

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

1 IN THE SENATE

BY COLLETTA AND BRADLEY BY REQUEST

2 SENATE BILL NO. 131

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 finan-  
16 cial assistance under AS 47.25.790 - 47.25.970, may obtain written  
17 certification from the department of his permanent and total disability.

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

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

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

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

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

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

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

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

1 parties concerned, has been conveyed to the applicant primarily for the  
2 purpose of obtaining the exemption. The determination of the municipal-  
3 ity is appealable under AS 44.62.560 - 44.62.570.

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

5 (a) A resident of the state (1) who is 65 years of age or older  
6 or (2) who is 50 years of age or older and certified as permanently and  
7 totally disabled under AS 47.25.971 who rents a permanent place of  
8 abode is eligible for tax equivalency payments from the state through  
9 the Department of Community and Regional Affairs.

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

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

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

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

1 the benefit of the exemption. An exemption may not be granted for a  
2 portion of the lease which is used by the leaseholder for a purpose  
3 other than his permanent place of abode.

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

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