

Offered: 4/13/84
Referred: Finance

Original sponsors: Ray and Kerttula

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 347 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the longevity bonus program; and
7 providing for an effective date."

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

9 * Section 1. AS 47.45.010 is amended to read:

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

11 (a) A person who is 65 years of age or over, who has been a resident
12 of the state for at least one year immediately preceding the applica-
13 tion for a longevity bonus under this chapter [WAS DOMICILED IN THE
14 TERRITORY ON OR BEFORE JANUARY 3, 1959 AND WHO HAS MAINTAINED A CON-
15 TINUOUS DOMICILE IN THE TERRITORY OR STATE FOR 25 YEARS] may apply to
16 the commissioner of administration for qualification to receive a
17 monthly bonus of \$250.

18 (b) When the commissioner of administration determines that an
19 applicant qualifies under AS 47.45.010 - 47.45.160 the commissioner
20 [AS 47.45.010 - 47.45.170 HE] shall immediately begin payment of the
21 bonus.

22 (c) A person who otherwise qualifies to receive a bonus provided
23 for in AS 47.45.010 - 47.45.160 [AS 47.45.010 - 47.45.170] may con-
24 tinue to do so only as long as that person continues to be a resident
25 of [HE CONTINUOUSLY RETAINS A DOMICILE IN] the state.

26 * Sec. 2. AS 47.45.030 is amended to read:

27 Sec. 47.45.030. ABSENCE FROM THE STATE. After qualification a
28 [A] recipient shall notify the commissioner of administration when the
29 recipient [HE] expects to be absent from the state if the absence is

1 for a continuous period that exceeds 30 days. After that notifica-
2 tion, the recipient shall no longer receive bonuses from the Depart-
3 ment of Administration after the [HIS] last regularly approved monthly
4 application. Upon returning [HIS RETURN] to the state the recipient
5 [HE] may again make application for a bonus. Whenever the absence is
6 for a continuous period that exceeds 180 days the recipient shall be
7 disqualified from receiving bonuses for the next 12 calendar months
8 after returning [HIS RETURN] to the state. However, when the commis-
9 sioner of administration determines a period of absence is beyond the
10 control of the recipient, the recipient [HE] may not be disqualified,
11 if the recipient [HE] still otherwise qualifies upon returning [HIS
12 RETURN] to the state. Continual absences from the state, even though
13 reported, and failure to notify the commissioner of an expected ab-
14 sence may be grounds for disqualification.

15 * Sec. 3. AS 47.45 is amended by adding a new section to read:

16 Sec. 47.45.145. ACCESS TO RECORDS. (a) Notwithstanding any
17 contrary provision of state law or state agency regulation, the com-
18 missioner of administration may have access to and examine records,
19 documents, or other information in the possession of a state agency,
20 other than personal income tax returns filed under AS 43.20, if the
21 records, documents, or information relate to the length of state
22 residence of an applicant for, or a recipient of, a monthly bonus
23 under this chapter.

24 (b) If the commissioner of administration receives confidential
25 information under (a) of this section, that information may be used
26 only to confirm or rebut an applicant's declaration of length of state
27 residence. If a person discloses information obtained under this
28 section for a purpose other than to rebut an applicant's declaration
29 of length of state residence in an appropriate administrative or

1 judicial proceeding, that person is subject to the penalty that ap-
2 plies to unauthorized disclosure of that information by the agency or
3 person that has primary custody and control of the information.

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

5 (3) "resident" or "resident of the state" means an indi-
6 vidual who is physically present in the state with the intent to
7 remain in the state indefinitely and to make a home in the state; a
8 person demonstrates the requisite intent only by maintaining a princi-
9 pal place of abode in the state for the one year required by AS 47.-
10 45.010(a) and by providing other proof of intent the commissioner may
11 require by regulation, including proof that the person is not claiming
12 residency outside the state or obtaining benefits under a claim of
13 residency outside the state.

14 * Sec. 5. AS 47.45.150(2), 47.45.170, and sec. 2, ch. 205, SLA 1972 are
15 repealed.

16 * Sec. 6. AS 47.45 is repealed July 1, 2000.

17 * Sec. 7. (a) A person who is qualified to receive a monthly longevity
18 bonus under AS 47.45 on March 30, 1984, is presumed to be qualified to
19 receive a monthly bonus under AS 47.45, as amended by this Act. Payments
20 under AS 47.45, as amended by this Act, may be made to that person as long
21 as the person continues to qualify for payments under those provisions.

22 (b) A person who is eligible to receive a monthly longevity bonus
23 under AS 47.45, as amended by this Act, for which that person was not
24 eligible under AS 47.45 on March 30, 1984; and whose application for a
25 longevity bonus for a month beginning on or after May 1, 1984, is received
26 by July 1, 1984, may be paid for each month for which that person is qual-
27 ified and for which an application is filed, notwithstanding any other
28 provision of law.

29 * Sec. 8. (a) The amendment to AS 47.45.010(a) made in sec. 1 of this

1 Act, the adoption of AS 47.45.150(3) made in sec. 4 of this Act, the repeal
2 of AS 47.45.150(2) and 47.45.170 made in sec. 5 of this Act, and the repeal
3 of AS 47.45 made in sec. 6 of this Act are repealed if the United States
4 Supreme Court reverses, in whole or in part, the decision of the Alaska
5 Supreme Court in the case of Marian Schafer and State of Alaska v. Rodney
6 Vest, Alaska Supreme Court No. S-289, on the constitutionality of the
7 Alaska longevity bonus program (AS 47.45) as it read immediately before the
8 effective date of this Act.

9 (b) In the event that the Alaska Supreme Court decision in the case
10 of Marian Schafer and the State of Alaska v. Rodney Vest is reversed, in
11 whole or in part, by the United States Supreme Court, the provisions re-
12 pealed by (a) of this section are repealed on the day following the day on
13 which the decision of the United States Supreme Court takes effect and,
14 notwithstanding the provisions of AS 01.10.100(c), the provisions of
15 AS 47.45.010(a) and 47.45.150, as they read immediately before the effec-
16 tive date of this Act, are revived.

17 * Sec. 9. This Act applies only to longevity bonus payments for months
18 of qualified residence beginning on or after May 1, 1984.

19 * Sec. 10. This Act takes effect immediately in accordance with AS 01.-
20 10.070(c).