

Introduced: 3/26/70
Referred: Health, Welfare
and Education and Finance

1 IN THE HOUSE

BY THE HEALTH, WELFARE AND EDU-
CATION COMMITTEE BY REQUEST

2 HOUSE BILL NO. 799

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to old age assistance; and providing
7 for an effective date."

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

9 * Section 1. AS 47.25.430 - 47.25.610 are repealed.

10 * Sec. 2. AS 47.25 is amended by adding new sections to read:

11 ARTICLE 4. OLD AGE ASSISTANCE.

12 Sec. 47.25.431. PERSONS ENTITLED TO OLD AGE ASSISTANCE. Old age
13 assistance shall be paid under secs. 431 - 551 of this chapter to every
14 qualified resident of the state who has attained the age of 65 years,
15 and who has resided in the state for three months immediately preceding
16 the date of the application.

17 Sec. 47.25.441. AMOUNT OF OLD AGE ASSISTANCE. (a) The old age
18 assistance shall be in an amount which will provide the recipient with
19 a reasonable quality of life compatible with decency and health, and
20 shall reflect the relative cost and hardship of life in the area in
21 which the recipient resides, but may not be less than \$300 a calendar
22 month except as provided in (b) and (c) of this section.

23 (b) The amount of old age assistance may be decreased to \$100 a
24 calendar month in the case of an individual who is a resident of an
25 Alaska Pioneers Home or other public institution.

26 (c) The amount of old age assistance shall be decreased one dollar
27 for every two dollars of income otherwise earned by the recipient while
28 old age assistance is being received. Direct payments for medical
29 services and remedial care may not be included in earned income.

1 (d) The amount of old age assistance may not be decreased or
2 denied if the recipient or his spouse

3 (1) owns in whole or in part the dwelling in which he
4 resides;

5 (2) has cash, securities, or other assets convertible into
6 cash up to \$3,000; or

7 (3) owns any furniture, clothing, heirlooms, works of art,
8 or an automobile or boat used for transportation or recreation.

9 (e) The amount of old age assistance may exceed \$300 a calendar
10 month to a maximum of \$400 a calendar month, when necessary to enable
11 the recipient to

12 (1) live in decent and standard housing;

13 (2) afford a nutritious and adequate diet;

14 (3) afford reasonable transportation; and

15 (4) obtain other necessities of life.

16 (f) Notwithstanding any other provision of this section, the total
17 of old age assistance and income from other sources may not exceed
18 \$5,500 a calendar year in the case of a recipient, or \$7,200 a calendar
19 year when the recipient is living with his spouse.

20 (g) A resident of the state over the age of 65 years and whose
21 income from all sources is less than \$3,600 a calendar year is a quali-
22 fied resident within the meaning of secs. 431 - 551 of this chapter.

23 Sec. 47.25.451. APPLICATION FOR OLD AGE ASSISTANCE. (a) A
24 person entitled to old age assistance shall apply for it, either by
25 himself or by another in his behalf, by affidavit or declaration as to
26 the truth of facts, upon forms furnished by the department, sufficient
27 to enable the department to determine the eligibility of the applicant.

28 (b) Eligibility shall be determined, and old age assistance shall
29 be granted, on the basis of the application when the facts disclosed

1 establish the entitlement of the applicant to old age assistance. The
2 department may at any time thereafter investigate the circumstances of
3 each recipient to verify the accuracy of the facts which supported the
4 application.

5 (c) The department shall require annual re-application by each
6 recipient, but the old age assistance shall not be reduced or terminated
7 unless required by a change in circumstances as determined from the re-
8 application. Each recipient is required, and shall be notified of
9 that obligation by the department, to report any change in circumstances
10 which would increase or decrease the amount of old age assistance to
11 be paid.

12 (d) All applications shall contain appropriate and conspicuous
13 notice to the applicant informing him of the penalties for fraud.

14 (e) The department shall grant to a person claiming or receiving
15 old age assistance, and who is aggrieved by action or inaction of the
16 department, reasonable notice and an opportunity for a fair hearing.
17 The department, pending the decision of a hearing officer denying a
18 claim, or reducing or terminating old age assistance, may not decrease
19 assistance being paid a person by more than 25 per cent.

20 (f) If a recipient has been paid a greater amount of old age
21 assistance than entitled by law, the department may recover the excess
22 amounts in a lawful manner. The attorney general is authorized to
23 institute and maintain actions for the recovery of excessive amounts
24 on behalf of and at the request of the department. In every case, the
25 department shall attempt to accomplish the recovery by negotiating
26 with the recipient an adjustment in future payments of old age assistance
27 in amounts that will minimize harsh and drastic effects on the recipient.
28 When an overpayment of old age assistance results from the negligence
29 or mistake of the department, no recovery may be had unless the

1 recipient knew or should reasonably have known of the mistake or negli-
2 gence.

3 Sec. 47.25.461. PAYMENT OF OLD AGE ASSISTANCE. (a) Each payment
4 of old age assistance shall be made monthly. If it is impracticable
5 by reason of slow or interrupted means of communication for a warrant
6 covering a month's payment to reach the recipient in due course, the
7 department may transmit warrants covering payments for more than one
8 month and may deliver all of them to the recipient at one time. All
9 warrants shall be registered in a book kept for that purpose.

10 (b) If a person receiving old age assistance is incapable of tak-
11 ing care of himself or of the amounts paid under secs. 431 - 551 of this
12 chapter, the department may direct the payment of old age assistance to
13 his legally appointed guardian or, if none, to another person designated
14 by the department for his benefit.

15 Sec. 47.25.471. CANCELLATION OF WARRANTS. (a) Warrants issued
16 to a recipient of old age assistance after the date of his death shall
17 be returned to the Department of Administration and cancelled.

18 (b) Old age assistance warrants issued before the death of the
19 recipient but not negotiated at his death shall be returned to the
20 Department of Administration, and shall be cancelled, unless claimed by
21 the authorized representative of the estate of the recipient within 90
22 days of the date of death.

23 (c) The state shall not be liable to the estate, heirs, or
24 creditors of the deceased recipient of old age assistance for payment
25 on warrants cancelled under (a) and (b) of this section.

26 Sec. 47.25.481. DEPARTURE FROM STATE. A person receiving old age
27 assistance who leaves the state may not thereafter receive assistance
28 unless he returns and satisfies the requirements of secs. 431 - 551 of
29 this chapter.

1 Sec. 47.25.491. REPORTS BY DEPARTMENT. The department shall make
2 reports in detail which are required of it by the governor or by the
3 federal government or a federal agency.

4 Sec. 47.25.501. ANNUAL REPORTS. Within 45 days after the close
5 of each calendar year the department shall make a report to the
6 governor and to the legislature for the preceding year stating

- 7 (1) the total number of recipients;
- 8 (2) the total amount disbursed in cash;
- 9 (3) the total number of applications;
- 10 (4) the number granted;
- 11 (5) the number denied;
- 12 (6) the number cancelled or modified during the year; and
- 13 (7) other information which it considers advisable.

14 Sec. 47.25.511. ALIENATION, ATTACHMENT, AND TAXATION. Old age
15 assistance paid under secs. 431 - 551 of this chapter is inalienable
16 by an assignment or transfer and is exempt from garnishment, levy, or
17 execution under the laws of this state, and is exempt from all state
18 and political subdivision taxes except sales and use taxes.

19 Sec. 47.25.521. POLICY AND PURPOSE. (a) It is the policy of
20 the state and the purpose of these sections to cooperate and coordinate
21 with the United States government and its agencies in providing for
22 and administering the laws of the federal and state governments having
23 for their purpose the payment of old age assistance to elderly resi-
24 dents.

25 (b) The purpose of these sections is to pay old age assistance
26 as a matter of right, sufficient to enable qualified residents to live
27 in dignity and pride, in order to insure their continued participation
28 in and contributions to the vitality and health of this state.

29 Sec. 47.25.531. OBTAINING SUPPLEMENTAL INCOME BY FRAUD. A person

1 is guilty of a misdemeanor, and upon conviction is punishable by a fine
2 of not more than \$500, or by imprisonment in a jail for not more than
3 six months, or by both, if he by a false statement, representation, or
4 impersonation, or other fraudulent device, wilfully obtains or attempts
5 to obtain or aids or abets another to obtain

6 (1) old age assistance to which he is not entitled;

7 (2) greater old age assistance than he is entitled to; or

8 (3) payment of a forfeited warrant for old age assistance.

9 Sec. 47.25.541. VIOLATIONS. A person who violates a provision of
10 secs. 431 - 551 of this chapter is guilty of a misdemeanor and if no
11 other penalty is provided, the person, upon conviction, is punishable by
12 a fine of not more than \$500, or by imprisonment in a jail for not more
13 than six months, or by both.

14 Sec. 47.25.551. DEPARTMENT REGULATIONS. The department shall,
15 after notice and an opportunity to interested persons to be heard,
16 promulgate regulations for the efficient conduct and administration
17 of secs. 431 - 551 of this chapter, including guidelines and tables
18 for the payment of old age assistance under these sections.

19 * Sec. 2. This Act takes effect on the day after its passage and approval
20 or on the day it becomes law without approval.
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