

Introduced: 1/17/83
Referred: Health, Education & Social
Services, Judiciary and Finance

BY MALONE, ZHAROFF, WENDTE AND
SZYMANSKI

1 IN THE HOUSE

2 HOUSE BILL NO. 36 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending the residence requirements of the
7 longevity bonus program; repealing sec. 2, ch. 205,
8 SLA 1972; prohibiting the use of Alaska permanent
9 fund money to pay longevity bonuses; and providing
10 for an effective date."

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

12 * Section 1. FINDINGS AND PURPOSE. The legislature finds and declares
13 that

14 (1) the high cost of goods and services in Alaska and the
15 state's remoteness and harsh environment, make it difficult for many el-
16 derly Alaskans to remain in the state after retirement;

17 (2) when a person is forced to live out retirement years away
18 from home, family and friends, that person suffers an irreparable loss;

19 (3) Alaska's elderly are a precious human resource, and it is in
20 the public interest to provide a financial incentive for them to remain in
21 the state after retirement; and

22 (4) it is in the public interest to continue the longevity bonus
23 program for elderly Alaskans irrespective of need. The longevity bonus
24 program is not a form of welfare, and is not a substitute for or supplement
25 to public assistance. Other programs are available to provide the basic
26 necessities of life. The longevity bonus program is intended to encourage
27 elderly Alaskans to spend their retirement years in the comfort of their
28 homes. The longevity bonus program is also intended to partially compen-
29 sate elderly Alaskans for the deprivation of federal voting rights they

1 suffered as residents of the Territory of Alaska before statehood.

2 * Sec. 2. AS 47.45.010 is amended to read:

3 Sec. 47.45.010. PERSONS WHO MAY QUALIFY FOR LONGEVITY BONUS.

4 (a) A person who is 65 years of age or over, who was a resident of
5 [DOMICILED IN] the territory on or before January 3, 1959 and who
6 resides in the state for at least one year immediately preceding the
7 application for a longevity bonus under this chapter [HAS MAINTAINED A
8 CONTINUOUS DOMICILE IN THE TERRITORY OR STATE FOR 25 YEARS] may apply
9 to the commissioner of administration for qualification to receive a
10 monthly bonus of \$250.

11 (b) When the commissioner of administration determines that an
12 applicant qualifies under AS 47.45.010 - 47.45.170 the commissioner
13 [HE] shall immediately begin payment of the bonus.

14 (c) A person who otherwise qualifies to receive a bonus provided
15 for in AS 47.45.010 - 47.45.170 may continue to do so only as long as
16 that person continues to be a resident of [HE CONTINUOUSLY RETAINS A
17 DOMICILE IN] the state.

18 * Sec. 3. AS 47.45.030 is amended to read:

19 Sec. 47.45.030. ABSENCE FROM THE STATE. After qualification a
20 [A] recipient shall notify the commissioner of administration when the
21 recipient [HE] expects to be absent from the state if the absence is
22 for a continuous period that exceeds 30 days. After that notifica-
23 tion, the recipient shall no longer receive bonuses from the Depart-
24 ment of Administration after the [HIS] last regularly approved monthly
25 application. Upon returning [HIS RETURN] to the state the recipient
26 [HE] may again make application for a bonus. Whenever the absence is
27 for a continuous period that exceeds 180 days the recipient shall be
28 disqualified from receiving bonuses for the next 12 calendar months
29 after returning [HIS RETURN] to the state. However, when the

1 commissioner of administration determines a period of absence is
2 beyond the control of the recipient, the recipient [HE] may not be
3 disqualified, if the recipient [HE] still otherwise qualifies upon
4 returning [HIS RETURN] to the state. Continual absences from the
5 state, even though reported, and failure to notify the commissioner of
6 an expected absence may be grounds for disqualification.

7 * Sec. 4. AS 47.45.150 is amended by adding a new paragraph to read:

8 (3) "resident" or "resident of the state" means an indi-
9 vidual who is physically present in the state with the intent to
10 remain in the state indefinitely and to make a home in the state. A
11 person demonstrates the requisite intent by maintaining a principal
12 place of abode in the state for one year and by providing other proof
13 of intent the commissioner may require by regulation, including proof
14 that the person is not claiming residency outside the state or obtain-
15 ing benefits under a claim of residency outside the state.

16 * Sec. 5. SEVERABILITY. If any provision of this Act, or the applica-
17 tion of it to any person or circumstance is held invalid, the remainder of
18 this Act and the application to other persons or circumstances is not
19 affected by the holding of invalidity.

20 * Sec. 6. REGULATIONS. (a) If the durational residency requirements
21 enacted in sec. 2 of this Act are held invalid by a court of competent
22 jurisdiction, or if the payment of longevity bonuses under AS 47.45 is
23 enjoined for any reason by a court of competent jurisdiction the Department
24 of Administration shall adopt durational residency requirements for eli-
25 gibility for longevity bonus payments as emergency regulations under
26 AS 44.62.250.

27 (b) It is the intent of the legislature that the regulations adopted
28 under (a) of this section shall impose the most stringent residency re-
29 quirement allowable under the Constitution of the State of Alaska and the

1 United States Constitution.

2 * Sec. 7. The principal or income of the Alaska permanent fund (AS 37.-
3 13) may not be used to pay longevity bonuses under AS 47.45.

4 * Sec. 8. Section 2, ch. 205, SLA 1972, AS 47.45.150(2), and AS 47.45.-
5 170 are repealed.

6 * Sec. 9. After January 3, 1984 a person may not receive a monthly
7 longevity bonus under AS 47.45 unless that person was eligible to receive a
8 longevity bonus before that date.

9 * Sec. 10. This Act takes effect immediately in accordance with AS 01.-
10 10.070(c)."

11