

SENATE BILL NO. 230

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY SENATORS KERTTULA, Zharoff

Introduced: 1/10/94

Referred: STA, CRA, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act transferring responsibility for the longevity bonus program from the
 2 Department of Administration to the Department of Community and Regional
 3 Affairs."

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

5 * Section 1. AS 47.45.010(a) is amended to read:

6 (a) A person who is 65 years of age or over who resides in the state for at
 7 least one year immediately preceding application for a longevity bonus under this
 8 chapter may apply to the commissioner [OF ADMINISTRATION] no later than
 9 December 31, 1996, for qualification to receive a monthly bonus of

10 (1) \$250, if the person's application was submitted before January 1,
 11 1994;

12 (2) \$200, if the person's application was submitted on or after
 13 January 1, 1994, but before January 1, 1995;

14 (3) \$150, if the person's application was submitted on or after

1 January 1, 1995, but before January 1, 1996; or

2 (4) \$100, if the person's application was submitted on or after
3 January 1, 1996, but before January 1, 1997.

4 * Sec. 2. AS 47.45.010(b) is amended to read:

5 (b) When the commissioner [OF ADMINISTRATION] determines that an
6 applicant qualifies under this chapter the commissioner shall immediately begin
7 payment of the bonus.

8 * Sec. 3. As 47.45.020 is amended to read:

9 Sec. 47.45.020. CONTINUOUS ELIGIBILITY PROCEDURES. After
10 qualification, monthly applications for bonuses may be made in person to any office
11 of the Department of Community and Regional Affairs [ADMINISTRATION].
12 Mailed monthly applications shall also be considered by the department. In-person or
13 mailed applications shall be made on forms provided by the department and shall
14 conform to the conditions as provided by regulation. The commissioner [OF
15 ADMINISTRATION] may make exceptions for those residents who are isolated in
16 rural areas and cannot mail a monthly application; however, they shall mail an
17 application at least once every six months.

18 * Sec. 4. AS 47.45.030 is amended to read:

19 Sec. 47.45.030. ABSENCE FROM THE STATE. After qualification, a
20 recipient shall notify the commissioner [OF ADMINISTRATION] when the recipient
21 expects to be absent from the state if the absence is for a continuous period that
22 exceeds 30 days. After that notification, the recipient may no longer receive bonuses
23 from the Département of Community and Regional Affairs [ADMINISTRATION]
24 after the last regularly approved monthly application. Upon returning to the state, the
25 recipient may again make application for a bonus. Whenever the absence is for a
26 continuous period that exceeds 90 days the recipient shall be disqualified from
27 receiving bonuses for the next 12 calendar months after returning to the state.
28 However, when the commissioner determines a period of absence is beyond the control
29 of the recipient, the recipient may not be disqualified if the recipient still otherwise
30 qualifies upon returning to the state. Continual absences from the state, even though
31 reported, and failure to notify the commissioner of an expected absence may be

1 grounds for disqualification.

2 * Sec. 5. AS 47.45.040 is amended to read:

3 Sec. 47.45.040. DISQUALIFICATION. Disqualification under this chapter
4 shall rest solely with the commissioner [OF ADMINISTRATION] and shall be
5 outlined in the regulations adopted under AS 47.45.100(1).

6 * Sec. 6. AS 47.45.050 is amended to read:

7 Sec. 47.45.050. DEPARTMENT HEARING. The Department of Community
8 and Regional Affairs [ADMINISTRATION] may hold a departmental hearing upon
9 the request of an applicant or recipient who has been disqualified. Before this hearing
10 the department shall by certified mail notify an applicant or recipient in plain and
11 comprehensive language the exact reason for the disqualification. Form letters using
12 only referral to state statutes or department regulations, or otherwise vague in detail,
13 are not considered compliance by the department with this section.

14 * Sec. 7. AS 47.45.070(a) is amended to read:

15 (a) An unqualified person is one who

16 (1) does not meet the age or residence requirements as provided for
17 under this chapter;

18 (2) meets the age and residence requirements of this chapter but either
19 is confined in a state or federal mental health institution or facility and is certified by
20 the state as unable to manage personal affairs, or resides in a nursing home as that
21 term is defined in AS 08.70.180; however, if that person, at the time of commitment
22 or commencement of residence, provided the principal support of a spouse, the
23 commissioner [OF ADMINISTRATION] may determine to pay the confined person's
24 bonus to the person's spouse until the spouse is qualified for a bonus;

25 (3) is otherwise qualified but confined in a penal or correctional
26 institution or facility; upon completion of sentence or upon the conferral of a pardon,
27 parole, or probation, the person may make application; confinement outside the state
28 shall be considered as residence in the state if a person was convicted and sentenced
29 from a court in Alaska; revocation of parole or probation shall be cause for immediate
30 disqualification until release from confinement is again effected;

31 (4) voluntarily leaves the state and remains absent from the state for

1 a continuous period of more than 90 days;

2 (5) did not apply, under AS 47.45.010(a), before January 1, 1997, for
3 qualification to receive a longevity bonus;

4 (6) was found qualified to receive a longevity bonus, was subsequently
5 disqualified for 12 consecutive months or more, and did not reapply before January 1,
6 1997.

7 * Sec. 8. AS 47.45.080 is amended to read:

8 Sec. 47.45.080. ACCRUAL OF BONUSES. A recipient may not for any
9 reason, receive an accrual of bonuses in excess of two monthly payments. Interest may
10 not be paid on accrued bonuses. Upon the death of a recipient the commissioner [OF
11 ADMINISTRATION] shall pay to the beneficiary of the recipient any accrued bonuses
12 not to exceed two monthly payments.

13 * Sec. 9. AS 47.45.090(b) is amended to read:

14 (b) The commissioner [OF ADMINISTRATION] is the administrator of the fund.

15 * Sec. 10. AS 47.45.100 is amended to read:

16 Sec. 47.45.100. POWERS AND DUTIES OF THE ADMINISTRATOR. The
17 commissioner [OF ADMINISTRATION] shall

18 (1) adopt regulations necessary to carry out the provisions of this
19 chapter;

20 (2) make expenditures from the fund necessary to administer this
21 chapter;

22 (3) establish and maintain an adequate system of accounts for the fund;

23 (4) publish annually a report showing the financial condition of the
24 fund.

25 * Sec. 11. AS 47.45.130 is amended to read:

26 Sec. 47.45.130. DEATH OR CESSATION OF RESIDENCY. The
27 commissioner [OF ADMINISTRATION] shall establish procedures to stop a bonus
28 when a recipient under this chapter no longer qualifies. When a recipient dies or
29 discontinues residency in the state the recipient's qualification for a bonus shall stop
30 at the time of the recipient's last approved monthly application.

31 * Sec. 12. AS 47.45.150 is amended by adding a new paragraph to read:

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(3) "commissioner" means the commissioner of community and regional affairs.