

Original sponsors: Butrovich and Ray

Offered: 6/9/72

1 IN THE SENATE

BY THE FINANCE COMMITTEE

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HOUSE CS FOR CS FOR SENATE BILL NO. 211

FCC

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act providing for an Alaska longevity bonus; and
7 providing for an effective date."

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

9

* Section 1. AS 47 is amended by adding a new chapter to read:

10

CHAPTER 45. ALASKA LONGEVITY BONUS.

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Sec. 47.45.010. PERSONS WHO MAY QUALIFY FOR LONGEVITY BONUS.

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(a) A person who is 65 years of age or over, who was domiciled in
13 the territory on or before January 1, 1942 and who has maintained
14 a continuous domicile in the territory or state may apply to the
15 commissioner of administration for qualification to receive a monthly
16 bonus of \$100.

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(b) When the commissioner of administration determines that an
18 applicant qualifies under this chapter he shall immediately begin
19 payment of the bonus.

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Sec. 47.45.020. CONTINUOUS ELIGIBILITY PROCEDURES. After
21 qualification, quarterly applications for bonuses may be made in
22 person to any office of the Department of Administration. Mailed
23 quarterly applications shall also be considered by the Department of
24 Administration. In-person or mailed applications shall be made on
25 forms provided by the Department of Administration and shall conform
26 to the conditions as provided by regulation. The commissioner may
27 make exceptions to those residents who are isolated in rural areas
28 and cannot mail a quarterly application; however, they shall mail an
29 application at least once every six months.

1 Sec. 47.45.030. DISQUALIFICATION. Disqualification under
2 this chapter shall rest solely with the commissioner of administration
3 and shall be outlined in the regulations promulgated under sec. 80(1)
4 of this chapter.

5 Sec. 47.45.040. DEPARTMENT HEARING. The Department of
6 Administration may hold a departmental hearing upon the request of any
7 applicant or recipient who has been disqualified. Previous to
8 this hearing the department shall by certified mail notify an applicant
9 or recipient in plain and comprehensive language the exact reason
10 for his disqualification. Form letters using only referral to
11 state statutes or department regulations, or otherwise vague in detail,
12 shall not be considered compliance by the department with this
13 section.

14 Sec. 47.45.050. LEGAL REMEDY. Legal remedy from disqualification
15 may be sought by an applicant or recipient in any court of competent
16 jurisdiction in the state. The burden of proof shall rest solely upon
17 the applicant or recipient and any costs related to a disqualification
18 verdict determined against the applicant or recipient may be recover-
19 able by the attorney general from that person; or from any agency
20 representing that person supported in whole, or in part, with state
21 appropriations.

22 Sec. 47.45.060. UNQUALIFIED PERSONS. An unqualified person is
23 one who

24 (1) does not meet the age and residence requirements as
25 provided for under this chapter;

26 (2) is certified by the state as unable to manage his
27 own affairs; however, if such a person was at the time of his
28 certification the principal support of a spouse, the commissioner
29 of administration may determine to pay the person's bonus

1 to his spouse until the spouse is qualified for a bonus;

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

10 Sec. 47.45.070. ACCRUAL OF BONUSES. No recipient may, for any
11 reason, receive an accrual of bonuses in excess of two monthly payments.
12 No interest may be paid on accrued bonuses. Upon the death of a
13 recipient the commissioner of administration shall pay to the bene-
14 ficiary of the recipient any accrued bonuses not to exceed two monthly
15 payments.

16 Sec. 47.45.080. BONUS ADMINISTRATION. The commissioner of admin-
17 istration shall

18 (1) promulgate regulations necessary to carry out the
19 provisions of this chapter;

20 (2) make expenditures from funds appropriated to administer
21 this chapter;

22 (3) establish and maintain an adequate system of accounts
23 for the fund.

24 Sec. 47.45.090. EXEMPTIONS. (a) Bonuses received under this
25 chapter are exempt from all state and political subdivision taxes
26 except sales and use taxes and are not subject to execution, attachment,
27 garnishment or other process. No bonus received under this chapter
28 may be exempt from a federal tax requirement.

29 (b) Bonuses received under this chapter shall not be considered

1 in the computation of financial assistance due recipients, and shall
2 be in addition to maximum payments authorized, under AS 47.25.430 -
3 47.25.610, 47.25.620 - 47.25.780, or 47.25.790 - 47.25.970.

4 Sec. 47.45.100. DEATH OR CESSATION OF RESIDENCY. The commis-
5 sioner of administration shall establish procedures to stop a bonus
6 when a recipient under this chapter no longer qualifies. When a
7 recipient dies, his qualification for a bonus shall stop at the time
8 of his last approved quarterly application.

9 Sec. 47.45.110. PENALTY FOR FALSE STATEMENTS. A person who
10 wilfully or knowingly makes a false statement, or falsifies or permits
11 to be falsified any record required by this chapter, is guilty of
12 a misdemeanor and, upon conviction, is punishable by a fine of not
13 more than \$500, or by imprisonment for not more than six months, or by
14 both, forfeits all rights under this chapter, and shall make adequate
15 restitution for any bonuses illegally received.

16 Sec. 47.45.120. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.
17 The Administrative Procedure Act does not apply to this chapter.

18 Sec. 47.45.130. PURPOSE. The sole purpose of this chapter is
19 to offer and provide all qualified Alaskans capable of managing their
20 own affairs who have maintained a domicile in the state since January 1,
21 1937, and who have reached a retirement age of 65, with a longevity
22 bonus. Under no circumstances shall this chapter be considered a form,
23 type, or manner, of public relief. Bonuses made under this chapter are
24 not predicated on need even though they may appear to provide supple-
25 mental income to some qualified persons who would otherwise be forced
26 to become responsibilities of the state.

27 Sec. 47.45.140. DEFINITIONS. In this chapter

28 (1) "bonus" means a monthly Alaska longevity bonus payment
29 made to a person or his beneficiary who qualifies under this chapter;

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(2) "continuous domicile" means the place with which a person has a settled connection for determination of his civil status or other legal purposes because it is actually or legally his permanent and principal home and has been so for at least 30 years.

* Sec. 2. This Act takes effect January 1, 1973.