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1 IN THE SENATE BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR HOUSE CS FOR CS FOR SENATE BILL NO. 211

3 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."

8 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.

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

12 (a) A person who is 65 years of age or over, who was domiciled in  
13 the territory on or before January 3, 1959 and who has maintained a  
14 continuous domicile in the territory or state for 25 years may apply  
15 to the commissioner of administration for qualification to receive  
16 a monthly bonus of \$100.

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

20 (c) A person who otherwise qualifies to receive a bonus provided  
21 for in this chapter may continue to do so only as long as he continu-  
22 ously retains a domicile in the state.

23 Sec. 47.45.020. CONTINUOUS ELIGIBILITY PROCEDURES. After  
24 qualification, monthly applications for bonuses may be made in person  
25 to any office of the Department of Administration. Mailed monthly  
26 applications shall also be considered by the Department of Administra-  
27 tion. In-person or mailed applications shall be made on forms pro-  
28 vided by the Department of Administration and shall conform to the  
29 conditions as provided by regulation. The commissioner may make

1 exceptions to those residents who are isolated in rural areas and  
2 cannot mail a monthly application; however, they shall mail an  
3 application at least once every six months.

4 Sec. 47.45.030. ABSENCE FROM THE STATE. A recipient shall notify  
5 the commissioner of administration when he expects to be absent from  
6 the state if the absence is for a continuous period that exceeds 30  
7 days. After such notification, the recipient shall no longer receive  
8 bonuses from the Department of Administration after his last regularly  
9 approved monthly application. Upon his return to the state he may  
10 again make application for a bonus. Whenever the absence is for a  
11 continuous period that exceeds 180 days the recipient shall be dis-  
12 qualified from receiving bonuses for the next 12 calendar months after  
13 his return to the state. However, when the commissioner of adminis-  
14 tration determines a period of absence is beyond the control of the  
15 recipient, he may not be disqualified, if he still otherwise qualifies  
16 upon his return to the state. Continual absences from the state, even  
17 though reported, and failure to notify the commissioner of an expected  
18 absence may be grounds for disqualification.

19 Sec. 47.45.040. DISQUALIFICATION. Disqualification under this  
20 chapter shall rest solely with the commissioner of administration and  
21 shall be outlined in the regulations promulgated under sec. 100(1) of  
22 this chapter.

23 Sec. 47.45.050. DEPARTMENT HEARING. The Department of Adminis-  
24 tration may hold a departmental hearing upon the request of any appli-  
25 cant or recipient who has been disqualified. Previous to this hearing  
26 the department shall by certified mail notify an applicant or recipient  
27 in plain and comprehensive language the exact reason for his disqualifi-  
28 cation. Form letters using only referral to state statutes or depart-  
29 ment regulations, or otherwise vague in detail, shall not be considered

1 compliance by the department with this section.

2 Sec. 47.45.060. LEGAL REMEDY. Legal remedy from disqualification  
3 may be sought by an applicant or recipient in any court of competent  
4 jurisdiction in the state. The burden of proof shall rest solely upon  
5 the applicant or recipient and any costs related to a disqualification  
6 verdict determined against the applicant or recipient may be recover-  
7 able by the attorney general from that person, or from any agency  
8 representing that person supported in whole, or in part, with state  
9 appropriations.

10 Sec. 47.45.070. UNQUALIFIED PERSONS. An unqualified person is  
11 one who

12 (1) does not meet the age or residence requirements as  
13 provided for under this chapter;

14 (2) meets the age and residence requirements of this chapter  
15 but is confined in a state or federal mental health institution or  
16 facility and is certified by the state as unable to manage his own  
17 affairs; however, if such a person was at the time of his commitment  
18 the principal support of a spouse, the commissioner of administration  
19 may determine to pay the confined person's bonus to his spouse until  
20 the spouse is qualified for a bonus;

21 (3) is otherwise qualified but confined in a penal or  
22 correctional institution or facility; upon completion of sentence or upon  
23 the conferral of a pardon, parole or probation, the person may make  
24 application; confinement outside the state shall be considered as  
25 residence in the state if a person was convicted and sentenced from a  
26 court in Alaska; revocation of parole or probation shall be cause for  
27 immediate disqualification until release from confinement is again  
28 effected;

29 (4) leaves the state of his own volition and remains absent

1 from the state for a continuous period of more than 180 days.

2 Sec. 47.45.080. ACCRUAL OF BONUSES. No recipient may, for any  
3 reason, receive an accrual of bonuses in excess of two monthly payments.  
4 No interest may be paid on accrued bonuses. Upon the death of a  
5 recipient the commissioner of administration shall pay to the bene-  
6 ficiary of the recipient any accrued bonuses not to exceed two monthly  
7 payments.

8 Sec. 47.45.090. ALASKA LONGEVITY BONUS FUND. (a) There is  
9 the Alaska longevity bonus fund created for the purpose of paying the  
10 monthly bonuses provided for in this chapter. The fund consists of  
11 all money made available by appropriations of the state legislature,  
12 and from other appropriated funds, all contributions from whatever  
13 source, and income and interest derived from the investment of money.

14 (b) The commissioner of administration is the administrator of  
15 the fund.

16 Sec. 47.45.100. POWERS AND DUTIES OF THE ADMINISTRATOR. The  
17 commissioner of administration shall

- 18 (1) promulgate regulations necessary to carry out the  
19 provisions of this chapter;  
20 (2) make expenditures from the fund necessary to administer  
21 this chapter;  
22 (3) establish and maintain an adequate system of accounts  
23 for the fund;  
24 (4) publish annually a report showing the financial condi-  
25 tion of the fund.

26 Sec. 47.45.110. CUSTODY OF FUNDS. The commissioner of revenue  
27 is the treasurer of the system and has powers and duties for this  
28 purpose including but not limited to the following:

- 29 (1) to act as official custodian of the cash and securities

1 belonging to the fund;

2 (2) to receive all items of cash belonging to the fund.

3 Sec. 47.45.120. EXEMPTION FROM TAXATION AND PROCESS. Bonuses  
4 received under this chapter are exempt from all state and political  
5 subdivision taxes except sales and use taxes and are not subject to  
6 execution, attachment, garnishment or other process. No bonus received  
7 under this chapter may be exempt from a federal tax requirement.

8 Sec. 47.45.130. DEATH OR CESSATION OF RESIDENCY. The commis-  
9 sioner of administration shall establish procedures to stop a bonus  
10 when a recipient under this chapter no longer qualifies. When a  
11 recipient dies or discontinues his residency in the state his qualifi-  
12 cation for a bonus shall stop at the time of his last approved monthly  
13 application.

14 Sec. 47.45.140. PENALTY FOR FALSE STATEMENTS. A person who  
15 wilfully or knowingly makes a false statement, or falsifies or permits  
16 to be falsified any record required by this chapter, is guilty of a  
17 misdemeanor and, upon conviction, is punishable by a fine of not more  
18 than \$500, or by imprisonment for not more than six months, or by  
19 both, forfeits all rights under this chapter, and shall make adequate  
20 restitution for any bonuses illegally received.

21 Sec. 47.45.150. DEFINITIONS. In this chapter

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

24 (2) "domicile" means the place with which a person has a  
25 settled connection for determination of his civil status or other  
26 legal purposes because it is actually or legally his permanent and  
27 principal home.

28 Sec. 47.45.160. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.  
29 The Administrative Procedure Act (AS 44.62) does not apply to this

1 chapter.

2 Sec. 47.45.170. PURPOSE. The sole purpose of this chapter is  
3 to offer and provide all law-abiding Alaskans capable of managing their  
4 own affairs who have maintained a domicile in the state for at least  
5 25 years and have reached a retirement age of 65, an incentive to  
6 continue uninterrupted residency in the state. Under no circumstances  
7 shall this chapter be considered a form, type, or manner, of public  
8 relief. Bonuses made under this chapter are not predicated on need  
9 even though they may appear to provide supplemental income to some  
10 qualified persons who would otherwise be forced to become responsi-  
11 bilities of the state. The legislature further finds and states that  
12 this legislation recognizes the economic hardships suffered by many  
13 elderly Alaskans, Alaskans who through their tenacity and perseverance  
14 molded Alaska as we know it through skillful application of their  
15 talents. These pioneers are the same Alaskans, who in the prime of  
16 their life were in effect treated as second-class citizens by the  
17 federal government who paid much of their hard-earned income to a  
18 government in which they did not have the right to participate through  
19 the power of the ballot. The legislature also is aware of the fact  
20 that many of these pioneers have been forced to live out their retire-  
21 ment years in areas far away from the land they loved and nurtured  
22 and thereby also suffering in many cases, the loss of familial relation-  
23 ship with their own kin, an experience that is sad and frustrating to  
24 them as well as depriving new generations of Alaskans the benefit of  
25 their wisdom and experience. This legislation hopefully will provide  
26 our pioneers with the economic means to remain in and continue to  
27 serve their state and to enjoy the opportunity of aiding the new  
28 Alaskan in making this state truly "The Great Land".

29 \* Sec. 2. AS 01.10.030 does not apply to this Act. If any provision of

1 this Act, or the application of a provision of this Act to any person or  
2 circumstance is held invalid, this entire Act shall be considered invalid.

3 \* Sec. 3. This Act takes effect January 1, 1973.  
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