

COMMITTEE REPORT

HOUSE

2/5/76

Mr. Speaker:

Date February 24 1976

FINANCE

SB 478 am

The Committee on _____ has had _____

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH ^{House} CS FOR _____ AND THAT

CS FOR SB 478 am DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman



Alaska House of Representatives

AS 01.10.030

Statute Attached

HUGH MALONE

POUCH V
JUNEAU
99811

P. O. BOX 9
KENAI
99611

Jay

*Screened for
1/10/03
0.11.03*

— here are a couple of
proposed CS's —

Your comments — we'll
do what you want
Hush

Original Sponsors: Kerttula, Ferguson
and Croft

IN THE SENATE

BY THE FINANCE COMMITTEE

HOUSE CS FOR SENATE BILL NO. 476

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the Alaska longevity bonus; and
providing for an effective date."

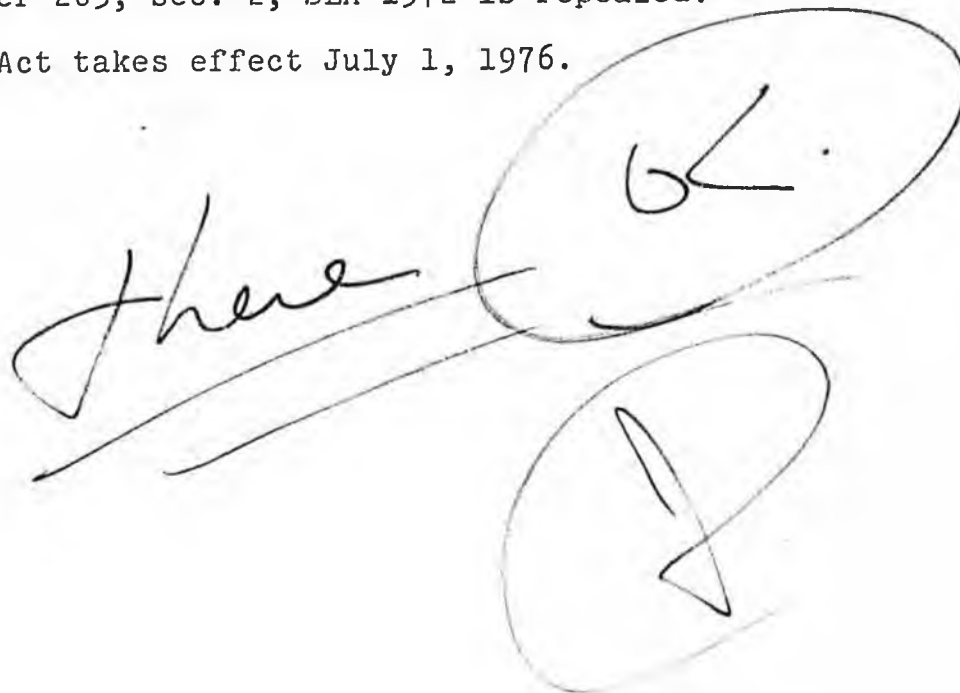

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

(a) A person who is 65 years of age or over, who was domiciled in
the territory on or before January 3, 1959 and who has maintained a con-
tinuous domicile in the territory or state for 25 years may apply to the
commissioner of administration for qualification to receive a monthly
bonus of \$125 [\$100].

* Sec. 2. Chapter 205, sec. 2, SLA 1972 is repealed.

* Sec. 3. This Act takes effect July 1, 1976.

There  

STATE OF ALASKA
Inter-Department Route Slip

TO:
MAIL STATION NUMBER 3100

DEPARTMENT Alaska State Legislature

ATTENTION Senator Kerttula

- | | |
|----------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks:

FROM:
MAIL STATION NUMBER 0208

DEPARTMENT Admin/Admin. Services

BY Kellus Sewell DATE 2/25

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE
 Second Session - Ninth Legislature

I. REQUEST

Bill No. S. B. 476 am
 Title: An Act Relating to the Longevity Bonus
 Requested by: Senate Kerttula, Ferguson, Croft Date: _____
 Return Date Requested: 2/25/76
 Agency: Administration Program: Pioneers Benefits

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Longevity Bonus
 A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES	0					
200 TRAVEL	0					
300 CONTRACTUAL	0					
400 COMMODITIES	0					
500 EQUIPMENT	0					
600 LAND & STRUCTURES	0					
700 GRANTS, CLAIMS, ETC.	0	1,625.2	1,690.2	1,757.8	1,828.1	1,901.2
TOTAL		1,625.2	1,690.2	1,757.8	1,828.1	1,901.2

B. FUNDING: (Thousands of dollars)

GENERAL FUND	0	1,625.2	1,690.2	1,757.8	1,828.1	1,901.2
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Pioneer Alaskans who qualify for the State Longevity Bonus Program would have their benefits raised to \$125.00 per month. Total benefits requested for budget year 1977 is \$6,500,900. Total estimated costs with the \$25.00 raise per person would be \$8,126,100.

Assumed a 5% average annual increase for FY 78-81.

IV. ATTACHMENTS

V. DATE: 2-25-76 PREPARED BY: Marie E swanson

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Kerttula

accepted 2/12/76

Introduced: 1/12/76
Referred: Health, Education
and Social Services and
Finance

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IN THE SENATE BY KERTTULA, FERGUSON AND CROFT

SENATE BILL NO. 476 am

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these pioneers have been forced to live out their retirement years in areas far away from the land they loved and nurtured and thereby also suffering in many cases, the loss of familial relationship with their own kin, an experience that is sad and frustrating to them as well as depriving new generations of Alaskans the benefit of their wisdom and experience. This legislation hopefully will provide our pioneers with the economic means to remain in and continue to serve their state and to enjoy the opportunity of aiding the new Alaskan in making this state truly "The Great Land".

* Sec. 2. AS 01.10.030 does not apply to this Act. If any provision of this Act, or the application of a provision of this Act to any person or circumstance is held invalid, this entire Act shall be considered invalid.

* Sec. 3. This Act takes effect January 1, 1973.

HCS SB 476 repeals this ↗

FROM TAXATION AND PROVISIONS...
ter are exempt from all...
taxes except sales and...
execution, attachment,
bonus received under...
a Federal tax requirement.

CESSATION OF RESIDENCY.
on shall establish proced...
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FALSE STATEMENTS. A
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In this chapter
monthly Alaska longevity
his beneficiary who
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TY OF ADMINISTRATIVE
Procedure Act (AS 44.1)

The sole purpose of this
all law-abiding Alaskans
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Permitted to become law without signature: July 7, 1972
Actual effective date: January 1, 1973

acquires title by accretion. Alaska 399, 1949), aff'd, 1022 (9th Cir.

ates v. Pacific 5 Alaska 43 Midnight Sun 77 P. 85 (9th Cir. 1911); Op. No. 280 651 (1965). v. Bonkowski, 1969). olaris Inv. Co., Supp. 411 (D.

Co. v. Citizens' 3); First Nat. ka 400 (1938); Inc. v. Alaska d 253 (9th Cir.

d C.J.S. refer- Common Law, ar., Statutes, §§ 511, 516 to 576. n law of other

Law § 11.

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§§ 1 to 3, 311 to

. Any law here- ure which lacks

a severability clause shall be construed as though it contained the clause in the following language, "If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application to other persons or circumstances shall not be effected thereby." (§ 1 ch 98 SLA 1949)

Applied in State v Baker, Sup Ct. Op. No. 584 (File No. 1014), 460 Ct. Op. No. 227 (File No. 428), 393 P.2d 77 (1969). P.2d 893 (1961); Speidel v. State, Sup.

Sec. 01.10.040. Words and phrases. Words and phrases shall be construed according to the rules of grammar and according to their common and approved usage. Technical words and phrases and those which have acquired a peculiar and appropriate meaning, whether by legislative definition or otherwise, shall be construed according to the peculiar and appropriate meaning. (§ 2 ch 62 SLA 1962)

Judicial construction.—The court is required to construe words and phrases according to their "common and approved usage" unless such words and phrases have acquired peculiar meaning by virtue of statutory definition or judicial construction. Lynch v. McCann, Sup. Ct. Op. No. 659 (File No. 1142), 478 P.2d 835 (1970). Quoted in Employment Sec. Comm'n v. Wilson, Sup. Ct. Op. No. 587 (File No. 1084), 461 P.2d 125 (1969); Thorsheim v. State, Sup. Ct. Op. No. 611 (File No. 1090), 469 P.2d 383 (1970).

Sec. 01.10.050. Tense, number, and gender. (a) Words in the present tense include the past and future tenses, and words in the future tense include the present tense.

(b) Words in the singular number include the plural, and words in the plural number include the singular.

(c) Words of the masculine gender include the feminine and the neuter and when the sense so indicates, words of the neuter gender may refer to any gender. (§ 3 ch 62 SLA 1962)

Sec. 01.10.060. Definitions. In the laws of the state, unless the context otherwise requires,

- (1) "action" includes any matter or proceeding in a court, civil or criminal;
- (2) "daytime" means the period between sunrise and sunset;
- (3) "month" means a calendar month unless otherwise expressed;
- (4) "nighttime" means the period between sunset and sunrise;
- (5) "oath" includes affirmation or declaration;
- (6) "peace officer" means any officer of the state troopers, members of the police force of any incorporated city or borough, United States marshals and their deputies, and other officers whose duty it is to enforce and preserve the public peace;
- (7) "person" includes a corporation, company, partnership,

OPTIONS TO INCREASE PAYMENTS UNDER ALASKA LONGEVITY BONUS PROGRAM
FOR FY 77

Options	FY 77 (1) Number of Recipients	FY 77 Monthly payment Per Individual	FY 77 Total Cost	FY 77 Additional Appropriation
SB 476 Increases monthly payment to \$150	5,349	\$150	\$9,628,200	\$3,209,400
CSSE 476 Increases monthly payment to \$125 & adds COLA in FY 73	5,349	\$125	\$8,023,500	<u>\$1,604,700</u>
SB 535 Monthly payment remains at \$100 & adds COLA in FY 78. Also amends residency duration requirements	5,499	\$100	\$6,598,800	\$ 120,000
No change in legislation \$100 monthly payment	5,349	\$100	\$6,418,800	\$ 0

SENATE JOURNAL

$$\begin{array}{r} 15 \\ 53 \overline{) 80} \\ \underline{53} \\ 270 \\ \underline{265} \end{array}$$

$$\begin{array}{r} 6.5 \\ 1.6 \\ \hline 8.1 \times 150 \end{array}$$
 - Fiscal note
 + 4 mm if attached

SB 476

FEB 25 1976

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

JAY S. HAMMOND, GOVERNOR

OFFICE OF THE COMMISSIONER POUCH C—JUNEAU 99811

February 24, 1976

Honorable Hugh Malone
Chairman
House Finance Committee
Alaska State Legislative
Pouch V - State Capitol
Juneau, Alaska 99811

RE: Senate Bills No. 476 and No. 533

Dear Representative Malone:

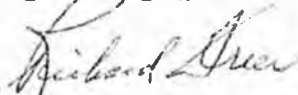
Senate Bill No. 533 was introduced by the Governor at the request of this department to amend certain sections in the Longevity Bonus Act. A copy of our original analysis of the need for these changes is attached. This bill is presently in the Senate Health Education and Social Services Committee where it was originally referred on January 17, 1976.

Senate Bill No. 476, introduced by Senator Kerttula, provides for an increase in the amount of monthly Longevity Bonus payments and we note has passed the Senate and is presently referred to your committee.

Because we consider the amendments contained in Senate Bill No. 533 to be reasonable and important to the administration of the Longevity Bonus program we are requesting your consideration to include them as amendments to Senate Bill No. 476.

We would be glad to discuss the matter with you and your committee at any time and by copy of this letter we are advising the Senate Health Education and Social Service Committee of our suggestion to you in this regard.

Very truly yours,



Richard W. Freer
Deputy Commissioner

RWF/be
Enclosure

cc: Senate Health Education and
Social Services Committee

"Sec. 47.45.010 PERSONS WHO MAY QUALIFY FOR LONGEVITY BONUS. (a) A person who is 65 years of age or over, who was domiciled in the territory on or before January 3, 1959 and who has maintained a continuous domicile in the territory or state for 25 years or who has domiciled in the territory and state a total of 30 years, may apply to the commissioner of administration for qualification to receive a monthly bonus of \$100."

We have run across numerous instances of applicants for a longevity bonus who have lived in the territory and state considerably more than 25 years but whose 25 years of continuous domicile was interrupted for reasons not acceptable under the program. These people were working, tax paying individuals who contributed to the growth of the territory well within the intent set forth by the legislature.

It is felt that by adding the provision of 30 years total domicile in the territory and state, numerous worthwhile people now excluded from the program will qualify.

"Sec. 47.45.030. ABSENCE FROM THE STATE. A recipient shall notify the commisioner of administration when he expects to be absent from the State. [IF THE ABSENCE IS FOR A CONTINUOUS PERIOD THAT EXCEEDS 30 DAYS] "

We have found that many bonus recipients leave the state expecting to be gone less than 30 days and therefore do not notify the Longevity Bonus Office of their intended absence. Quite often these absences extend to more than 30 days due to the urging of relatives or friends or for other reasons. Lacking this information, a monthly bonus payment is automatically issued and when the absence is more than 30 days the amount must be recovered. This has proved very troublesome.

Under the proposed change, bonus payments would be withheld until the Longevity Bonus Office is notified of the individual's return at which time all payments legally due would be made.

"Sec. 47.45.070. UNQUALIFIED PERSONS. An unqualified person is one who:

(3) is otherwise qualified but confined in a penal or correctional institution or facility; upon completion of sentence or upon the conferral of a pardon, parole or probation, the person may make application; confinement outside the state shall be considered as residence in the state if a person was convicted and sentenced from a court in Alaska[;] and the period of confinement was less than one year; revocation of parole or probation shall be cause for immediate disqualification until release from confinement is again effected."

The language in the statute as now written seems entirely opposed to the intent of the legislature in creating this program as expressed in part in AS 47.45.170.

"The legislature recognizes the economic hardships suffered by many elderly Alaskans, Alaskans who through their tenacity and perseverance molded Alaska as we know it through skillful application of their talents."

A case in point is an application from an individual who came to Alaska in 1950. In 1952 he was convicted of a crime and spent the period from 1952 to 1967 in the federal prison on McNeil Island. This individual returned to Alaska in 1967 and has now reached age 65 thus qualifying for a longevity bonus by reason of age and continuous domicile in Alaska. Of this twenty-five years continuous domicile, 60% or fifteen years of this time was spent in prison at State expense.

We feel the above amendment to AS 47.45.070 will correct what appears to be a gross inequity in the program.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y. STAM (AP101)
BUREAU, ALASKA 99501

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 23, 1976

SUBJECT: Severability of Longevity Bonus Provisions

TO: Hugh Malone
Chairman, House Finance Committee

FROM: Jerry Williams
Legal Intern

You have asked whether or not the provisions of the Alaska Longevity Bonus chapter are severable or not.

There is no section within the Longevity Bonus chapter which creates severability. However, all statutes enacted in Alaska are severable unless they specifically state otherwise, AS 01.10.030.

In Section 2 of Chapter 205, Session Laws of Alaska for 1972, it was specifically provided that the general severability clause above does not apply. Thus, the Longevity Bonus Act is not severable. If any portion of the act is declared invalid, it will all be held invalid.

JW:smh

January 23, 1976

The Honorable Chancy Croft
President of the Senate
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. President:

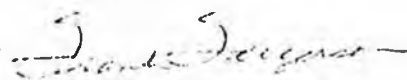
The Senate Health, Education and Social Services Committee has reported out Committee Substitute for Senate Bill #476. The following is an analysis of the Committee Substitute.

CSSB 476, Health and Social Services Committee Substitute

- Sec. 1 Amends 47.45.010 to increase the Alaska Longevity Bonus from \$100 a month to \$125 a month adjusted according to following new section.
- Sec. 2 Amends 47.45 by creating a new section 47.45.015 creating an automatic cost of living increase in the monthly bonus. The COLA would commence on July 1, 1977 and be a percentage of the bonus equal to the upward change in the Consumer Price Index for Anchorage, Alaska, published by the U.S. Department of Labor in the preceding calendar year.
- Sec. 3 Provides for an effective date of July 1, 1976.

Also included are the options and their cost-benefits.

Sincerely,


Frank Ferguson, Chairman
Senate Health, Education and
Social Services Committee

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Original sponsors: Kerttula, Ferguson
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1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 476

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska longevity bonus; and
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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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13 commissioner of administration for qualification to receive a monthly
14 bonus of \$125 [\$100].

15 * Sec. 2. AS 47.45.030 is amended by adding a new subsection to read:

16 (b) A recipient directed by a physician to seek medical atten-
17 tion and hospitalization outside the state shall continue to receive
18 bonuses during a continuous absence for medical purposes which does
19 not exceed 90 days, if the recipient notifies the commissioner and
20 furnishes him with a statement, written by his physician, directing
21 the absence from the state as necessary for medical reasons.

22 * Sec. 3. Chapter 205, sec. 2, SLA 1972 is repealed.

23 * Sec. 4. This Act takes effect July 1, 1976.
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4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

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