

SENATE BILL NO. 57

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATORS DUNCAN, Ellis

Introduced: 1/21/97

Referred: State Affairs, HESS, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to longevity bonuses for recipients who are absent from the
2 state for medical treatment; and providing for an effective date."

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

4 * **Section 1.** AS 47.45.030 is amended to read:

5 **Sec. 47.45.030. Absence from the state.** (a) After qualification, a recipient
6 shall notify the commissioner of administration when the recipient expects to be absent
7 from the state if the absence is for a continuous period that exceeds 30 days. After
8 that notification, the recipient may no longer receive bonuses from the Department of
9 Administration after the last regularly approved monthly application. Upon returning
10 to the state, the recipient may again make application for a bonus. Whenever the
11 absence is for a continuous period that exceeds 90 days, the recipient shall be
12 disqualified from receiving bonuses for the next 12 calendar months after returning to
13 the state. However, when the commissioner determines a period of absence is beyond
14 the control of the recipient or that the primary reason for a period of absence was

1 **to obtain medical treatment**, the recipient may not be disqualified if the recipient still
 2 otherwise qualifies upon returning to the state. Continual absences from the state, even
 3 though reported, and failure to notify the commissioner of an expected absence may
 4 be grounds for disqualification.

5 (b) The commissioner of administration shall include on each monthly bonus
 6 application a place for a recipient to state, under penalty of perjury, whether the
 7 recipient has been absent from the state for 180 days or more during the 12 calendar
 8 months immediately before the date of the application. If the recipient has been absent
 9 from the state for 180 days or more during the 12-month period, the commissioner
 10 shall provide an opportunity for the recipient to identify days of the absence that the
 11 recipient believes were beyond the control of the recipient as defined in regulations
 12 adopted by the commissioner **or days of absence that the recipient believes were**
 13 **primarily to obtain medical treatment as defined in regulations adopted by the**
 14 **commissioner**. If, after subtracting days of absence the commissioner determines were
 15 beyond the control of the recipient **or primarily to obtain medical treatment**, the
 16 remaining days of absence equal at least 180 days during the 12-month period, the
 17 recipient is permanently disqualified from receiving the bonus.

18 * **Sec. 2.** AS 47.45.030 is amended by adding a new subsection to read:

19 (c) If the primary reason for a period of absence from the state is to obtain
 20 medical treatment as defined in regulations adopted by the commissioner, a recipient
 21 continues to be qualified for bonuses during that period of absence. The recipient shall
 22 on the monthly application identify days of absence that the recipient believes were
 23 primarily to obtain medical treatment and indicate whether the bonus payment for that
 24 month should be sent to the recipient's usual address in the state or to an address in
 25 the area where the recipient is receiving the medical treatment.

26 * **Sec. 3.** AS 47.45.070(a) is amended to read:

27 (a) An unqualified person is one who
 28 (1) does not meet the age or residence requirements as provided for
 29 under this chapter;
 30 (2) meets the age and residence requirements of this chapter but either
 31 is confined in a state or federal mental health institution or facility and is certified by

1 the state as unable to manage personal affairs, or resides in a nursing home as that
2 term is defined in AS 08.70.180; however, if that person, at the time of commitment
3 or commencement of residence, provided the principal support of a spouse, the
4 commissioner of administration may determine to pay the confined person's bonus to
5 the person's spouse until the spouse is qualified for a bonus;

6 (3) is otherwise qualified but confined in a penal or correctional
7 institution or facility; upon completion of sentence or upon the conferral of a pardon,
8 parole, or probation, the person may make application; confinement outside the state
9 shall be considered as residence in the state if a person was convicted and sentenced
10 from a court in Alaska; revocation of parole or probation shall be cause for immediate
11 disqualification until release from confinement is again effected;

12 (4) **except as provided in AS 47.45.030(c)**, voluntarily leaves the state
13 and remains absent from the state for a continuous period of more than 90 days or is
14 permanently disqualified under AS 47.45.030(b);

15 (5) did not apply, under AS 47.45.010(a), before January 1, 1997, for
16 qualification to receive a longevity bonus;

17 (6) was found qualified to receive a longevity bonus, was subsequently
18 disqualified for 12 consecutive months or more, and did not reapply before January 1,
19 1997.

20 * **Sec. 4.** This Act takes effect on July 1, 1997.