

Original sponsors: Guy, Akers,
Anderson, et al

Offered: 3/8/78
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 439 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the 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 47.45.010(a) is amended to read:

10 (a) A person who is 65 years of age or over, who was domiciled in
11 the territory on or before January 3, 1959 and who has maintained a
12 continuous domicile in the territory or state for 25 years may apply to
13 the commissioner of administration for qualification to receive a
14 monthly bonus of \$150 [\$125].

15 * Sec. 2. AS 47.45 is amended by adding a new section to read:

16 Sec. 47.45.015. PERSONS WITH UNREGISTERED BIRTHS. (a) When the
17 birth of a person applying for a bonus under this chapter is unregis-
18 tered, the department shall, within 15 days after receipt of that per-
19 son's application,

20 (1) request that the person submit an affidavit and the af-
21 fidavits of at least three other persons verifying that the person ap-
22 plying is at least 65 years of age; and

23 (2) request the state registrar of vital statistics to con-
24 duct an investigation to establish the date of birth of the person.

25 (b) The state registrar of vital statistics shall prepare and sub-
26 mit a preliminary report of birth within 60 days after receipt of the
27 department's request. The state registrar may dispense with the re-
28 quirement to prepare and submit a preliminary report if there is suffi-
29 cient documentary evidence to permit a delayed registration of birth

1 before a preliminary report is required.

2 (c) If a person whose birth is unregistered is otherwise qualified
3 under this chapter, and the affidavits required under (a)(1) of this
4 section have been received, a bonus shall be paid to that person be-
5 ginning the month next following the earlier of either the date the
6 preliminary report of birth is received or 60 days after the state
7 registrar of vital statistics is requested to investigate the birth of
8 the person. A person whose birth is unregistered is not qualified to
9 receive a bonus under this chapter if the preliminary report required
10 under (b) of this section contains documentary evidence that the person
11 is less than 65 years of age.

12 (d) If the department finds that a bonus has been improperly paid
13 to a person after complying with the procedures required under this
14 section, it shall investigate, and if it appears from the investigation
15 that a bonus was improperly paid, the department shall cancel accrued
16 bonuses and notify the person improperly receiving the bonus of the
17 reasons for the cancellation. The state then has a claim against that
18 person which may be enforced by civil action in the name of the state by
19 the attorney general. A judgment obtained against a person on a claim
20 brought under this subsection may be satisfied from amounts due as
21 bonuses payable to that person if he subsequently becomes qualified
22 under this chapter.

23 (e) Bonuses for a person whose birth is unregistered and who is
24 otherwise qualified under this chapter shall accrue from the date of
25 application or the date of qualification, whichever is later.

26 * Sec. 3. AS 47.45.050 is amended to read:

27 Sec. 47.45.050. DEPARTMENT HEARING. (a) The Department of Ad-
28 ministration shall by certified mail notify [MAY HOLD A DEPARTMENTAL
29 HEARING UPON THE REQUEST OF] an applicant or recipient who has been

1 disqualified. The notice shall inform the [PREVIOUS TO THIS HEARING THE
2 DEPARTMENT SHALL BY CERTIFIED MAIL NOTIFY AN] applicant or recipient
3 of (1) [IN PLAIN AND COMPREHENSIVE LANGUAGE] the exact reason for his
4 disqualification; (2) his right to a hearing at his request under this
5 section; and (3) the requirements and procedure for obtaining (A) state
6 payment of his transportation expenses and per diem in connection with
7 attending the hearing, or (B) a hearing held in the vicinity of his
8 residence. The notice shall be in plain and comprehensive language.
9 Form letters using only referral to state statutes or departmental
10 [DEPARTMENT] regulations, or otherwise vague in detail, shall not be
11 considered compliance by the department with this section.

12 (b) Upon the request of the applicant or recipient, the Department
13 of Administration shall provide a reasonable opportunity for a depart-
14 mental hearing to an applicant or recipient who has been disqualified.

15 * Sec. 4. AS 47.45 is amended by adding new sections to read:

16 Sec. 47.45.055. TIME AND PLACE OF HEARING. (a) The Department of
17 Administration shall determine the time and place of a hearing held
18 under sec. 50 of this chapter. If the applicant or recipient presents
19 proof satisfactory to the department that he is unable to travel, the
20 hearing shall be held as near the residence of the applicant or reci-
21 pient as is necessary to enable him to attend the hearing. In all other
22 cases the hearing shall be held as provided in (b) of this section.

23 (b) The hearing shall be held in Juneau or Ketchikan, whichever is
24 closer to the place where the applicant or recipient resides, if the
25 applicant or recipient resides in the Southeastern Senate District; in
26 Anchorage if the applicant or recipient resides in the South Central
27 Senate District; in Fairbanks or Nome, whichever is closer to the place
28 where the applicant or recipient resides, if the applicant or recipient
29 resides in the Central or Northwestern Senate District. The Department

1 of Administration may select a different place nearer the place where
2 the applicant or recipient resides.

3 (c) Notwithstanding (a) and (b) of this section, the Department of
4 Administration and the applicant or recipient may by agreement select
5 any place in the state for a hearing to be held under sec. 50 of this
6 chapter.

7 (d) As used in this section, "senate district" means the appro-
8 priate senate district from among the constitutionally prescribed senate
9 districts as of January 3, 1959.

10 Sec. 47.45.056. PAYMENT OF APPLICANT'S TRAVEL EXPENSES. If, as a
11 result of a hearing held under sec. 50 of this chapter, the applicant or
12 recipient is found to be qualified, the Department of Administration
13 shall arrange to pay per diem and the costs of transportation of the
14 applicant or recipient in connection with attending the hearing. These
15 expenses shall be paid in the same manner and amount as for state em-
16 ployees traveling on state business.

17 * Sec. 5. AS 47.45.080 is amended to read:

18 Sec. 47.45.080. ACCRUAL OF BONUSES. Except as provided under sec.
19 15(e) of this chapter, no [NO] recipient may [, FOR ANY REASON,] receive
20 an accrual of bonuses in excess of two monthly payments. No interest
21 may be paid on accrued bonuses. Upon the death of a recipient the com-
22 missioner of administration shall pay to the beneficiary of the re-
23 cipient any accrued bonuses not to exceed two monthly payments.

24 * Sec. 6. AS 18.50.040 is amended by adding a new paragraph to read:

25 (6) prepare and submit preliminary reports of birth when
26 requested to do so by the Department of Administration under AS 47.45.-
27 015;

28 * Sec. 7. Section 1 of this Act takes effect July 1, 1978.

29 * Sec. 8. Sections 2 - 6 of this Act take effect immediately in accor-

1 dance with AS 01.10.070(c).

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