

Introduced: 2/4/81  
Referred: Health, Education &  
Social Services and Finance

1 IN THE HOUSE

BY BUCHHOLDT

2 HOUSE BILL NO. 102

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act extending certain benefits to the permanently  
7 and totally disabled."

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

9 \* Section 1. AS 47.25 is amended by adding a new section to read:

10 ARTICLE 6A. CERTIFICATION OF THE PERMANENTLY AND TOTALLY DISABLED.

11 Sec. 47.25.971. CERTIFICATION OF THE PERMANENTLY AND TOTALLY  
12 DISABLED. A person 50 years of age or over who, under regulations  
13 adopted by the department under AS 47.25.790, either (1) is eligible  
14 for financial assistance under AS 47.25.790 - 47.25.970, or (2) except  
15 for the income and resources requirements, would be eligible for  
16 financial assistance under AS 47.25.790 - 47.25.970, may obtain written  
17 certification from the department of his permanent and total disabili-  
18 ty.

19 (b) The department shall adopt regulations prescribing procedures  
20 under which a person may apply for and obtain certification of his  
21 permanent and total disability under (a) of this section.

22 (c) In this section "department" means the Department of Health  
23 and Social Services.

24 \* Sec. 2. AS 28.10.411(c) is amended to read:

25 (c) A resident 65 years of age or older, or a resident 50 years  
26 of age or older who is certified as permanently and totally disabled  
27 under AS 47.25.971, is entitled to an exemption from tax under this  
28 section for one motor vehicle subject to registration. No exemption  
29 may be granted except upon written application for the exemption on a

1 form prescribed by the department.

2 \* Sec. 3. AS 29.53.020(e) is amended to read:

3 (e) The real property owned and occupied as a permanent place of  
4 abode by a resident 65 years of age or over, or by a resident 50 years  
5 of age or over who is certified as permanently and totally disabled  
6 under AS 47.25.971, is exempt from taxation of the assessed value of  
7 the real property. Only one exemption may be granted with respect to  
8 the same property and, if two or more persons are eligible for an  
9 exemption with respect to the same property, the parties shall decide  
10 between or among themselves which shall receive the benefit of the  
11 exemption. No real property may be exempted under this subsection  
12 which the assessor determines, after notice and hearing to the parties  
13 concerned, has been conveyed to the applicant primarily for the purpose  
14 of obtaining the exemption. The determination of the assessor is  
15 appealable under AS 44.62.560 - 44.62.570.

16 \* Sec. 4. AS 29.63.065(a) is amended to read:

17 (a) The real property owned and occupied by a resident 65 years  
18 of age or over, or by a resident 50 years of age or over who is certi-  
19 fied as permanently and totally disabled under AS 47.25.971, or by the  
20 spouse, widow, widower, or minor heir of the original applicant, on  
21 which is located only his permanent abode which is a single-family  
22 residence, is exempt from (1) special sewer assessments levied by a  
23 home rule or general law municipality after September 2, 1975 and (2)  
24 special water assessments levied by a home rule or general law munici-  
25 pality after September 2, 1975. Only one exemption may be granted with  
26 respect to the same property, and, if two or more persons are eligible  
27 for an exemption with respect to the same property, the parties shall  
28 decide between or among themselves which shall receive the benefit of  
29 the exemption. No real property may be exempted under this subsection

1 which the municipality determines, after notice and hearing to the  
2 parties concerned, has been conveyed to the applicant primarily for the  
3 purpose of obtaining the exemption. The determination of the munici-  
4 pality is appealable under AS 44.62.560 - 44.62.570.

5 \* Sec. 5. AS 29.73.060(a) is amended to read:

6 (a) A resident of the state 65 years of age or older, or a resi-  
7 dent 50 years of age or older who is certified as permanently and  
8 totally disabled under AS 47.25.971, who rents a permanent place of  
9 abode is eligible for tax equivalency payments from the state through  
10 the Department of Community and Regional Affairs.

11 \* Sec. 6. AS 29.73.060(d) is amended to read:

12 (d) If two or more persons occupy a residence as tenants, not all  
13 of whom are eligible for tax equivalency payments under this section,  
14 the assessor shall determine equitable partial payments to be made to  
15 the eligible tenants. However, tax equivalency payments to an eligible  
16 applicant may not be reduced because the spouse is less than 65 years  
17 of age or because the spouse is not certified as being permanently and  
18 totally disabled under AS 47.25.971. If all occupants in a residence  
19 are eligible for tax equivalency payments under this section, the occu-  
20 pants shall decide between and among themselves which shall receive  
21 payment.

22 \* Sec. 7. AS 38.05.098(a) is amended to read:

23 (a) The real property occupied as a permanent place of abode by a  
24 resident 65 years of age or over, or by a resident 50 years of age or  
25 over who is certified as permanently and totally disabled under AS 47.25.  
26 971, and leased by that resident from the state in accordance with  
27 AS 38.05.070 - 38.05.105 is exempt from the payment of annual lease  
28 rent. Only one exemption may be granted for the same property, and, if  
29 two or more persons are eligible for an exemption for the same property

1 the parties shall decide between or among themselves which shall re-  
2 ceive the benefit of the exemption. An exemption may not be granted  
3 for a portion of the lease which is used by the leaseholder for a  
4 purpose other than his permanent place of abode.

5 \* Sec. 8. AS 47.25.030 is amended to read:

6 Sec. 47.25.030. ADMISSION ON PAYMENT. A citizen of the United  
7 States over 65 years of age or a citizen over 50 years of age who is  
8 certified as permanently and totally disabled under AS 47.25.971, and  
9 who is a resident of the state and has been a resident for not less  
10 than 15 years continuously immediately preceding his application, but  
11 who is not destitute, may on application be admitted to the home upon  
12 his agreement to pay to the state a sum for each day as the Department  
13 of Administration considers sufficient to compensate the state for the  
14 cost of care and support of the person at the home. When this agree-  
15 ment is entered into the Department of Administration may receive the  
16 security for the payments, which it considers expedient.