

1 IN THE Senate

BY Sen. Lopez & Barnes

2 Senate BILL NO. 66

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to providing General
7 Relief Assistance; establishing
8 eligibility factors and amount of
9 assistance; providing penalties;
10 repealing Sections 51-2-2, 51-2-21, 51-2-22,
11 51-2-23 as amended by Chapter 78 S.L.A.
12 1951, 51-2-24, 51-2-81, 51-2-91 and
13 51-2-92 ACLA 1949; and fixing an
14 effective date."

15 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

16 Section 1. DEFINITIONS. As used in this Act:

17 (a) "Welfare Department" means the Department of
18 Public Welfare created by Chapter 3, Extraordinary Session Laws
19 1937 (51-1-1 - 51-1-23 ACLA 1949).

20 (b) "Needy person" means any needy resident of the
21 Territory who has lived in the Territory for one year immediately
22 preceding the date of application for relief assistance and who
23 is not eligible for aid from any other public agency or
24 department providing similar services in the Territory.

25 (c) "Public medical institution" means any public
26 hospital or medical institution, except an institution for the
27 treatment of tuberculosis or mental disease.

28 (d) "Assistance" means financial assistance to or on
29 behalf of a needy person, including subsistence (food, shelter,

1 fuel, clothing, and utilities), transportation, medical needs
2 (including, but not limited to, hospitalization, nursing, and
3 convalescent care), burial, and other determined needs.

4 Section 2. ELIGIBILITY FOR ASSISTANCE. Financial assist-
5 ance shall be given under this Act, so far as practicable under
6 the conditions in this Territory, to any needy person who is
7 found eligible under rules and regulations established by the
8 Board of Public Welfare.

9 Section 3. AMOUNT OF ASSISTANCE. The amount of assistance
10 which shall be granted for any needy person shall be determined
11 by the Welfare Department with due regard to the resources and
12 needs of the person and the conditions existing in each case,
13 and shall be sufficient to provide the applicant with reasonable
14 subsistence according to Standards of Assistance established by
15 the Welfare Department, provided, that the amount of assistance
16 for subsistence needs may not exceed \$80.00 per person per
17 calendar month.

18 Section 4. RESIDENCE IN INSTITUTIONS. No payment under the
19 provisions of this Act may be made to or in behalf of any
20 individual who is an inmate of the Alaska Pioneers' Home or any
21 other public institution (except as a patient in a public
22 medical institution) or any individual who is a patient in an
23 institution (either public or private) for tuberculosis or
24 mental diseases. Any inmate of the Alaska Pioneers' Home or
25 such public institution, who is otherwise eligible to receive an
26 allowance under the provisions hereof, may at any time make
27 application for such allowance in lieu of the support and
28 maintenance provided for him or her in the Home or public
29 institution.

1 Section 5. APPLICATION FOR ASSISTANCE. Any person
2 requesting assistance shall make application therefor, either
3 for himself or by another in his behalf, upon forms furnished
4 and under rules and regulations prescribed by the Welfare
5 Department.

6 Section 6. INVESTIGATION OF APPLICANT. Whenever the
7 Welfare Department receives an application for General Relief,
8 an investigation shall be made promptly to determine the
9 applicant's eligibility according to the rules of the Board of
10 Public Welfare.

11 Section 7. GRANTING OF ASSISTANCE: PAYMENTS. Upon the
12 completion of its investigation, the Welfare Department shall
13 decide whether the applicant is eligible for and should receive
14 assistance promptly under the provisions of this Act, the amount
15 thereof, the manner of paying or providing it, and the date on
16 which the assistance shall begin. The Welfare Department shall
17 notify the applicant of its decision.

18 Section 8. APPEAL. Any applicant whose application is not
19 acted upon, is denied, discontinued, or modified by the
20 Department shall be granted an opportunity for fair hearing
21 before a representative of the Welfare Department duly appointed
22 for that purpose; such hearing shall be granted and shall be
23 held within a reasonable time after demand therefor has been
24 made; and where a representative is designated to conduct such
25 hearing, the representative shall be governed by the rules and
26 regulations prescribed for that purpose by the Welfare
27 Department.

28 Section 9. Whenever it shall be ascertained that any
29 person receiving assistance has had a guardian appointed by a

1 court, the Welfare Department may direct the payment of
2 assistance to his or her legally appointed guardian.

3 Section 10. REVIEW OF ELIGIBILITY. All assistance grants
4 under the provisions of this Act shall be reviewed by the
5 Welfare Department as frequently as it may deem necessary, and
6 the amount of assistance may be changed or entirely withdrawn,
7 if the review of the circumstances warrants such action.

8 Section 11. ASSISTANCE INALIENABLE AND EXEMPT FROM PROCESS.
9 All assistance granted under the provisions of this Act shall be
10 inalienable by any assignment or transfer and shall be exempt
11 from garnishment, levy, or execution under the laws of this
12 Territory.

13 Section 12. AMOUNT OF ASSISTANCE AS CLAIM AGAINST
14 RECIPIENT AND HIS ESTATE. The total amount paid in assistance
15 to any recipient shall constitute a claim against such
16 recipient and his or her estate. On the death of a person
17 receiving assistance the total amount paid as assistance shall
18 be allowed by the Court having jurisdiction over such estate.

19 Section 13. PERSONS LIABLE FOR SUPPORT AND BURIAL OF NEEDY
20 PERSON. Every needy person must be supported while living and
21 upon dying, be given a decent burial, by the spouse, children,
22 father, mother, grandfather, grandmother, grandchildren,
23 brothers or sisters of such needy person, if they, or either of
24 them, be of sufficient ability, in the order named; and every
25 such person who fails to support such needy person when directed
26 by the Welfare Department to do so, or fails to give the needy
27 person a decent burial when he dies, must reimburse the Territory
28 or any municipality thereof for any funds expended by either of
29 the latter for the relief or burial of such needy person, and

1 such sums with interest and costs may be recovered by the
2 Territory or any municipality thereof in a civil action.

3 Section 14. ACTION AGAINST PERSON LIABLE FOR CARE OF
4 RECIPIENT. If at any time during the continuance of any
5 allowance the Welfare Department ascertains that anyone liable
6 for the support of the recipient of such assistance is able to
7 provide the necessary care and support of the recipient, and the
8 person so liable for the care and support of the recipient fails
9 or refuses to support and care for the recipient, then there
10 shall exist a claim for such assistance against the person or
11 persons liable therefor, which claim may be enforced by civil
12 action brought in the name of the Territory by the Attorney
13 General against the person or persons so liable for the recovery
14 of the amount of money, with interest thereon, paid to the
15 recipient, together with the costs and disbursements of the suit
16 or action.

17 Section 15. GRANT OF TEMPORARY RELIEF BY TERRITORY.
18 Whenever any needy person is not entitled to the benefits of
19 this Act and has no relatives in the Territory liable for his or
20 her support pursuant to the preceding sections, the needy person
21 may receive temporary assistance in such form and amount as the
22 Welfare Department deems necessary.

23 Section 16. RECOVERY AND DISPOSITION OF ALLOWANCES
24 IMPROPERLY GRANTED. Should it be ascertained by the Welfare
25 Department that any General Relief allowance has been improperly
26 granted, an investigation shall be made, and if it appears as a
27 result of the investigation that the assistance was improperly
28 granted, the Welfare Department may cancel the allowance and
29 notify the recipient to that effect, and the Territory shall

1 have a claim against the person who has received the improper
2 allowance, which claim may be enforced by civil action brought
3 in the name of the Territory by the Attorney General to recover
4 the amount paid to such person, with interest thereon, together
5 with the necessary costs of the suit or action.

6 Section 17. FRAUDULENT OBTAINING OF ASSISTANCE. Any
7 person who by means of any knowingly false statement or
8 representation or impersonation, or other fraudulent device,
9 obtains or attempts to obtain or aids or abets any person to
10 obtain (1) any assistance to which he or she is not entitled,
11 (2) greater assistance than that to which he or she is entitled,
12 or (3) payment of any forfeited grant or allowance; or aids and
13 abets in buying or in any way disposing of the property of the
14 recipient of assistance for the purpose of avoiding any
15 liability for the assistance granted, shall be deemed guilty of a
16 violation of this Act.

17 Section 18. PROVISIONS REGARDING AGREEMENTS. The Board of
18 Public Welfare is hereby authorized and empowered to enter into
19 agreements, arrangements, or contracts with any Federal agency,
20 department, or official under which any funds made available to
21 such Federal agency, department, or official may be transferred
22 to the Department of Public Welfare and expended in accordance
23 with the provisions of this Act for assistance to needy persons
24 who are eligible for aid.

25 Section 19. VIOLATIONS: MISDEMEANOR: PENALTY. Any person
26 violating any of the provisions of this Act shall be deemed
27 guilty of a misdemeanor and, upon conviction thereof, shall be
28 punished by a fine of not to exceed \$500.00, or by imprisonment
29 in the Federal Jail not to exceed six months, or by both such

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fine and imprisonment.

Section 20. REPEALS. Sections 51-2-2, 51-2-21, 51-2-22, 51-2-23 as amended by Chapter 78 S.L.A. 1951, 51-2-24, 51-2-81, 51-2-91, and 51-2-92 ACLA 1949, are repealed.

Section 21. EFFECTIVE DATE. This Act shall take effect April 1, 1953.