

Introduced: 2/5/80
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY RANDOLPH

2 HOUSE BILL NO. 677

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska resident bonus program;
7 and providing for an effective date."

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

9 * Section 1. ALASKA RESIDENT BONUS FUND. The Alaska resident bonus fund
10 is created for the purpose of paying the bonuses provided for in this Act.
11 The fund consists of money appropriated to the fund by the legislature and
12 income and interest derived from the investment of the fund.

13 * Sec. 2. PERSONS WHO QUALIFY FOR RESIDENT BONUS. A person who is at 19
14 years of age or older who has been a resident of the state for at least 30
15 days before the effective date of this Act may apply to the commissioner for
16 qualification to receive a resident bonus as provided under sec. 7 of this
17 Act.

18 * Sec. 3. APPLICATION FOR RESIDENT BONUS. (a) Not less than 30 days
19 after the effective date of this Act, the commissioner shall begin accepting
20 applications for the resident bonus and shall at least weekly notify the
21 public of the availability of the resident bonus and of the method for
22 qualifying and applying for the bonus. The notice shall be by publication in
23 newspapers in all regions of the state, by radio and television announce-
24 ments, and by other means the commissioner determines to be appropriate and
25 reasonable. The notice shall continue for six months.

26 (b) A person cannot qualify for a resident bonus if his application is
27 received by the department more than six months after the beginning of the
28 application period.

29 * Sec. 4. DISQUALIFICATION. The authority to disqualify an applicant for

1 the resident bonus established by this Act rests solely with the commis-
2 sioner. The administrative procedures for disqualification shall be provided
3 in regulations adopted under sec. 9 of this Act.

4 * Sec. 5. DEPARTMENTAL HEARING. The department shall hold a hearing, in
5 accordance with the Administrative Procedure Act (AS 44.62), on the request
6 of an applicant who has been disqualified. Before the hearing the department
7 shall by certified mail notify an applicant in plain and comprehensive lan-
8 guage the exact reason for his disqualification. A form letter using only
9 references to state statutes or departmental regulations, or which is other-
10 wise vague in detail, may not be considered compliance by the department with
11 this section.

12 * Sec. 6. LEGAL REMEDY. A legal remedy from disqualification may be
13 sought by an applicant in the superior court only after the conclusion of the
14 departmental hearing. The burden of proof rests solely on the applicant, and
15 any costs related to a verdict upholding the disqualification of the appli-
16 cant may be recovered by the attorney general from the applicant or from an
17 agency representing the applicant which is supported in whole or in part by
18 state appropriations.

19 * Sec. 7. PAYMENT OF RESIDENT BONUS. (a) As soon as practicable after
20 January 1, 1981, the commissioner shall provide the commissioner of revenue
21 with a list of persons qualified to receive a resident bonus and a list of
22 persons whose qualifications to receive a bonus are, at that time, under
23 review by the department. The commissioner of revenue shall immediately pay
24 resident bonuses to qualified persons as provided under (c) of this section.

25 (b) After receiving the lists from the commissioner under (a) of this
26 section, the commissioner of revenue shall deduct and segregate as a reserve,
27 an amount sufficient to pay bonuses to persons whose qualifications to
28 receive a bonus are under review by the department or the superior court.

29 (c) The amount of the resident bonus payable under (a) of this section

1 is the quotient of the balance of the fund (after deduction of the reserve
2 required under (b) of this section) divided by the number of persons listed
3 by the commissioner as qualified to receive a bonus.

4 (d) After all disqualification reviews have been concluded, without
5 possibility of further review, the commissioner of revenue shall pay resident
6 bonuses to all persons whose qualifications to receive the bonus were upheld
7 after January 1, 1981. Bonuses payable to these persons shall be in an
8 amount equal to the amount computed under (c) of this section.

9 (e) If after making the payments required under (a) and (d) of this
10 section money still remains in the fund, the commissioner of revenue shall
11 pay to each person qualified to receive a bonus an amount equal to the
12 quotient of the balance remaining in the fund divided by the number of
13 persons qualified to receive bonuses.

14 * Sec. 8. EXEMPTION FROM TAXATION. Resident bonuses are exempt from all
15 state and political subdivision taxes.

16 * Sec. 9. REGULATIONS. The commissioner shall adopt regulations, in
17 accordance with the Administration Procedure Act (AS 44.62), to implement
18 this Act.

19 * Sec. 10. PENALTY FOR FALSE STATEMENTS. A person who wilfully or know-
20 ingly makes a false statement, or falsifies or permits to be falsified a
21 record or application required by this Act, is guilty of a class B misde-
22 meanor and upon conviction forfeits all rights under this Act in addition to
23 any fine or sentence of imprisonment which may be imposed.

24 * Sec. 11. DEFINITIONS. In this Act, unless the context requires other-
25 wise,

- 26 (1) "commissioner" means the commissioner of administration;
27 (2) "department" means the Department of Administration;
28 (3) "fund" means the Alaska resident bonus fund;
29 (4) "resident" means an individual who maintains a permanent place

1 of abode in the state with the intention of making the state his permanent
2 place of residence and who resides in the state continuously except for
3 temporary purposes only and with the intent of returning;

4 (5) "resident bonus" and "bonus" means the Alaska resident bonus
5 payable under sec. 7 of this Act.

6 * Sec. 12. This Act terminates June 30, 1981.

7 * Sec. 13. This Act takes effect immediately in accordance with AS 01.10.-
8 070(c).

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