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2002

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Chapter No.
4

AN ACT

Changing the name of the Alaska Pioneers' Home to the Alaska Pioneers' and Veterans' Home and of the Alaska Pioneers' Homes Advisory Board to the Alaska Pioneers' and Veterans' Home Advisory Board; relating to housing and services for veterans; relating to the advisory board for the home; making other amendments to the statutes relating to the home; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: July 3, 2002

Actual Effective Date: Sections 3, 4, 6, 7, 10, and 12 take effect July 4, 2002; sections 8 and 9 take effect July 1, 2005; sections 1, 2, 5, and 11 are conditional

AN ACT

1 Changing the name of the Alaska Pioneers' Home to the Alaska Pioneers' and Veterans' Home
2 and of the Alaska Pioneers' Homes Advisory Board to the Alaska Pioneers' and Veterans'
3 Home Advisory Board; relating to housing and services for veterans; relating to the advisory
4 board for the home; making other amendments to the statutes relating to the home; and
5 providing for an effective date.
6

7 * Section 1. AS 44.21.120 is amended to read:

8 **Sec. 44.21.120. Composition of the board.** (a) The Alaska Pioneers' Home
9 [HOMES] Advisory Board consists of

10 (1) six [SEVEN] members appointed by the governor from among
11 citizens of the state; [AND]

12 (2) one member, appointed by the governor, who is a veteran of
13 active service in the armed forces of the United States, including the Alaska

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National Guard or the Alaska Territorial Guard; and

(3) one member who is the chair of the Alaska Commission on Aging established under AS 44.21.200.

(b) The term of office of a member of the board appointed under (a)(1) **or (2)** of this section is four years. A member of the board **appointed under (a)(1) or (2) of this section** may not serve more than eight consecutive years. A chair shall be elected by the voting members of the board. The members of the board appointed under (a)(1) **or (2)** of this section serve at the pleasure of the governor.

* Sec. 2. AS 44.21.120(a) is amended to read:

(a) The Alaska Pioneers' Home Advisory Board consists of

(1) **five** [SIX] members appointed by the governor from among citizens of the state;

(2) one member, appointed by the governor, who is a veteran of active service in the armed forces of the United States, including the Alaska National Guard or the Alaska Territorial Guard; [AND]

(3) **one member who is the chair of the Alaska Veterans Advisory Council established in AS 44.35; and**

(4) one member who is the chair of the Alaska Commission on Aging established under AS 44.21.200.

* Sec. 3. AS 47.55.010(c) is amended to read:

(c) The Department of Administration shall

(1) cooperate with the federal government in matters pertaining to the welfare of **Alaska** [ALASKAN] pioneers **and of veterans who reside in the home operated under this chapter**, make the reports in the form and containing the information the federal government from time to time desires, and accept funds allotted by the federal government, its agencies, or **its** instrumentalities [,] in establishing, extending, and strengthening services for pioneers of Alaska **and veterans who reside in the home operated under this chapter**;

(2) adopt regulations necessary for the conduct of the business of the Pioneers' Home and for carrying out the provisions of this chapter, require bonds and undertakings from persons employed by it as in its judgment are necessary, and pay

1 the premiums on them, and establish regional and local offices and the advisory
2 groups that are necessary or considered expedient to carry out or assist in carrying out
3 a duty or authority assigned to it;

4 (3) perform all executive or administrative duties necessary and
5 advisable to carry out the purpose of this chapter, including the power to make
6 contracts and to make disbursements on vouchers against funds for the purpose of this
7 chapter, within the limit of funds available;

8 (4) study the needs of Alaska's pioneers **and veterans who reside in**
9 **the home operated under this chapter** and submit recommendations for new
10 regulations and proposed legislation; and

11 (5) prepare a biennial report in even-numbered years and notify the
12 legislature that the report is available.

13 * Sec. 4. AS 47.55.010(d) is amended to read:

14 (d) The Department of Administration may employ the necessary subordinate
15 officers and employees, and shall prescribe methods for operation of the **home**
16 [PIONEERS' HOME], standards of care and service to **home** residents, and rules
17 governing personnel and rewarding employees on a merit basis. **The methods for**
18 **operation and standards of care and services to residents prescribed under this**
19 **subsection shall be the same as the methods for operation and standards of care**
20 **established by the Department of Administration for assisted living homes**
21 **licensed under AS 47.33.**

22 * Sec. 5. AS 47.55.010 is amended by adding new subsections to read:

23 (e) As provided in this subsection, a certain number of beds in the Alaska
24 Pioneers' Home shall be reserved for use by veterans who meet all other qualifications
25 for admission to the home. The Department of Administration shall by regulation

26 (1) specify the number of beds reserved for use by veterans under this
27 subsection; the department may not specify that more than 30 percent of the beds in a
28 single institution are reserved for veterans, nor that more than the percentage of the
29 occupied beds collectively comprising the Alaska Pioneers' Home system that were in
30 use by veterans on June 30, 2002, are reserved for veterans;

31 (2) establish procedures that

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1 (A) provide for a veteran to be considered for admission to an
2 unreserved, unoccupied bed in the home under admission criteria in or under
3 this chapter if all beds reserved under this subsection are occupied;

4 (B) provide for a person who is not a veteran to be considered
5 for admission to an unoccupied bed reserved under this subsection if no
6 veteran who is qualified for admission to a reserved bed has applied for
7 admission; and

8 (C) ensure that, to the extent possible, the beds reserved for use
9 by veterans under this subsection are occupied by veterans.

10 (f) In this section, "veteran" means a person with 181 days or more of active
11 service in the armed forces of the United States, including the Alaska National Guard
12 or the Alaska Territorial Guard.

13 * Sec. 6. AS 47.55.020(a) is amended to read:

14 (a) Every person residing in the state who is 65 years of age or older, has been
15 a resident of the state continuously for more than one year [15 YEARS] immediately
16 preceding application for admission, and is in need of residence at the home because
17 of physical disability or other reason, is eligible for admission under conditions
18 prescribed in regulations of the Department of Administration. The spouse of a person
19 who is eligible for admission under other provisions of this subsection is also eligible
20 for admission to the home under conditions prescribed by the department if the spouse
21 is 65 years of age or older and has been a resident of the state continuously for more
22 than one year [15 YEARS] immediately preceding application for admission. In this
23 subsection, "physical disability or other reason" means inability to maintain a
24 household without regular assistance in shopping, housekeeping, meal preparation,
25 dressing, or personal hygiene because of physical or medical impairment, infirmity, or
26 disability.

27 * Sec. 7. AS 47.55.020(e) is amended to read:

28 (e) Notwithstanding AS 47.55.070 and (b) of this section, a home resident
29 whose income and assets are insufficient to pay the monthly rate set under
30 AS 47.55.030(b) qualifies for payment assistance if the resident is otherwise in
31 compliance with requirements under this chapter. The amount of payment assistance

1 shall equal the amount needed, when added to other income and assets of the resident,
2 to pay the monthly rate set under AS 47.55.030(b). Payment assistance received by a
3 **home** resident is a debt to the state. In determining the amount of payment assistance
4 for which a **home** resident qualifies, the following income and assets of **the** [A
5 PIONEERS' HOME] resident shall be disregarded:

6 (1) income from any source in an amount equal to at least \$100 per
7 month as established by regulation of the Department of Administration;

8 (2) the following assets received under **43 U.S.C. 1601 - 1629g** [43
9 U.S.C. 1601 - 1629e] (Alaska Native Claims Settlement Act):

10 (A) cash dividends and other income equal to at least \$2,000 as
11 established by regulation of the Department of Administration;

12 (B) stock;

13 (C) noncash dividends from stock; and

14 (D) land;

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

16 (4) veterans' benefits paid under **38 U.S.C. 1110** [38 U.S.C. 1114];

17 (5) compensation to volunteers under the federal retired and senior
18 volunteers (42 U.S.C. 5001), foster grandparents (42 U.S.C. 5011), and senior
19 companion (42 U.S.C. 5013) programs made in accordance with 42 U.S.C. 5044(f);

20 (6) federal World War II restitution payments made under **50 U.S.C.**
21 **App. 1989b-4 and c-5** [50 U.S.C. 1989b-4 AND c-5];

22 (7) payments under AS 18.67 (crime victim compensation);

23 (8) an amount determined by regulation of the Department of
24 Administration sufficient for burial expenses of the resident, the resident's spouse, and
25 dependents of the resident;

26 (9) real property being used as the primary residence of the resident's
27 spouse or a dependent of the resident;

28 (10) other real or personal property equal to at least a total value of
29 \$5,000 as established by regulation of the Department of Administration.

30 * **Sec. 8.** AS 47.55.060 is amended to read:

31 **Sec. 47.55.060. Trust fund.** Unless otherwise provided by the donor, money

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1 bequeathed to the Alaska Pioneers' Home or to the former Alaska Pioneers' and
2 Veterans' Home constitutes a special trust fund. Unless otherwise provided by the
3 donor, interest from the special trust fund is under the control and at the disposal of the
4 Department of Administration, and expenditure from it is limited to the benefit and
5 comfort of the residents of the home.

6 * Sec. 9. AS 47.55.010(e), enacted by sec. 5 of this Act, is repealed.

7 * Sec. 10. The uncoded law of the State of Alaska is amended by adding a new section to
8 read:

9 PILOT PROJECT. (a) The Department of Administration may negotiate with the
10 United States Department of Veterans Affairs for the purpose of achieving an agreement to
11 operate a pilot project under which, until June 30, 2005, federal veterans' per diem payments
12 could be used by veterans who reside in the Alaska Pioneers' Home. The agreement must
13 also provide that receipt by a veteran of the federal per diem payment may not reduce the total
14 home daily rate charged to the veteran, but that a veteran's per diem payment will contribute
15 to the cost of the veteran's care in the home. The agreement must also provide that the pilot
16 project may be conducted without any need for changes in the state ownership and authority
17 to operate and manage the home under the state laws as they would exist after being amended
18 or enacted by this Act.

19 (b) The Department of Administration shall report to the legislature by January 5,
20 2005, on the operation of the pilot project authorized under (a) of this section. The report
21 must include the department's recommendations as to whether the project should continue,
22 whether the project should become permanent in nature, and other matters related to the
23 project, as determined by the department.

24 * Sec. 11. The uncoded law of the State of Alaska is amended by adding a new section to
25 read:

26 CHANGING THE NAME OF THE ALASKA PIONEERS' HOME AND THE
27 ALASKA PIONEERS' HOMES ADVISORY BOARD. (a) Notwithstanding
28 AS 47.55.010(a) and any other applicable provision of law, from the effective date of this
29 section until July 1, 2005, the Alaska Pioneers' Home shall be known as the Alaska Pioneers'
30 and Veterans' Home. Beginning July 1, 2005, the Alaska Pioneers' and Veterans' Home shall
31 be known as the Alaska Pioneers' Home.

1 (b) Notwithstanding AS 44.21.100 and any other applicable provision of law, from
2 the effective date of this section until July 1, 2005, the Alaska Pioneers' Homes Advisory
3 Board shall be known as the Alaska Pioneers' and Veterans' Home Advisory Board.
4 Beginning July 1, 2005, the Alaska Pioneers' and Veterans' Home Advisory Board shall be
5 known as the Alaska Pioneers' Home Advisory Board.

6 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 CONTINGENT EFFECTIVENESS. (a) Section 2 of this Act takes effect only if a
9 version of a bill establishing the Alaska Veterans' Advisory Council is passed by the Twenty-
10 Second Alaska State Legislature and becomes law.

11 (b) Sections 1, 5, and 11 of this Act take effect only if an agreement is signed between
12 the federal Department of Veterans Affairs and the state Department of Administration that
13 authorizes the pilot project described in sec. 10 of this Act.

14 * **Sec. 13.** (a) If sec. 2 of this Act takes effect, it takes effect the day after the effective date
15 of sec. 1 of this Act or on the effective date of the agreement described in sec. 10 of this Act,
16 whichever is later.

17 (b) If secs. 1, 5, and 11 of this Act take effect, they take effect on the date the
18 agreement described in sec. 10 of this Act is signed by both parties. The commissioner of
19 administration shall notify the revisor of statutes of this date and send a copy of the agreement
20 to the Legislative Budget and Audit Committee and the presiding officers of the Senate and
21 House of Representatives.

22 * **Sec. 14.** Sections 3, 4, 6, 7, 10, and 12 of this Act take effect immediately under
23 AS 01.10.070(c).

24 * **Sec. 15.** Sections 8 and 9 of this Act take effect July 1, 2005.