

Introduced: 1/16/79
Referred: State Affairs and
Finance

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 46

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska longevity bonus."

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

8 * Section 1. AS 47.45.050 is amended to read:

9 Sec. 47.45.050. DEPARTMENT HEARING. (a) The Department of
10 Administration shall by certified mail notify [MAY HOLD A DEPARTMENTAL
11 HEARING UPON THE REQUEST OF] an applicant or recipient who has been
12 disqualified. The notice shall inform the [PREVIOUS TO THIS HEARING THE
13 DEPARTMENT SHALL BY CERTIFIED MAIL NOTIFY AN] applicant or recipient of
14 (1) [IN PLAIN AND COMPREHENSIVE LANGUAGE] the exact reason for his
15 disqualification; (2) his right to a hearing at his request under this
16 section; and (3) the requirements and procedure for obtaining (A) state
17 payment of his transportation expenses and per diem in connection with
18 attending the hearing, or (B) a hearing held in the vicinity of his
19 residence. The notice shall be in plain and comprehensive language.
20 Form letters using only referral to state statutes or departmental
21 [DEPARTMENT] regulations, or otherwise vague in detail, shall not be
22 considered compliance by the department with this section.

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

26 * Sec. 2. AS 47.45 is amended by adding new sections to read:

27 Sec. 47.45.055. TIME AND PLACE OF HEARING. (a) The Department of
28 Administration shall determine the time and place of a hearing held
29 under AS 47.45.050. If the applicant or recipient presents

1 proof satisfactory to the department that he is unable to travel, the
2 hearing shall be held as near the residence of the applicant or reci-
3 pient as is necessary to enable him to attend the hearing. In all other
4 cases the hearing shall be held as provided in (b) of this section.

5 (b) The hearing shall be held in Juneau or Ketchikan, whichever is
6 closer to the place where the applicant or recipient resides, if the
7 applicant or recipient resides in the Southeastern Senate District; in
8 Anchorage if the applicant or recipient resides in the Southcentral
9 Senate District; in Fairbanks or Nome, whichever is closer to the place
10 where the applicant or recipient resides, if the applicant or recipient
11 resides in the Central or Northwestern Senate District. The Department
12 of Administration may select a different place nearer the place where
13 the applicant or recipient resides.

14 (c) Notwithstanding (a) and (b) of this section, the Department of
15 Administration and the applicant or recipient may by agreement select
16 any place in the state for a hearing to be held under AS 47.45.050.

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

20 Sec. 47.45.056. PAYMENT OF APPLICANT'S TRAVEL EXPENSES. (a) If
21 the applicant or recipient qualifies under (b) of this section, the
22 Department of Administration shall arrange to pay per diem and the costs
23 of transportation of the applicant or recipient in connection with at-
24 tending a hearing held under AS 47.45.050. These expenses shall be paid
25 in the same manner and amount as for state employees traveling on state
26 business.

27 (b) To qualify for state payment of transportation and per diem
28 under this section, the applicant or recipient must establish to the
29 satisfaction of the department that he

1 (1) resides in an area which is, at the time the hearing is
2 to be held, inaccessible to the place of hearing by road or is more than
3 50 miles distant from the place of hearing by road; and

4 (2) lacks the ability to pay for transportation and other
5 expenses in connection with attending the hearing.

6 (c) The commissioner of administration shall adopt regulations
7 prescribing standards for determining ability to pay under (b)(2) of
8 this section.

9 * Sec. 3. AS 47.45.060 is amended to read:

10 Sec. 47.45.060. JUDICIAL REVIEW [LEGAL REMEDY]. An applicant or
11 recipient who has been disqualified under this chapter may appeal the
12 decision of the Department of Administration to the superior court. The
13 decision of the department may not be appealed until a hearing has been
14 held and a final decision rendered under AS 47.45.050. The superior
15 court shall hear the matter de novo [LEGAL REMEDY FROM DISQUALIFICATION
16 MAY BE SOUGHT BY AN APPLICANT OR RECIPIENT IN ANY COURT OF COMPETENT
17 JURISDICTION IN THE STATE]. The burden of proof shall rest solely upon
18 the applicant or recipient and any costs related to an order affirming
19 the decision of the department [A DISQUALIFICATION VERDICT DETERMINED
20 AGAINST THE APPLICANT OR RECIPIENT] may be recoverable by the attorney
21 general from the applicant or recipient [THAT PERSON], or from any
22 agency representing the applicant or recipient [THAT PERSON] supported
23 in whole, or in part, with state appropriations.

24 * Sec. 4. AS 47.45.140 is amended to read:

25 Sec. 47.45.140. PENALTY FOR FALSE STATEMENTS. A person who wil-
26 fully or knowingly makes a false statement, or falsifies or permits to
27 be falsified any record required by this chapter, is guilty of a mis-
28 demeanor and, upon conviction, is punishable by a fine of not more than
29 \$500, or by imprisonment for not more than six months, or by both,

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forfeits all rights under this chapter, and shall make adequate restitu-
tion for any bonuses illegally received and for any amounts paid by the
state under AS 47.45.056.

* Sec. 5. This Act applies prospectively only and not retroactively.