

CS FOR HOUSE BILL NO. 545(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/17/96
Referred: Finance

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the cost-of-living differential for certain public employees
2 residing in the state and the establishment of criteria for determining eligibility
3 for the differential; and providing for an effective date."

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

5 * **Section 1.** PURPOSE AND LEGISLATIVE INTENT. The purpose of this Act is to
6 affirm the interpretation and practice of the state with regard to the use of criteria similar to
7 the criteria in the permanent fund dividend program for determining the establishment and
8 maintenance of state residency for eligibility for the cost-of-living differential under
9 AS 23.40.210. It is also the intent of the legislature to provide express statutory authority to
10 the state to establish or clarify those standards through adoption of regulations by the
11 Department of Administration.

12 * **Sec. 2.** AS 23.40.210 is amended by adding new subsections to read:

13 (b) An employee is eligible for the cost-of-living differential under (a) of this
14 section only if the individual is a state resident. The required presence of an employee

1 at a work station where room and board are provided or reimbursed by the employer
2 may not be considered to be physical presence in the state or physical absence from
3 the state for purposes of determining eligibility for the cost-of-living differential.

4 (c) The commissioner of administration may adopt regulations under AS 44.62
5 (Administrative Procedure Act) to clarify and implement the criteria for establishing
6 and maintaining eligibility for the cost-of-living differential.

7 (d) An agreement entered into under AS 23.40.070 - 23.40.260 must require
8 compliance with the eligibility criteria for receiving the cost-of-living differential
9 contained in this section and the regulations adopted by the commissioner under (c)
10 of this section.

11 (e) In this section, "state resident" means an individual who is physically
12 present in the state with the intent to remain permanently in the state under the
13 requirements of AS 01.10.055 or, if the individual is not physically present in the state,
14 intends to return to the state and remain permanently in the state under the
15 requirements of AS 01.10.055, and is absent only temporarily for any of the following
16 reasons:

17 (1) vocational, professional, or other specific education for which a
18 comparable program was not reasonably available in the state;

19 (2) secondary or postsecondary education;

20 (3) military service;

21 (4) medical treatment;

22 (5) other reasons that the commissioner of administration may establish
23 by regulation.

24 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).