 2003 – federal Veterans Administration representatives visit Palmer and Anchorage facilities. Veterans Administration facilities, geriatrics and care coordination representatives find Palmer appropriate for conversion with identified maintenance improvements and upgrades to facility systems.

Sept 2003 – Veterans Administration conditionally approves 79 beds for Palmer facility. Federal Veteran Administration participation is calculated at 65 percent of the total allowable cost of improvements. All 82 beds at Palmer are ultimately approved – *minimum* of 62 beds are designated for veterans.

Sept 2003 – Health & Social Services Commissioner Joel Gilbertson presents the Palmer option to Pioneers of Alaska Convention.

Dec 2003 – federal Veterans Administration approves "General Renovations, 79-bed Veterans Home, Palmer, AK." Federal Veterans Administration lists Alaska in its top rank for federal renovation funds, pending appropriation of state matching funds. Construction cost, facility size, and proximity to military health center justify Palmer's high priority for funding.

January 2004 – Construction schedule says Palmer Pioneers' Home can be renovated in 453 days, after completion of federal Department of Veterans Affairs construction/acquisition grant and legislative approval of state funding match.

Feb 2004 – Congressional Bill (HR 2673) provides for federal Veterans Administration payment to Pioneer Homes. No information as yet on how the Veterans Administration will employ the language.

Calendar

- **April 2004 – A study of the feasibility of converting the Palmer Pioneers' Home into a Veteran's Home, requested by the legislature and awarded to ASCG Incorporated (engineers/architects) will identify costs for renovation and the amount of state matching funds required for federal Veterans Administration participation. A subcontractor (McDowell Group) will conduct a community impact analysis and collaborate on development of a transition plan for the federal construction/acquisition grant application.**
- **May 2004 – Alaska Veterans Home bill passes; State certifies 35% matching funds.**
- **Sept 2004 – Begin transition plan, making admissions to the Alaska Veterans Home in Palmer.**
- **April 2006 – Earliest possible beginning date for federal Veterans Administration per diem payments to Alaska -- \$26.95/day for residents of the Alaska Veterans Home.**

For more information:

Virginia Smiley, Administrative Services Manager
Division of Alaska Pioneer Homes
465-4422

MEMORANDUM

State of Alaska
Department of Law

To: Dennis DeWitt
Special Staff Assistant
Office of the Governor

Date: March 8, 2004

File No.: 773-04-0085

Tel. No.: 465-3600

RECEIVED

MAR 09 2004

Office of the Commissioner
DHSS - Juneau

From: Stacie L. Kraly
SLK Senior Assistant Attorney General
Human Services Section

Re: CSSB 301(HES) -- Alaska
Pioneers' Home and Alaska
Veterans' Home

At your request I have reviewed the legislative counsel's memorandum to Senator Dyson regarding CSSB 301(HES): Alaska Pioneers' Home and Alaska Veterans' Home. The memorandum was drafted to bring to the chair's attention possible legal issues that might be raised by including the following sentence in the committee substitute "The only home that may be converted to a Veterans' Home is the Pioneers' Home located in Palmer, Alaska." Legislative counsel has raised a concern that the inclusion of this language may subject the bill to equal protection, special or local legislation challenges because it applies only to the Palmer Pioneers' Home when there are other pioneers' homes around the state.

The legislative counsel opines that the state must establish that there is a fair and substantial relationship to a legitimate governmental purpose in this critical issue in order to defend any challenges that might be brought. The legislative counsel states that in order to do this the "state must identify the problem that it is trying to address and document in the legislative history that the approach taken by the bill is reasonably tailored to address the problem." In making this record, the testimony should also outline that the conversion of the Palmer Pioneers' Home is a "matter which is unique, but of statewide concern."

The Department of Law believes that if the bill is challenged under either of the two theories, the legislative history contained within the transmittal letter from the governor, as well as the testimony provided by the state in support of this bill before the legislative committees will provide a solid defense to any legal argument raised. See S. Journal (2004), p. 2086 - 2088.

Equal protection does not require the entire field of governmental action be covered by one legislative enactment. *Suber vs. Alaska State Board Comm.*, 414 P.2d 546, 553 (Alaska). The desire for a phase-in of the new Veteran's Home concept in order

to test implementation within financial and program limits is a rational choice for the legislature to make. The Administration should be sure to include its testimony to the legislature about the reasons for the selection of the Palmer Home and its plan for implementation. The McDowell Group Executive Summary and letters from the Veterans Administration, both of which support placing the Veterans' Home in Palmer, are good places to start in establishing the legislative record.

In order to phase-in implementation of a new concept, it is necessary to designate a starting point, the Palmer Home. The designation of the Palmer Home as a starting point does not make the bill constitutionally suspect as special or local legislation, because there is no way to make the designation in an applicable or general act. *See Boucher v. Engstrom*, 528 P.2d 456, 463 (Alaska 1974).

There is clearly a need for a veterans' home in Alaska and this bill provides the mechanism to achieve that purpose. The determination to specifically designate the Palmer Home is a reasonable method by which the legislature can address the important state interests at issue here. However, it is important to create a legislative record specifically identifying the need to designate the Palmer home to defend a challenge to this bill based on the legal theories discussed above. We believe that this record can be established through the transmittal letter as well as testimony in support of the bill, and possibly any letter of intent that the legislature may want to adopt on the subject.

The Administration may want to consider whether to request a letter of intent from the legislature to address the issue in order to have an express legislative statement on the subject.

Please let us know if you need further assistance.

SLK:mkb

cc: Hon. Joel Gilbertson, Comm'r, Dept. of Health and Social Services ✓
David Marquez, Chief Attorney General, Legislation & Regulations Section
Dianne Olsen, Supervising Attorney, Human Services Section

SB301



FRANK H. MURKOWSKI
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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 4, 2004

The Honorable Gene Therriault
President of the Senate
Alaska State Legislature
State Capitol, Room 107
Juneau, AK 99801-1182

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill relating to the Alaska Pioneers' Home (APH) and Alaska Veterans' Home (AVH).

The purpose of the bill is two-fold: to authorize the establishment of an AVH under the umbrella of our existing APH system and to provide long-term financial stability for both our AVH and APH programs.

For over a decade, the State of Alaska has struggled to develop a viable plan for an AVH. The time has come to move beyond planning to make an AVH a reality. With passage of this bill, the state would have clear statutory authority to serve veterans within the APH system by identifying one or more homes as an AVH consistent with the requirements of the United States Veterans' Administration.

In addition, the bill would require that, as a condition for receipt of assistance to pay the cost of care in a home, a home resident could be required to apply for other state or federally sponsored programs whose benefits could reduce the amount of that assistance.

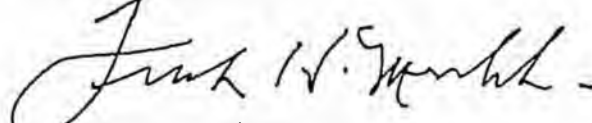
Taken together, these changes are designed to ensure the sustainability of the APH and AVH system over the long-term. Additional federal and other third-party payments are critical in order to maintain the high quality of care the homes provide and home residents expect and deserve. Over time, the Department of Health and Social Services is optimistic that several millions of dollars of additional resources can be obtained in third-party reimbursements annually to support operation of the homes.

The Honorable Gene Therriault
February 4, 2004
Page 2

In the absence of additional third-party receipts, the APH and the AVH would remain unduly dependent on state general fund support and resident fees. Given the state's ongoing fiscal constraints and the impracticality of requiring home residents to pay for the full cost of care, failure to adopt the measures included in this bill may well jeopardize the APH and AVH over the long term.

I urge your prompt and favorable action on this measure.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Frank H. Murkowski".

Frank H. Murkowski
Governor

Enclosure

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/6/04

FURTHER: Finance

Date of 5-Day Notice: 2/12/04
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3.2.04

Health, Education and Social Services Committee considered

SENATE BILL NO. 301

SB 301 PIONEERS' HOMES/VETERANS' HOMES

"An Act relating to the Alaska Pioneers' Home, and the Alaska Veterans' Home; relating to eligibility for admission to the Alaska Pioneers' Home and Alaska Veterans' Home; relating to state veterans' home facilities; making conforming amendments; and providing for an effective date."

and recommends:

be replaced with _____ CS SB 301 (HES)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by HES Committee

further referral to _____ Committee

Senate Bill:

- Same Title
- New Title

House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
HSS	1/12	✓			1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:		Do PASS	Do NOT PASS	No REC	AMEND
Guess	<i>[Signature]</i>			✓	
Green	<i>[Signature]</i>	✓			
Dyson	CHAIR: <i>[Signature]</i>	✓			

SB

302

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: May 10, 2004

FURTHER REFERRALS:

Date of Committee Action: 5/11/04

The FINANCE Committee considered:

CSSB 302(FIN)

CS FOR SENATE BILL NO. 302(FIN)

OATHS; NOTARIES PUBLIC; STATE SEAL

"An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state, to notarizations, to verifications, to acknowledgments, to fees for issuing certificates with the seal of the state affixed, and to notaries public; and providing for an effective date."

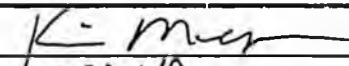
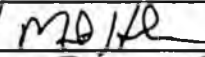

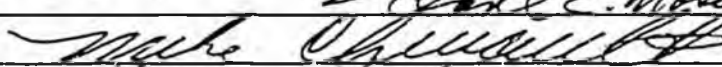
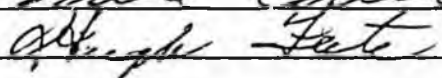
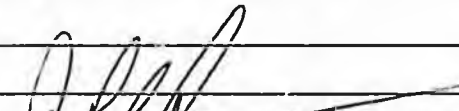
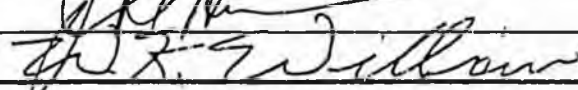
Recommends it be replaced with HCS or CS for CS SB 302 (STA)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LEG
 LAW
 LWF
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
LA GOV	#1	✓		

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Meyer	X			
	Howkr			X	
	MOSES	✓			
	Cherrault	✓			
	Fater	✓			
Chair: 	Williams			✓	
Chair: 	Willow	X			

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 302
(S) Publish Date: 2/6/04

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
Title An Act relating to oaths, affirmations RDU _____
and acknowledgments _____ Component Office of the Lt. Governor
Sponsor Governor _____
Requester Rules _____ Component No. 11

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	8.7	8.7	8.7	8.7	8.7	8.7
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The proposed fee changes for certificates from \$2 to \$5, as set out in Section 5 of the bill, will generate anticipated \$8.7 in additional unrestricted revenues.

Prepared by: Linda J. Perez, Director Phone 465-3876
Division: Administrative Services Date/Time 1/29/04 2:40 PM
Approved by: Lt. Governor Loren Leman Date 1/29/2004
Agency: Office of the Lt. Governor

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 302
(S) Publish Date: 2/6/04

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
Title An Act relating to oaths, affirmations RDU _____
and acknowledgments _____ Component Office of the Lt. Governor
Sponsor Governor _____
Requester Rules _____ Component No. 11

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2003	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	8.7	8.7	8.7	8.7	8.7	8.7
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Prepared by: Linda J. Perez, Director
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Approved by: Lt. Governor Loren Leman
Agency: Office of the Lt. Governor

Phone 465-3876
Date/Time 1/29/04 2:40 PM
Date 1/29/2004

Frequently Asked Questions – CS SB 302 (FIN)

Q: Why is this bill necessary?

A: There has not been a comprehensive update to the notary statutes since 1961.

Q: What changes are being proposed?

A: The bill:

- Lowers the minimum age requirement from 19 to 18 years of age.
- Prohibits felons from applying as notaries public until 10 years post incarceration.
- Establishes disciplinary procedures for commission suspensions and revocations.
- Separates publicly available notary information from private notary information.
- Updates and expands the current State Employee notary commission system to include Municipal and Federal government employees.

Q: I'm a notary now, how does this bill affect me?

A: This bill will not impact current notaries unless they are felons.

Q: What is not changing?

A:

- The notary information that is currently publicly available remains publicly available.
- Notary testing remains voluntary.
- The notary bond amount remains unchanged.
- The application fee remains unchanged.

Q: What about fees?

A: The \$40.00 application fee for notary commissions will remain unchanged. The fee for Lieutenant Governor Certificates is being raised from \$2.00 to \$5.00.

CHANGES TO SB 302: OATHS; NOTARIES PUBLIC; STATE SEAL

Sponsor: Rules by request of Governor

Introduced 2/6/04 and referred to:

STA, JUD, FIN

PURPOSE OF THE BILL: Notary statutes have not been updated since 1961. Lieutenant Governor intends to move to a web-based education and service system for the 12,000 notaries in the State. The changes in the notary bill were vetted to notaries and those who employ notaries prior to introduction. Notaries in rural areas without access to the Internet will continue to be served as they have been, without change.

HIGHLIGHTS:

- Notary certificate fee increases from \$2 to \$5
- Minimum age lowered to 18 years (only Nebraska now above 18)
- Felons must wait 10 years post-incarceration to apply. (based on Dept. of Corrections recommendation)

SENATE STATE AFFAIRS COMMITTEE CHANGES:

- Clarified that the \$5 name change fee is the same as the fee for a new certificate, not an additional fee. Each certificate regardless of the reason for the generation, requires the \$5 fee.
- Repealed AS 44.50.180(c) because it was inconsistent with federal law which prohibits postmasters from charging fees for notarial services.

SENATE JUDICIARY COMMITTEE CHANGES:

- Allows felon to apply to be a notary 10 years after incarceration.
- Notary cannot notarize documents benefiting the notary.

SENATE FINANCE COMMITTEE CHANGES:

- Technical amendment to Sections 4 and 5 dealing with suggested forms for acknowledgments for limited liability companies. Amendment added limited liability partnerships.
- If SB 302 or a similar Administrative Hearing Officer bill passes the Legislature and becomes law, the hearings under Section 12 would be conducted by an Administrative Hearing Officer. However, from July 1, 2004, until that bill becomes law, the Lieutenant Governor would appoint an independent hearing officer to consider formal disciplinary action against a notary.

HOUSE STATE AFFAIRS COMMITTEE CHANGES:

- Committee Chairman gave direction to Legal Services to put this in the “Legislature’s format” which resulted in many minor stylistic changes
- Page 9, Line 29 requires Lt. Governor to keep bonds for 10 years rather than the current two (Gruenberg)
- Page 11, Lines 24-31 and Page 12, Lines 1-2: Adds section saying that notaries public may not practice law. (Gruenberg)
- Page 18, Lines 8-13: Codifies current practice and future plans to use web site more for education, yet provide handbooks when requested by notaries.

SECTIONAL ANALYSIS
HCS SB 302 (STA)

An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state; to notarizations, to verifications, to acknowledgments, to fees for issuing certificates with the seal of the state affixed and to notaries public; and providing for an effective date.

Section 1. Adds presiding officers of each house of the Legislature and the Lieutenant Governor to the list of persons permitted to administer oaths. This permission is limited to the administration of the oath of office to new legislators (AS 24.05.160) and to the presiding officers for the same purpose during second and special sessions (AS 24.05.170).

Sections 2 and 3. Conforms sections of Alaska Civil Procedure concerning notarial acts to the updated language in Sec. 44.50.061 (5). These sections apply to court system employees, U.S. Postmasters, U.S. military personnel and municipal clerks.

Sections 4 and 5. Update 09.63 to include reference to limited liability companies limited partnerships, and limited liability partnerships. (S) FIN

Section 6. Increases fee per notarial certificate from \$2/three folios to \$5/certificate. "Folio" is an outdated term not used in current practice. The increase reflects the State's cost to process the certificates. Deletes territorial language re: accounting for fees.

Section 7. Two categories of notaries:

- a) notary public without limitation
terms are for 4 years
can charge fees for service
- b) limited governmental notary public (state, municipal and federal employees)
conduct only official government business
terms are for the length of government employment
cannot charge fees for service (new Sec. 44.50.039)

Can have concurrent commissions as a notary public without limitation and as a limited governmental notary public, as long as the activities are separated.

Section 8. Changes Qualifications to be commissioned notary public:

- lowers the age from 19 to 18.
- Must have established Alaska residency. The definition of "residency" is updated to a more widely used and more current definition (AS 01.10.055) than current statute (AS 44.50.020).
- notary public must reside legally in the U.S.
- 10 years between felony conviction/incarceration and ability to apply as notary (S) JUD

Section 9. Sets out the application requirements for notary public commission whether notary public without limitation or limited governmental notary public.

Restates the current \$40 fee per application along with the current requirement that State limited governmental notaries public are exempt from the fee.

Restates current bonding requirement of \$1,000 with term of four years for notaries public without limitation.

Requires Lieutenant Governor to keep the bond for 10 years (was for two years) ~~(H) STA~~

Provides opportunities for Lieutenant Governor to deny applications if:

- a) application is incomplete
- b) applicant has been convicted of and incarcerated for a felony less than 10 years previous to application ~~(S) JUD~~
- c) applicant's commission has been revoked

Clarifies current law as to when a new commission begins.

Section 10. Much of AS 44.50.060 is antiquated language. The changes here acknowledge that the duties of a notary public can be encompassed in the broader language of administering oaths and affirmations, taking acknowledgment of or proof of instruments of writing and giving notarial certificates.

Section 11. Defines scope of practice and makes clear that a notary public who is not an attorney may not perform functions that require the practice of law. ~~(H) STA,~~
following sections are renumbered and conforming amendments made to referenced sections throughout the bill.

Also, sets out what a notary public cannot do (Sec. 44.50.062), the specifications of the official seal, and its care and keeping, what constitutes a "seal impression", changes in notary status and disciplinary actions. It also specifies at (5) (A) – (C) the elements that must be present for a notary public to notarize a document:

- Person must appear and sign the document before the notary public
- Person must produce identification unless personally known to the notary public
- The notary must sign in his/her own handwriting the name on his/her commission certificate.
- Notary cannot notarize documents which benefit the notary (see Page 12, Lines 19-25) ~~(S) JUD~~

This section reorders and clarifies current law defining the notary's seal, and defining the seal impression. The \$5 name change fee is not in addition to the cost of a new certificate under Sec. 44.19.024. ~~(S) STA~~

New sections (Secs. 44.50.068-.069) give the Lieutenant Governor the latitude to suspend or revoke a notary public's commission or to reprimand a notary public for good cause. The Lieutenant Governor may delegate his authority. With regard to a complaint, the Lieutenant Governor may find no merit to the complaint or may elevate the complaint to a formal disciplinary hearing which could end with revocation of the notary public's commission.

New Section 44.50.069 codifies the Lieutenant Governor's move to a web-based notary assistance program as the revised handbook will be provided on the Notary website and provided in print format on request to commissioned notaries without access to the Internet.

Section 12. This section outlines the disciplinary procedure if SB 203 or a similar bill is passed by the Legislature establishing an office of administrative hearings. (S) FIN, following sections renumbered.

Section 13. Adds a Section codifying the lieutenant governor's practice with respect to handbooks. (H) STA Describes the information gathered from notaries public on the application which will be public information.

Section 14. Defines terms used in this Chapter.

Section 15. Repealers:

- AS 44.50.030 (Term of office, now covered in new 44.50.010)
- AS 44.50.040 (Fees, now covered in new 44.50.033)
- AS 44.50.070 (Presence and ID, now covered in new 44.50.061)
- AS 44.50.080 (Seal, now covered in new 44.50.063)
- AS 44.50.090 (Protest of bill or note. Notaries don't do this, antiquated language, repealed and not replaced)
- AS 44.50.100 (Return of papers. There are no papers to return. Repealed and not replaced)
- AS 44.50.110 (APA procedure for disciplinary actions, replaced by more comprehensive 44.50.067)
- AS 44.50.120 (Bond requirements, now covered in new 44.50.034)
- AS 44.50.130 (Filing oath and bond, now covered in new 44.50.035)
- AS 44.50.140 (Disposition of bond, now covered in new 44.50.034)
- AS 44.50.170 (State employees as notaries, now covered in 44.50.010, 44.50.131 (c) and 44.50.039)
- AS 44.50.180(c) (Federal law prohibits postmasters from charging fees. Alaska law is inconsistent and this subsection must be repealed) (S) STA
- AS 44.50.190 (Savings clause, a transitional measure from 1961 that is no longer necessary and can be repealed).

Section 16. Applicability

- Current commissions continue in effect until term of office expires, except if the commissioned is a felon and 10 years have not elapsed since incarceration. ~~(S) JUD~~
- Bonds, seals, liabilities in effect continue through the notary public's term of office.
- All notaries with current commissions or who are commissioned following the effective date of the legislation must follow the notarial procedures encompassed in the legislation.
- When commissions expire, notaries public will apply for new commissions under the new AS 44.50.031 (Section 9).

Section 17. Transition

Allows the Lieutenant Governor to immediately proceed to adopt regulations with an effective date following the effective date of the legislation.

Sections 18 & 19. Conditional Effect

Section 12 does not take effect if SB 203 or a similar bill does not pass this Legislature, nor is enacted into law. ~~(S) FIN~~

Sections 20 & 21. Effective Date

Effective date is July 1, 2004 to allow time for revision of website, online handbook and forms. Immediate effective date to proceed to adopt regulations. ~~(S) FIN~~

Notary Statute Comparison – HCS SB 302 (STA)

	Current	Proposed
Qualifications	<p>Applicants must be a resident of the state at least 19 years of age.</p> <p>Resident defined to mean a person who maintains a permanent place of abode in the state, and is in fact living in the state.</p>	<p>Minimum age lowered to 18 years.</p> <p>Residency requirements made consistent with general residency statute AS 01.10.055, rather than separate definition.</p> <p>Applicant must reside legally in the United States.</p> <p>Applicants may not be convicted/incarcerated felons within 10 years of application.</p>
Term	Current	Proposed
	<p>Four years.</p> <p>Automatic revocation of commissions of State employee notaries who terminate employment prior to the commission expiration date.</p>	<p>Notaries Public will continue to serve a term of four years.</p> <p>Limited Governmental Notaries Public commissions will be open-ended with automatic revocation upon termination of government employment.</p>
Fees	Current	Proposed
	<p>\$40 application fee for non-state employee notaries.</p> <p>\$2 per Lieutenant Governor certificate.</p>	<p>\$40 application fee for non-state employee notaries (No change).</p> <p>\$5 per Lieutenant Governor certificate (\$3 increase).</p>
Bond	Current	Proposed
	<p>\$1,000 Notary Bond is required of all applicants.</p>	<p>\$1,000 Notary Bond required of all applicants except Limited Governmental Notaries. Lt. Gov. required to keep for 10 years.</p>

Commission Types	Current	Proposed
	Notaries Public who serve four-year commissions. Limited Governmental Notaries Public commissions available for State employees only.	Notaries Public who serve four-year commissions. Limited Governmental Notaries Public commissions – Expanded to include Municipal and Federal employees in addition to State employees.
Commission Revocation	Current	Proposed
	Via Administrative Procedure Act. Act must be invoked to review all complaints against notaries, no matter how trivial.	By Lieutenant Governor for good cause via a formal disciplinary procedure. Appeals via the Administrative Procedure Act. Through July 1, 2005 when SB 203:Administrative hearing officer legislation takes effect (if passed by Legislature)
Notary Data	Current	Proposed
	Each notary's name, mailing address, surety information and commission dates are available to the public.	The notary information currently available remains unchanged. The notary's name, mailing address, surety information and commission dates continue to be publicly available. To facilitate training and communication the Lieutenant Governor may collect additional information from applicants and notaries that will not be available to the public.
Non-Commissioned Notaries	Current	Proposed
	Justices, Judges, Magistrates, Clerks or Deputy Clerks of Court, United States Postmasters, and Commissioned Military Officers are authorized to take oaths, affirmations or acknowledgments.	No change.

SB

302

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/19/04

FURTHER:

REPORTED OUT
APR 30 2004
SENATE FINANCE
COMMITTEE

DATE TURNED
IN TO OFFICE: 30 April 2004

Finance Committee considered SENATE BILL NO. 302

SB 302 OATHS; NOTARIES PUBLIC; STATE SEAL

"An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state; relating to notaries public; relating to fees for issuing certificates with the seal of the state affixed; and providing for an effective date."

and recommends:

- be replaced with _____ CS SB 302 (FIN)
- adopt previous _____ CS CS FORTHCOMING (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:
 Same Title
 New Title

House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero.	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero.	FN#
OGG	1/29/04			✓	#1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>Ben Steiner</i>	X			
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			

APR 30 2004

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 302
(S) Publish Date: 2/6/04

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
Title An Act relating to oaths, affirmations RDU _____
and acknowledgments _____ Component Office of the Lt. Governor
Sponsor Governor _____
Requester Rules _____ Component No. 11

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	8.7	8.7	8.7	8.7	8.7	8.7
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The proposed fee changes for certificates from \$2 to \$5, as set out in Section 5 of the bill, will generate anticipated \$8.7 in additional unrestricted revenues.

Prepared by: Linda J. Perez, Director Phone 465-3876
Division Administrative Services Date/Time 1/29/04 2:40 PM
Approved by: Lt. Governor Loren Leman Date 1/29/2004
Agency Office of the Lt. Governor

SENATE FINANCE
COMMITTEE
Amendment Number: #1
Bill Number: SB 302
Sponsor: Wilken Date: 4/30/04
Logged In By: Mindy

adopted

23G-2
3/26/2004
(3:16 PM)

AMENDMENT
Conceptual

OFFERED IN THE SENATE
FINANCE COMMITTEE
TO: CSSB 302(JUD)

BY Sen. Wilken by request

direction to Leg. Legal Services
to make necessary technical
adjustments.

- 1 Page 16, following line 25:
- 2 Insert a new bill section to read:
- 3 **** Sec. 12.** AS 44.50.068(e) is repealed and reenacted to read:
- 4 (e) If the lieutenant governor finds that formal disciplinary action may be
- 5 warranted, the lieutenant governor shall refer the matter to the office of administrative
- 6 hearings for a hearing."
- 7
- 8 Renumber the following bill sections accordingly.
- 9
- 10 Page 17, line 25:
- 11 Delete "secs. 1 - 14"
- 12 Insert "secs. 1 - 11 and 13 - 15"
- 13
- 14 Page 17, line 30:
- 15 Delete "secs. 1 - 14"
- 16 Insert "secs. 1 - 11 and 13 - 15"
- 17
- 18 Page 18, following line 8:
- 19 Insert new bill sections to read:
- 20 **** Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section to
- 21 read:

1 CONDITIONAL EFFECT. Section 12 of this Act takes effect only if a bill is passed by
2 the Second Session of the Twenty-Third Alaska State Legislature, and enacted into law, that
3 establishes procedures for administrative hearings conducted by an office of administrative
4 hearings in the Department of Administration.

5 * Sec. 19. If sec. 12 of this Act takes effect under sec. 18 of this Act, it takes effect on the
6 effective date of the provisions described in sec. 18 of this Act."

7

8 Renumber the following bill sections accordingly.

9

10 Page 18, line 9:

11 Delete "Section 16"

12 Insert "Section 17"

13

14 Page 18, line 10:

15 Delete "sec. 17"

16 Insert "secs. 19 and 20"

SENATE FINANCE COMMITTEE
~~A Bd 2008~~ COMMITTEE ACTION

Bill Number	SB 302		
Amendment	#1		
Motion	adopt		
<u>Motion by</u>	Wilken		
<u>Objection by</u>	Dyson		
<u>Removed</u>	J ✓		
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Olson			
Senator Stevens			
Senator Bunde			
Senator Dyson			
Senator Hoffman			
Co-Chair Green			
Co-Chair Wilken			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>	PASS		

1 * Sec. 4. AS 09.63.090 is amended to read:

2 **Sec. 09.63.090. Certificate of acknowledgment.** The words "acknowledged
3 before me" mean that

4 (1) the person acknowledging

5 *Insert language*
6 *pertaining to limited*
7 *liability partnerships*
8 *to reflect HB 439*

(A) appeared before the person taking the acknowledgment;

(B) acknowledged that the person executed the instrument;

(C) in the case of

(i) a natural person, acknowledged that the person
9 executed the instrument for the purposes stated in it;

10 (ii) an officer or agent of a corporation, acknowledged
11 that the person held the position or title set out in the instrument and
12 certificate, acknowledge that the person signed the instrument on
13 behalf of the corporation by proper authority, and acknowledge that
14 the instrument was the act of the corporation for the purposes stated in
15 it

16 (iii) a member or manager of a limited liability
17 company, acknowledged that the individual signed the instrument
18 on behalf of the limited liability company by proper authority and
19 executed the instrument as the act of the limited liability company
20 for the purposes stated in it;

insert
←

21 (iv) a partner or agent of a partnership, limited
22 partnership, or limited liability partnership, acknowledged that the
23 person signed the instrument on behalf of the partnership by proper
24 authority and executed the instrument as the act of the partnership for
25 the purposes stated in it;

26 (v) [(iv)] a person acknowledging as a principal by an
27 attorney in fact, acknowledged that the person executed the instrument
28 by proper authority as the act of the principal for the purposes stated in
29 it;

30 (vi) [(v)] a person acknowledging as a public officer,
31 trustee, administrator, guardian, or other representative, acknowledged

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Acknowledgment

Title or Rank

Serial Number, if any

(3) For a limited liability company:

State of _____ Judicial
District (or County of _____)

The foregoing instrument was acknowledged before me this (date) by (name of member or manager), member (or manager) of (name of limited liability company acknowledging) a (state or place of organization) limited liability company, on behalf of the limited liability company.

Signature of Person Taking

Acknowledgment

Member (or Manager)

Serial Number, if any

(4) For a partnership:

State of _____ Judicial
District (or County of _____)

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a (partnership, limited partnership, or limited liability partnership).

insert
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Signature of Person Taking

Acknowledgment

SENATE FINANCE COMMITTEE
4/30/2003 COMMITTEE ACTION

Bill Number	SB 302		
Amendment	#2		
Motion	adpt		
<u>Motion by</u>	Wilken		
<u>Objection by</u> Removed	none		
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Stevens			
Senator Bunde			
Senator Dyson			
Senator Hoffman			
Senator Olson			
Co-Chair Green			
Co-Chair Wilken			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>	Pass		

CS FOR SENATE BILL NO. 302(FIN)

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION**

BY THE SENATE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the authority to take oaths, affirmations, and acknowledgments in
2 the state, to notarizations, to verifications, to acknowledgments, to fees for issuing
3 certificates with the seal of the state affixed, and to notaries public; and providing for an
4 effective date."

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

6 * **Section 1.** AS 09.63.010 is amended to read:

7 **Sec. 09.63.010. Oath, affirmation, and acknowledgment.** The following
8 persons may take an oath, affirmation, or acknowledgment in the state:

9 (1) a justice, judge, or magistrate of a court of the State of Alaska or of
10 the United States;

11 (2) a clerk or deputy clerk of a court of the State of Alaska or of the
12 United States;

13 (3) a notary public;

14 (4) a United States postmaster;

1 (5) a commissioned officer under AS 09.63.050(4); [OR]

2 (6) a municipal clerk carrying out the clerk's duties under
3 AS 29.20.380;

4 (7) the lieutenant governor when carrying out the lieutenant
5 governor's duties under AS 24.05.160;

6 (8) the presiding officer of each legislative house when carrying
7 out the officer's duties under AS 24.05.170.

8 * Sec. 2. AS 09.63.030(c) is amended to read:

9 (c) If the document is sworn to or affirmed before a notary public of the state,
10 the notary public shall

11 (1) affix [ENDORSE AFTER THE SIGNATURE OF THE NOTARY
12 PUBLIC THE DATE OF EXPIRATION OF THE NOTARY'S COMMISSION;

13 (2) PRINT OR EMBOSS THE NOTARY'S SEAL] on the document

14 the

15 (A) notary public's official signature and official seal; and

16 (B) date of expiration of the notary public's commission;

17 and

18 (2) [; (3)] comply with AS 44.50.060 - 44.50.064 and [AS 44.50.060 -
19 44.50.080 OR] other applicable law.

20 * Sec. 3. AS 09.63.040(d) is amended to read:

21 (d) If the verification is sworn to or affirmed before a notary public of the
22 state, the notary public shall

23 (1) affix [ENDORSE AFTER THE SIGNATURE OF THE NOTARY
24 PUBLIC THE DATE OF EXPIRATION OF THE NOTARY'S COMMISSION;

25 (2) PRINT OR EMBOSS THE NOTARY'S SEAL] on the document

26 the

27 (A) notary public's official signature and official seal; and

28 (B) date of expiration of the notary public's commission;

29 and

30 (2) [; (3)] comply with AS 44.50.060 - 44.50.064 and [AS 44.50.060 -
31 44.50.080 OR] other applicable law.

1 * Sec. 4. AS 09.63.090 is amended to read:

2 **Sec. 09.63.090. Certificate of acknowledgment.** The words "acknowledged
3 before me" mean that

4 (1) the person acknowledging

5 (A) appeared before the person taking the acknowledgment;

6 (B) acknowledged that the person executed the instrument;

7 (C) in the case of

8 (i) a natural person, acknowledged that the person
9 executed the instrument for the purposes stated in it;

10 (ii) an officer or agent of a corporation, acknowledged
11 that the person held the position or title set out in the instrument and
12 certificate, the person signed the instrument on behalf of the
13 corporation by proper authority, and the instrument was the act of the
14 corporation for the purposes stated in it;

15 (iii) a member or manager of a limited liability
16 company, acknowledged that the individual signed the instrument
17 on behalf of the limited liability company by proper authority and
18 executed the instrument as the act of the limited liability company
19 for the purposes stated in it;

20 (iv) a partner or agent of a partnership, limited
21 partnership, or limited liability partnership, acknowledged that the
22 person signed the instrument on behalf of the partnership by proper
23 authority and executed the instrument as the act of the partnership for
24 the purposes stated in it;

25 (v) [(iv)] a person acknowledging as a principal by an
26 attorney in fact, acknowledged that the person executed the instrument
27 by proper authority as the act of the principal for the purposes stated in
28 it;

29 (vi) [(v)] a person acknowledging as a public officer,
30 trustee, administrator, guardian, or other representative, acknowledged
31 that the person signed the instrument in the capacity and for the

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purposes stated in it; and

(2) the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging is the person named in the instrument or certificate.

* Sec. 5. AS 09.63.100 is amended to read:

Sec. 09.63.100. Forms of acknowledgment. (a) The forms of acknowledgment set out in this subsection may be used and are sufficient for their respective purposes under a law of the state. The authorization of the forms in this section does not preclude the use of other forms.

(1) For an individual acting in the individual's own right:

State of _____ Judicial
District (or County of _____)

The foregoing instrument was acknowledged before me this (date) by (name of person who acknowledged).

Signature of Person Taking
Acknowledgment

Title or Rank

Serial Number, if any

(2) For a corporation:

State of _____ Judicial
District (or County of _____)

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging) a (state or place of incorporation) corporation, on behalf of the corporation.

Signature of Person Taking
Acknowledgment

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Title or Rank

Serial Number, if any

(3) For a limited liability company:

**State of _____ Judicial
District (or County of _____)**

**The foregoing instrument was acknowledged before me this
(date) by (name of member or manager), member (or manager) of
(name of limited liability company acknowledging) a (state or place
of organization) limited liability company, on behalf of the limited
liability company.**

**Signature of Person Taking
Acknowledgment**

Member (or Manager)

Serial Number, if any

(4) For a partnership:

**State of _____ Judicial
District (or County of _____)**

**The foregoing instrument was acknowledged before me this
(date) by (name of acknowledging partner or agent), partner (or agent)
on behalf of (name of partnership), a (partnership, limited
partnership, or limited liability partnership).**

**Signature of Person Taking
Acknowledgment**

Title or Rank

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Serial Number, if any

(5) [(4)] For an individual acting as principal by an attorney in fact:

State of _____ Judicial
District (or County of _____)

The foregoing instrument was acknowledged before me this
(date) by (name of attorney in fact) as attorney in fact on behalf of
(name of principal).

Signature of Person Taking
Acknowledgment

Title or Rank

Serial Number, if any

(6) [(5)] By a public officer, trustee, or personal representative:

State of _____ Judicial
District (or County of _____)

The foregoing instrument was acknowledged before me this
(date) by (name and title of position).

Signature of Person Taking
Acknowledgment

Title or Rank

Serial Number, if any

(b) If a document is acknowledged before a notary public of the state, the
notary public shall

(1) affix [ENDORSE AFTER THE NOTARY'S SIGNATURE THE
DATE OF EXPIRATION OF THE NOTARY'S COMMISSION;

(2) PRINT OR EMBOSS THE NOTARY'S SEAL] on the document

the

(A) notary public's official signature and official seal; and

(B) date of expiration of the notary public's commission;

and

(2) [; (3)] comply with AS 44.50.060 - 44.50.064 and [AS 44.50.060 - 44.50.080 OR] other law.

* Sec. 6. AS 44.19.024 is amended to read:

Sec. 44.19.024. Fees for issuing certificate. For issuing each certificate with the seal of the state affixed, the lieutenant governor shall collect a fee of \$5 for each certificate [\$2 FOR THE FIRST THREE FOLIOS OR LESS AND 20 CENTS PER FOLIO FOR EACH ADDITIONAL FOLIO]. The lieutenant governor shall account for the fees received under this section and shall deposit [PAY] them into the state treasury.

* Sec. 7. AS 44.50.010 is repealed and reenacted to read:

Sec. 44.50.010. Notary public commission; term. (a) The lieutenant governor may commission for the state

(1) notaries public without limitation, who are authorized to use the notary seal for all legal purposes; and

(2) limited governmental notaries public, who are state, municipal, or federal employees authorized to use the notary seal only for official government business.

(b) The term of a notary public commission is four years, except that the term of a limited governmental notary public commission coincides with the term of government employment.

(c) A person who is a state, municipal, or federal employee commissioned as a limited governmental notary public may also be commissioned as a notary public without limitation.

* Sec. 8. AS 44.50.020 is repealed and reenacted to read:

Sec. 44.50.020. Qualifications. To be commissioned as a notary public a person

- 1 (1) shall submit an application under AS 44.50.031;
- 2 (2) shall be at least 18 years of age;
- 3 (3) shall have established residency in this state under AS 01.10.055;
- 4 (4) shall reside legally in the United States;
- 5 (5) may not have been incarcerated in a correctional facility for a
- 6 felony conviction within 10 years before the commission takes effect;
- 7 (6) may not have had a notary public commission revoked in this state
- 8 or another jurisdiction;
- 9 (7) may not have committed acts for which a notary public
- 10 commission may be denied or revoked under this chapter; and
- 11 (8) shall meet the other requirements in this chapter to be
- 12 commissioned as a notary public.

13 * **Sec. 9.** AS 44.50 is amended by adding new sections to read:

14 **Sec. 44.50.031. Application.** (a) A person applying for a commission as a

15 notary public shall submit a completed application as required by this section, using

16 the forms or format required by the lieutenant governor.

17 (b) A completed application for a commission under AS 44.50.010(a)(1) must

18 include

19 (1) an affirmation that the applicant meets the qualifications set out in

20 AS 44.50.020(2) - (7);

21 (2) the applicant's mailing and physical addresses, the applicant's

22 telephone number, if any, the applicant's employer or business, the physical address

23 and telephone number of the applicant's employer or business at the location where the

24 applicant works, and an electronic mailing address, if any, where the applicant can be

25 contacted;

26 (3) information concerning any denial, suspension, revocation, or

27 restriction of the applicant's commission as a notary public in this state or another

28 jurisdiction; that information must include

29 (A) identification of the jurisdiction;

30 (B) the date the jurisdiction issued the denial, suspension,

31 revocation, or restriction;

1 (C) the reasons for the denial, suspension, revocation, or
2 restriction; and

3 (D) information concerning final resolution of the matter;

4 (4) the applicant's notarized signature on the portion of the application
5 that contains the oath or affirmation required by AS 44.50.035;

6 (5) the fee required by AS 44.50.033; and

7 (6) the bond required by AS 44.50.034.

8 (c) A completed application for a commission under AS 44.50.010(a)(2) must
9 include

10 (1) a signed statement by the applicant's government employer that the
11 commission is needed for the purpose of conducting official government business;

12 (2) the applicant's mailing and physical addresses, the applicant's
13 telephone number, if any, and employer, the name, address, and telephone number for
14 the employer where the applicant works, and an electronic mailing address, if any,
15 where the applicant can be contacted;

16 (3) the affirmation, information, and signature required by (b)(1), (3),
17 and (4) of this section; and

18 (4) the fee required by AS 44.50.033.

19 **Sec. 44.50.033. Application fee.** A person applying for a commission as a
20 notary public shall pay a nonrefundable application fee of \$40. However, an applicant
21 for a limited governmental notary public commission under AS 44.50.010(a)(2) who is
22 employed by the state may not be required to pay an application fee.

23 **Sec. 44.50.034. Bond.** (a) A person applying for a commission as a notary
24 public without limitation under AS 44.50.010(a)(1) shall execute an official bond of
25 \$1,000 and submit the bond with the application under AS 44.50.031. The bond must
26 be for a term of four years beginning with the date of commission as a notary public.

27 (b) The lieutenant governor shall keep a bond submitted under this section for
28 two years after the end of the term of the commission for which the bond was issued.
29 Disposition of the bond after the end of the commission does not affect the time for
30 starting an action on the bond.

31 **Sec. 44.50.035. Oath.** The application required by the lieutenant governor

1 under AS 44.50.031 must contain an oath or affirmation, in the form set out in
 2 AS 39.05.045, to be signed by the applicant. A signed oath or affirmation submitted
 3 in an application under AS 44.50.031 takes effect on the date of the applicant's
 4 commission as a notary public under this chapter.

5 **Sec. 44.50.036. Denial of applications.** The lieutenant governor shall deny
 6 an application for a notary public commission if the

7 (1) applicant does not meet the requirements of this chapter;

8 (2) application is not complete or contains a material misstatement or
 9 omission of fact relating to the requirements for a commission under this chapter;

10 (3) applicant has been incarcerated in a correctional facility for a
 11 felony conviction within 10 years before the commission is to take effect; or

12 (4) applicant's commission as a notary public has been revoked in this
 13 state for a reason set out in AS 44.50.067, or in another jurisdiction for a substantially
 14 similar reason.

15 **Sec. 44.50.037. Certificate of commission.** Upon commission of a notary
 16 public under this chapter, the lieutenant governor shall provide to the notary public a
 17 certificate of commission indicating the commission and the dates of the term of the
 18 commission.

19 **Sec. 44.50.038. Subsequent commissions.** A notary public whose term of
 20 commission is ending may apply for a new notary public commission by submitting a
 21 new application under AS 44.50.031 and complying with the requirements of this
 22 chapter. The lieutenant governor's approval of a new application for a commission for
 23 a notary public without limitation under AS 44.50.010(a)(1) terminates an applicant's
 24 existing commission under that paragraph.

25 **Sec. 44.50.039. Limited governmental notaries public.** A state, municipal,
 26 or federal employee commissioned as a notary public under AS 44.50.010(a)(2)

27 (1) is designated a limited governmental notary public;

28 (2) may perform notarial acts only in the conduct of official
 29 government business; and

30 (3) may not charge or receive a fee or other consideration for notarial
 31 services provided under this chapter.

1 * Sec. 10. AS 44.50.060 is amended to read:

2 **Sec. 44.50.060. Duties.** A notary public shall

3 (1) administer oaths and affirmations [WHEN REQUESTED,
4 DEMAND ACCEPTANCE AND PAYMENT OF FOREIGN AND INLAND BILLS
5 OF EXCHANGE, OR PROMISSORY NOTES, PROTEST THEM FOR
6 NONACCEPTANCE AND NONPAYMENT, AND EXERCISE THE OTHER
7 POWERS AND DUTIES THAT BY THE LAW OF NATIONS AND ACCORDING
8 TO COMMERCIAL USAGES, OR BY THE LAWS OF ANY OTHER STATE,
9 GOVERNMENT, OR COUNTRY, MAY BE PERFORMED BY NOTARIES];

10 (2) take the acknowledgment of or proof of execution of [POWERS
11 OF ATTORNEY, MORTGAGES, DEEDS, GRANTS, TRANSFERS, AND OTHER]
12 instruments of writing, and give a notarial certificate of the proof or acknowledgment,
13 included in [ENDORSED ON] or attached to the instrument; the notarial certificate
14 shall be signed by the notary public in the notary public's [NOTARY'S] own
15 handwriting [;

16 (3) TAKE DEPOSITIONS AND AFFIDAVITS, AND ADMINISTER
17 OATHS AND AFFIRMATIONS, IN ALL MATTERS INCIDENT TO THE DUTIES
18 OF THE OFFICE, OR TO BE USED BEFORE A COURT, JUDGE, OFFICER, OR
19 BOARD IN THE STATE; A DEPOSITION, AFFIDAVIT, OATH, OR
20 AFFIRMATION SHALL BE SIGNED BY THE NOTARY IN THE NOTARY'S
21 OWN HANDWRITING, AND THE NOTARY SHALL ENDORSE AFTER THE
22 SIGNATURE THE DATE OF EXPIRATION OF THE NOTARY'S COMMISSION].

23 * Sec. 11. AS 44.50 is amended by adding new sections to read:

24 **Sec. 44.50.061. Prohibited acts.** A notary public may not

25 (1) violate state or federal law in the performance of acts authorized by
26 this chapter;

27 (2) influence a person to enter into or avoid a transaction involving a
28 notarial act by the notary public;

29 (3) affix the notary public's signature or seal on a notarial certificate
30 that is incomplete;

31 (4) charge a fee for a notarial act unless a fee schedule has been

1 provided to the signer before the performance of the notarial act;

2 (5) affix the notary public's official seal to a document, unless the
3 person who is to sign the document

4 (A) appears and signs the document before the notary public or,
5 for an acknowledgment, appears and indicates to the notary public that the
6 person voluntarily affixed the person's signature on the document for the
7 purposes stated within the document;

8 (B) gives an oath or affirmation if required under law or if the
9 notarial certificate states that the document was signed under oath or
10 affirmation; and

11 (C) is personally known to the notary public, produces
12 government-issued identification containing the photograph and signature of
13 the person signing, or produces

14 (i) government-issued identification containing the
15 signature of the person signing, but without a photograph; and

16 (ii) another valid identification containing the
17 photograph and signature of the person signing;

18 (6) perform a notarial act if the notary public

19 (A) is a signer of or named in the document that is to be
20 notarized; or

21 (B) will receive directly from a transaction connected with the
22 notarial act a commission, fee, advantage, right, title, interest, cash, property,
23 or other consideration exceeding in value the normal fee charged by the notary
24 for the notarial act.

25 **Sec. 44.50.062. Official signature.** (a) When performing a notarization, a
26 notary public shall

27 (1) sign in the notary public's own handwriting, on the notarial
28 certificate, exactly and only the name indicated on the notary public's commission
29 certificate; a notary public may not sign through the use of a facsimile stamp or an
30 electronic or graphic printing method; and

31 (2) affix the official signature only at the time the notarial act is

1 performed.

2 (b) A notary public shall comply in a timely manner with a request by the
3 lieutenant governor to supply a current sample of the notary public's official signature.

4 **Sec. 44.50.063. Official seal.** (a) A notary public shall keep an official seal,
5 which is the exclusive property of the notary public, and shall ensure that another
6 person does not possess or use the official seal.

7 (b) A notary public's official seal

8 (1) must contain

9 (A) the notary public's name exactly as indicated on the notary
10 public's commission certificate;

11 (B) the words "Notary Public" and "State of Alaska"; and

12 (2) may be a circular form not over two inches in diameter or may be a
13 rectangular form not more than one inch in width by two and one-half inches in
14 length.

15 (c) When not in use, a notary public's official seal shall be kept in a secure
16 area under the exclusive control of the notary public.

17 (d) Within 10 days after a notary public's official seal is stolen or lost, the
18 notary public shall provide the lieutenant governor with written notification of the
19 theft or loss.

20 (e) In order to avoid misuse, a notary public's official seal shall be destroyed
21 or defaced

22 (1) upon the notary public's resignation or death;

23 (2) upon the revocation or termination by the lieutenant governor of
24 the notary public's commission; or

25 (3) when the notary public's term of commission ends if the notary
26 public has not received a new commission under this chapter.

27 **Sec. 44.50.064. Seal impression or depiction.** (a) A sharp, legible,
28 photographically reproducible impression or depiction of a notary public's official seal
29 shall be affixed

30 (1) on the notarial certificate of each paper document notarized, near
31 the notary public's official signature; and

1 (2) only at the time the notarial act is performed.

2 (b) Illegible information within a seal impression or depiction may be typed or
3 printed legibly by the notary public adjacent to, but not within, the impression or
4 depiction.

5 (c) An embossed seal impression that is not photographically reproducible
6 may be used in addition to, but not in place of, the seal impression or depiction
7 required by (a) of this section.

8 **Sec. 44.50.065. Notary public's status notification.** (a) Within 10 days after
9 change of a notary public's name, mailing address, or physical address, the notary
10 public shall, on a form provided by the lieutenant governor, submit written notification
11 of the change, signed by the notary public.

12 (b) The lieutenant governor may require limited governmental notaries public
13 commissioned under AS 44.50.010(a)(2) who change departmental or agency
14 employers to submit written notification of the change on a form provided by the
15 lieutenant governor.

16 (c) A notary public commissioned under AS 44.50.010(a)(1) reporting a name
17 change shall submit to the lieutenant governor payment of the fee under AS 44.19.024
18 for the issuance of a replacement certificate of commission.

19 (d) A notary public reporting a name change under (a) and (c) of this section
20 shall use the person's former name for the performance of notarial acts until the person
21 has

22 (1) provided written notification of the name change to the surety for
23 any bond required under AS 44.50.034;

24 (2) received a replacement certificate of commission reflecting the
25 name change from the lieutenant governor; and

26 (3) obtained a new seal reflecting the name change.

27 (e) The lieutenant governor may require a notary public to update the
28 information required under AS 44.50.031, including the notary public's current
29 notarized signature.

30 **Sec. 44.50.066. Resignation.** (a) To resign a commission, a notary public
31 shall notify the lieutenant governor in writing of the resignation and the date that it is