

S B

3 4

Senator Pourchot
February 12, 1991

SUMMARY

SB 34 amends the Longevity Bonus statutes governing length of absence from the state by increasing from 90 to 135 days the length of time a bonus recipient can be gone before having to go through the one year requalification process.

To clarify the current statutory ambiguity regarding cumulative absences, a new provision is added that specifies that a person who has not qualified to receive at least 8 bonuses during the last 12 months will have to requalify for the program.

In public hearings held by the Division of Pioneer Benefits this past fall, seniors repeatedly stated that they felt unduly restricted in their travel by the current statutory 90-day limitation on absences. This restriction appears severe in light of the fact that many seniors must save for several years before being able to afford a trip Outside.

By allowing seniors to be gone an additional 45 days (during which time they do not receive a bonus), SB 34 appears to more closely meet the intent of the original legislation and to represent a win/win situation. Not only would seniors be afforded greater travel opportunities, but the overall cost of the longevity bonus program would not be increased. In addition, this proposal may encourage individuals to be more accurate in their reporting of out of state absences.

2/7/91

Pat - Regarding SB 34 (Longevity Bonus absences) these are some questions which haven't but may come up.

1) What is the difference between Sections 1 and 2 -

Section 1 relates to a **continuous** absence; i.e., a person can be gone for 135 days straight before having to return to the state to retain bonus eligibility.

Section 2 relates to **cumulative** absences; i.e., repeated trips out of state. To retain eligibility, a senior must qualify to receive at least 8 bonuses during the previous 12-month period (not calendar year).

2) Isn't there a contradiction in allowing a person to be gone for 135 days, and then specifying they can only miss 4 bonus payments (which represents 120 days)? No, a person who is gone for 135 days misses 4 bonus payments. The additional 15 days represent the time a person can be gone during a month without having to report under the new regs.

3) Does a person have to report an absence of less than 30 days?
Under current statute - No
Under the new regs - Yes, you have to indicate on your check stub that you were not gone from the state for more than 15 days during the previous month.

(The Department then compares check stubs from month to month to determine if a person forfeits a bonus; i.e., if you indicate on the check stub you receive in February that you were gone the last 15 days in January and on your March check stub you indicate that you were gone the first 15 days in February, you will forfeit one check.....Sounds a little confusing.....it is!)

Under current statutes (and the new regulations) a person will be disqualified from the program for one year if they exceed the **90-day continuous absence** limitation. However, the **new regs count any absence separated by less than 10 days in state as a continuous absence.** (Under the old regs disqualification resulted from any absence whether continuous or cumulative that exceeded 90 days during a given 365 day period.) (Note: Legal Services questions the Department's statutory authority to adopt a regulation that counts absences separated by less than 10 days in state as a continuous absence.)

Maximum number of days a person can be out of state during a year without losing a bonus:

Under current statute - 348 days

This has happened (The retired airline pilot who flew up from Seattle once a month to pick up his bonus, stayed overnight, then went back to Seattle. He was not breaking the law. He did not have to report his absence since the absence out of state didn't exceed 30 days.

New Regs - 180 days (2 weeks each month)

Under new regs, person has to report on check stub if out of state for more than 15 days in previous month.

SB 34 - 180 days (2 weeks each month)

Maximum number of days a person can be out of state during a year without being disqualified - not necessarily collecting a bonus:

Under current statute - 348 days (see above)

New regs - 335 days

Gone 90 days, back 10; gone 90, back 10; etc.

SB 34 - 135 to 180 days

You can miss no more than 4 bonuses.

Taken as a continual absence this would equal 135 days.

Taken as 4 one-month absences it could equal 180 days.

30 days for the month gone

15 days you can be gone without reporting

A total of 45 days for one absence = one lost bonus