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ELIASON AND MOSS

1 IN THE SENATE

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SENATE BILL NO. 474

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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THIRTEENTH LEGISLATURE - SECOND SESSION

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A BILL

6 For an Act entitled: "An Act relating to the longevity bonus program; and

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providing for an effective date."

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

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\* Section 1. FINDINGS AND PURPOSE. The legislature finds and declares

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(1) the high cost of goods and services in Alaska and the

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state's remoteness and harsh environment, make it difficult for many el-

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derly Alaskans to remain in the state after retirement;

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(2) when a person is forced to live out retirement years away

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from home, family and friends, that person suffers an irreparable loss;

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(3) Alaska's elderly are a precious human resource, and it is in

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the public interest to provide a financial incentive for them to remain in

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the state after retirement; and

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(4) it is in the public interest to continue the longevity bonus

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program for elderly Alaskans irrespective of need. The longevity bonus

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program is not a form of welfare and is not a substitute for or supplement

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to public assistance. Other programs are available to provide the basic

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necessities of life. The longevity bonus program is intended to encourage

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elderly Alaskans to spend their retirement years in the comfort of their

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homes.

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

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

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(a) A person who is 65 years of age or over, who resides in the state

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for at least one year immediately preceding the application for a

1 longevity bonus under this chapter [WAS DOMICILED IN THE TERRITORY ON  
2 OR BEFORE JANUARY 3, 1959 AND WHO HAS MAINTAINED A CONTINUOUS DOMICILE  
3 IN THE TERRITORY OR STATE FOR 25 YEARS] may apply to the commissioner  
4 of administration for qualification to receive a monthly bonus of  
5 \$250.

6 (b) When the commissioner of administration determines that an  
7 applicant qualifies under AS 47.45 the commissioner [HE] shall immedi-  
8 ately begin payment of the bonus.

9 (c) A person who otherwise qualifies to receive a bonus provided  
10 for in AS 47.45 may continue to do so only as long as that person  
11 continues to be a resident of [HE CONTINUOUSLY RETAINS A DOMICILE IN]  
12 the state.

13 (d) Notwithstanding (a) of this section, on July 1, 1990, the  
14 age requirement for eligibility for a longevity bonus shall be in-  
15 creased to 66 years of age. On July 1 of each succeeding year the age  
16 requirement shall be increased by one year.

17 \* Sec. 3. AS 47.45.030 is amended to read:

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

1 control of the recipient, the recipient [HE] may not be disqualified,  
2 if the recipient [HE] still otherwise qualifies upon returning [HIS  
3 RETURN] to the state. Continual absences from the state, even though  
4 reported, and failure to notify the commissioner of an expected ab-  
5 sence may be grounds for disqualification.

6 \* Sec. 4. AS 47.45.150 is amended to read:

7 Sec. 47.45.150. DEFINITIONS. In this chapter

8 (1) "bonus" means a monthly Alaska longevity bonus payment  
9 made to a person or the person's [HIS] beneficiary who qualifies under  
10 this chapter;

11 (2) "resident" or "resident of the state" means an indi-  
12 vidual who is physically present in the state with the intent to  
13 remain in the state indefinitely and to make a home in the state; a  
14 person demonstrates the requisite intent by maintaining a principal  
15 place of abode in the state for one year and by providing other proof  
16 of intent the commissioner may require by regulation, including proof  
17 that the person is not claiming residency outside the state or obtain-  
18 ing benefits under a claim of residency outside the state ["DOMICILE"  
19 MEANS THE PLACE WITH WHICH A PERSON HAS A SETTLED CONNECTION FOR  
20 DETERMINATION OF HIS CIVIL STATUS OR OTHER LEGAL PURPOSES BECAUSE IT  
21 IS ACTUALLY OR LEGALLY HIS PERMANENT AND PRINCIPAL HOME].

22 \* Sec. 5. Section 2, ch. 205, SLA 1972, and AS 47.45.170 are repealed.

23 \* Sec. 6. Sections 2 and 4 of this Act are retroactive to July 1, 1982.

24 \* Sec. 7. This Act takes effect 30 days after the date of a final  
25 decision by the Alaska Supreme Court affirming the decision of the superior  
26 court in the case of Rodney Vest, et al v. Marian Schafer and State of  
27 Alaska, No. 1JU-82-1103 CIV, Superior Court for the State of Alaska, First  
28 Judicial District at Juneau, on the constitutionality of the Alaska  
29 longevity bonus program.