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POSITION PAPER

SENATE BILL NO. 131

"An act extending certain benefits to the permanently and totally disabled."

A. Section 1 of this bill would amend the Aid to the Disabled (AD) statutes by adding to the Department's duties the new task of certifying whether applicants, who are not financially needy by AD standards, are permanently and totally disabled. Certifications of disability would be used by these persons 50 to 65 years of age to qualify for various benefits previously available only to certain persons over 65.

There is a lack of specificity in the definition of "permanently and totally disabled" within existing Alaska AD statutes. AS 47.25.960 only defines a "permanently and totally disabled person" as one who is a "needy resident of the State who is not eligible for assistance from another public agency or department providing similar services in the State". Lacking clearer statutory guidance, the Department employs the definition of disability used by the Social Security Administration from Titles II and XVI of the Social Security Act.

Currently, approximately 85% of all Aid to the Disabled disability determinations are being done by a special unit within the Department of Education, Division of Vocational Rehabilitation. This unit operates under exclusive contract with the federal Social Security Administration; it determines disability for both Social Security disability insurance applicants and disabled applicants for federal welfare payments under the Supplemental Security Income (SSI) program. The Department follows this unit's determination in qualifying its clients for the AD Program. To reach even a minimally reasonable degree of accuracy is a time consuming process, involving a determination by highly trained staff applying very complex measurements to laboriously gathered medical, social and psychological data and costs approximately \$600 per determination.

This Social Security definition may not be satisfactory to meet the intent of the new program proposed by SB 131. We recommend consideration be given to changing SB 131 to provide a more complete definition of "permanently and totally disabled". We further recommend that this consideration be done with a view toward making disability determinations for this new class of persons both simple and inexpensive. The attached fiscal note assumes the "worst case" alternative of Vocational Rehabilitation conducting the disability determinations under contract with the Department at \$600 per determination.

B. Sections 2 through 7 of SB 131 would provide certain tax and other benefits to the disabled between 50 and 65. The Department does not oppose the concept behind this expansion of benefits previously provided only to qualified elderly persons. However, it wishes to note that measures which decrease the amounts paid for housing may have a negative effect on some Aid to the Disabled recipients, whose maximum payment level is based in part on their rent.

C. Section 8 of SB-131 would add Pioneer's Home Eligibility for this group. We view this as extremely desirable for those older disabled persons whose living situation and degree of disability make independent living difficult, but who cannot qualify for or afford regular nursing home care.

Recommended by:

Rod Betit

Rod Betit, Director
Division of Public
Assistance

Date:

2/11/81

Approved by:

Helen D. Beirne

Helen D. Beirne
Commissioner

Date:

2/11/81

POSITION PAPER/Department of Health & Social Services

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 131

Title "An Act extending certain benefits to the permanently and totally disabled."

Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Education

Program Category Affected Education

BRU, Program, or Subprogram(s) Affected Vocational Rehabilitation

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

| | FY 81 | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | 114.4 | | | | |
| 200 TRAVEL | | 8.0 | | | | |
| 300 CONTRACTUAL | | 31.5 | | | | |
| 400 COMMODITIES | | 1.5 | | | | |
| 500 EQUIPMENT | | 4.0 | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | 320.0 | | | | |
| TOTAL | | 479.4 | | | | |

→ ADD 10% each year.

FUNDING (Thousands of Dollars)

| | | | | | | |
|-----------------------------|--|-------|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Fund Source) | | 479.4 | | | | |
| RSA From DHSS | | | | | | |

POSITIONS

| | | | | | | |
|-----------|--|-----|--|--|--|--|
| FULL TIME | | 4.0 | | | | |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

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

SEE ATTACHED.

IV. DATE February 10, 1981

PREPARED BY

R. Betit
Rod Betit

AGENCY

Health & Social Services

PHONE

465-3355

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

Karsha Halber, 2/10/81

SENATE BILL NO. 131

BUDGET FOR VOCATIONAL REHABILITATION

| | <u>New Monthly Salary</u> | <u>Annual</u> | <u>23 1/2% Benefits</u> |
|--|-------------------------------|---------------|-----------------------------|
| <u>100</u> Staff | | | |
| 1 Adjudicator R/18 | 2640 | 31680 | 7445 |
| 1 Adjudicator R/16 | 2291 | 27492 | 6461 |
| 2 Clerical R/8 | 1393 | 33432 | 7857 |
| | | 92604 | 21763 |
| | TOTAL COST (FY81 SALARY) | | 114,367 |
| <u>200</u> Training Travel | | | 3,000 |
| Employee Hire Expenses | | | 5,000 |
| | TOTAL TRAVEL | | 8,000 |
| <u>300</u> Phone/postage | | | 2,000 |
| Form/printing | | | 1,000 |
| Copier | | | 1,500 |
| Rent/Util 500 sq. ft. @ \$2/sq. ft. | | | 12,000 |
| Medical Consultant 4 hrs./wk. @ \$20/hr. | | | 15,000 |
| | TOTAL CONTRACTUAL | | 31,500 |
| <u>400</u> Commodities | | | 1,500 |
| <u>500</u> Equipment | | | 4,000 |
| <u>700</u> Grants | | | |
| Medical, transportation, housing at \$400/determination | | | 20,000 |
| | TOTAL | | \$479,367 |

By:

R. Bell

Date:

2/10/81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 131

Title "An Act extending certain benefits to the permanently and totally disabled."

Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Departments of Health & Social Services and Education

Program Category Affected Social Services

BRU, Program, or Subprogram(s) Affected Eligibility Determination BRU

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

| | FY 81 | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | 479.4 | 527.3 | 580.1 | 638.1 | 701.9 |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | | | | | | |

FUNDING (Thousands of Dollars)

| | FY 81 | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 |
|-----------------------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND | | 479.4 | 527.3 | 580.1 | 638.1 | 701.9 |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Fund Source) | | | | | | |

POSITIONS

| | FY 81 | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL TIME | | | | | | |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

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

No data exists indicating how many Alaskans may be eligible, or how many of those may choose to apply. Projected costs assume well over 800 applications per year, with approximately 800 disability determinations. This assumption is based on an informal 1980 estimate from Division of Vocational Rehabilitation. No costs are involved in DPA certifying any current assistance recipients as disabled.

The responsibility for determining disability would be contracted to Division of Vocational Rehabilitation. Vocational Rehabilitation's budget breakdown is attached for the RSA amount of 479.4. The new positions would be established in Vocational Rehabilitation rather than DHSS.

IV. DATE February 10, 1981

PREPARED BY Rod Betit

AGENCY Health & Social Services

PHONE 465-3355

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named) Mark Herbert M&B Approved

Date 2/8/81

SEC. 2. MOTOR VEHICLE REGISTRATION TAX EXEMPTION

Assume 80% of the eligible population own a motor vehicle, or 740. Average payment for FY 79 and FY 80 for the senior citizen portion of the program was just under \$19 per affidavit.

Since the fee schedule is set by statute, no inflationary increase is predicted. It is assumed the eligible population may increase 10% each year.

| | |
|-------------------------------|---------------------------------|
| FY 82 - 814 X \$19 = \$15,466 | FY 85 - 1,083 X \$19 = \$20,577 |
| FY 83 - 895 X \$19 = \$17,005 | FY 86 - 1,191 X \$19 = \$22,629 |
| FY 84 - 984 X \$19 = \$18,696 | |

SEC. 3. HOMEOWNER PROPERTY TAX EXEMPTION

The FY 80 Senior Citizen Program shows 82% of the eligible applicants were homeowners and 18% were renters. It is assumed that about 30% of the otherwise eligible applicants are in institutions, other housing not subject to property tax or do not apply for various reasons.

The Senior Citizen Program indicates a 12% increase in number of applicants and 10% increase in average tax per application each year. FY 80 average tax was \$560.

924 minus 30% = 647 X 82% = 531

| | |
|---------------------------------|---------------------------------|
| FY 82 - 595 X \$626 = \$372,470 | FY 85 - 836 X \$834 = \$697,224 |
| FY 83 - 666 X \$689 = \$458,874 | FY 86 - 936 X \$917 = \$858,312 |
| FY 84 - 746 X \$758 = \$565,468 | |

SEC. 4. SEWER AND WATER ASSESSMENT DEFERMENT

Assume no more than 2% of homeowners apply for deferment each year. Average deferment in FY 80 was \$3,055, assume 10% increase each year.

| | |
|---------------------------------|----------------------------------|
| FY 82 - 12 X \$3,697 = \$44,364 | FY 85 - 17 X \$4,920 = \$83,640 |
| FY 83 - 13 X \$4,066 = \$52,858 | FY 86 - 19 X \$5,412 = \$102,828 |
| FY 84 - 15 X \$4,473 = \$67,095 | |

SEC. 5 and 6. RENTER PROPERTY TAX EQUIVALENCY PAYMENT

See Sec. 3 assumptions; 647 X 18% = 116 at 12% annual increase. Under the new formula, average payment per applicant for FY 80 would be about \$334 plus 5% for removal of payment limit = \$351 at 10% annual increase.

| | |
|--------------------------------|---------------------------------|
| FY 82 - 130 X \$386 = \$50,180 | FY 85 - 184 X \$515 = \$94,750 |
| FY 83 - 146 X \$425 = \$62,050 | FY 86 - 206 X \$567 = \$116,802 |
| FY 84 - 164 X \$468 = \$76,752 | |

Four separate programs show increased activity. A clerk typist II will be required to handle increased typing, filing and audit procedures.

| 100 Personal Services | Clerk Typist II | Range 07 |
|-----------------------|-----------------|----------------|
| Salary | 1,319/mo. | = 15,828 |
| Benefits | @ 15.37% | = 2,433 |
| FICA | | = 2,004 |
| Health Insurance | | = <u>1,848</u> |
| | | \$22.1 |

Travel to the major population centers will be required for the first year of operation to assure that eligiblj applicants are aware of the new benefits and to prepare appropriate agencies to assist applicants. Reduced travel will be required annually to maintain awareness.

| | |
|---|--------------|
| Anchorage/Mat-Su - 3 days & Fairbanks - 1 day | \$300 |
| Kenai Peninsula - 1 day & Kodiak - 1 day | \$500 |
| Southeast - 2 days | \$150 |
| 200 Travel | = 950 |
| Per Diem | = <u>525</u> |
| | \$ 1.5 |

There is no space available for the new position at the present site of program operation in Juneau.

| | |
|---|------------|
| 300 Contractual | |
| Office Space - 47 sq. ft. @ \$1.50 sq.ft./mo. | .9 |
| Telephone | 1.0 |
| Postage | .3 |
| Printing and Advertising - first year | 1.8 |
| Printing and Advertising - annual | .4 |
| Copier | <u>.2</u> |
| | 4.6 |
| 400 Commodities | .3 |
| 500 Equipment | |
| Desk | 524 |
| 5-Drawer File Cabinet | 296 |
| Chair | 155 |
| Calculator | <u>274</u> |
| | 1.3 |
| Total Administrative Cost - First Year | \$29.5 |
| Annual: | \$25.6 |

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 131
 Title An Act extending certain benefits to the permanently and totally disabled
 Requested by Colletta and Bradley Date February 10, 1981

II. FISCAL DETAIL

Agency Affected Community and Regional Affairs
 Program Category Affected Social-Economic Assistance to the Aged
 BRU, Program, or Subprogram(s) Affected Senior Citizen Tax Relief

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

| | FY 81 | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 |
|--------------------------|-------|--------------|--------------|--------------|--------------|----------------|
| 100 PERSONAL SERVICES | | 22.1 | 24.3 | 26.7 | 29.4 | 32.3 |
| 200 TRAVEL | | 1.5 | .8 | .9 | 1.0 | 1.1 |
| 300 CONTRACTUAL | | 4.6 | 3.1 | 3.4 | 3.7 | 4.1 |
| 400 COMMODITIES | | .3 | .3 | .4 | .4 | .5 |
| 500 EQUIPMENT | | 1.3 | .3 | -0- | .3 | -0- |
| 600 LAND & STRUCTURES | | -0- | -0- | -0- | -0- | -0- |
| 700 GRANTS, CLAIMS, ETC. | | 482.5 | 590.8 | 728.0 | 896.2 | 1,100.6 |
| TOTAL | | 512.3 | 619.6 | 759.4 | 931.0 | 1,139.6 |

FUNDING (Thousands of Dollars)

| | FY 81 | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 |
|-----------------------------|-------|-------|-------|-------|-------|---------|
| GENERAL FUND | | 512.3 | 619.6 | 759.4 | 931.0 | 1,138.6 |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Fund Source) | | | | | | |

POSITIONS

| | FY 81 | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL TIME | | 1 | 1 | 1 | 1 | 1 |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

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

Sec. 1, 7 and 8 do not affect this agency, therefore fiscal data is provided only for Secs. 2 - 6. Assume operation to begin with FY 82.

Information from the Department of Health and Social Services, Division of Public Assistance indicate that while no actual data exists, it may be reasonable to assume 2,800 permanently and totally disabled and that about 33% of these people are age 50 and over. Therefore, a figure of 924 will be used for total eligible population in FY 81. See attached for analysis of fiscal impact for each program affected.

IV. DATE February 10, 1981

PREPARED BY LaDonna Brown
 AGENCY Community and Regional Affairs
 PHONE 465-4739

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

A D M E N D M E N T

By COLLETTA

PAGE] LINE 23:

Delete Sec. 2 in its entirety and renumber successive sections.

Legislative history report. — For report on ch. 32, SLA 1971 (HB 111 am), see 1971 House Journal, p. 138.

A statutory prohibition of welfare benefits to residents of less than a year

creates a classification which constitutes an invidious discrimination denying such residents equal protection of the laws. Shapiro v. Thompson, 354 U.S. 613, 85 S. Ct. 1822, 22 L. Ed. 2d 600 (1969).

Article 6. Aid to the Permanently and Totally Disabled Act.

- Section 790. Eligibility for assistance
- 800. Application for assistance
- 810. Amount of assistance
- 820. Residence in institutions
- 830. Investigation of applicant
- 840. Granting of assistance
- 850. Appeal
- 860. Payment when recipient incapacitated
- 870. Review of eligibility
- 880. Alienation and attachment
- 890 — 900. [Repealed]
- 905. Property taken under eminent domain powers

- Section 910. Action against person liable for care of the recipient
- 920. Recovery of allowances improperly granted
- 925. Cancellation of warrants
- 930. Agreements with federal government
- 940. Purpose
- 950. Obtaining assistance by fraud
- 960. Definitions
- 970. Short title

Sec. 47.25.790. Eligibility for assistance. Financial assistance may be given under AS 47.25.790 — 47.25.970, so far as practicable under the conditions in this state, to a permanently and totally disabled person who is eligible under the regulations of the department. All regulations of the department shall be made available to all interested persons. (§ 1 ch 63 SLA 1963)

A statutory prohibition of welfare benefits to residents of less than a year creates a classification which constitutes an invidious discrimination denying such

residents equal protection of the laws. Shapiro v. Thompson, 354 U.S. 613, 85 S. Ct. 1822, 22 L. Ed. 2d 600 (1969).

Sec. 47.25.800. Application for assistance. A person requesting assistance shall apply for it, either for himself or by another in his behalf, upon forms furnished under the regulations prescribed by the department. (§ 1 ch 63 SLA 1963).

Sec. 47.25.810. Amount of assistance. The amount of assistance for a permanently and totally disabled person shall be determined by the department with regard to the resources and needs of the person and the conditions existing in each case. Where possible, assistance shall be sufficient to provide reasonable subsistence compatible with decency and health and according to the standards of assistance established by the department and with the standards established under Title XVI of the Social Security Act. When benefit amounts under Title XVI of the Social Security Act are increased as a result of an increase in the cost of living, the state shall pass along the increase to recipients, and shall

increase the amount percentage of the state the benefit amount services and remedial maximum amount per annum § 4 ch 234 SLA

Effect of amendment. — Amendment, effective July 1, retroactive to July 1, language beginning "standards established" in second sentence, and in sentence.

Editor's note. — Section 1975, as amended by § 1, provides: "For purposes of state contribution to rec 47.25.430(a), 47.25.640, and

Sec. 47.25.820. R 47.25.790 — 47.25.970 is

(1) a patient of a medical institution or institution for tubercular

(2) has been diagnosed patient in a medical

(b) A patient or person leave the institution 47.25.970 instead of institution. (§ 1 ch 63 SLA 1963)

Sec. 47.25.830. I promptly investigate eligibility. (§ 1 ch 63 SLA 1963)

Sec. 47.25.840. I investigation, the department applicant is eligible — 47.25.970, the providing R, and the department shall not

Sec. 47.25.850. I upon, or is denied, granted an opportunity department appoint a reasonable time designated to conduct by the regulations ch 63 SLA 1963)

§ 47.25.820 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.25.850

increase the amount of the state contribution to recipients by a percentage of the state contribution equal to the percentage increase in the benefit amounts under Title XVI. Direct payments for medical services and remedial care may not be considered in determining the maximum amount payable. (§ 1 ch 63 SLA 1963; am § 1 ch 9 FSSLA 1967; am § 4 ch 234 SLA 1970; am § 3 ch 172 SLA 1975)

Effect of amendment. — The 1975 amendment, effective June 28, 1975, and retroactive to July 1, 1974, added the language beginning "and with the standards established" to the end of the second sentence, and rewrote the third sentence.

Editor's note. — Section 4, ch. 172, SLA 1975, as amended by § 1, ch. 83, SLA 1976, provides: "For purposes of determining the state contribution to recipients under AS 47.25.430(a), 47.25.640, and 47.25.810 as of

July 1, 1976, the Department of Health and Social Services shall establish levels of need not exceeding \$334 a month for an individual recipient."

Legislative history reports. — For report on ch. 234, SLA 1970 (FCCS HCS CSSB 386), see 1970 House Journal, p. 1478.

For report on ch. 172, SLA 1975 (CSHB 393 [Finance]), see 1975 House Journal, p. 1195.

Sec. 47.25.820. Residence in Institutions. (a) No payment under AS 47.25.790 — 47.25.970 may be made to or in behalf of an individual who is

(1) a patient of a public institution, except as a patient in a public medical institution or an individual who is a patient in a public or private institution for tuberculosis or mental diseases; or

(2) has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result of the diagnosis.

(b) A patient or guest of an institution may, at any time he wishes to leave the institution, apply for assistance under AS 47.25.790 — 47.25.970 instead of the support and maintenance provided in the institution. (§ 1 ch 63 SLA 1963)

Sec. 47.25.830. Investigation of applicant. The department shall promptly investigate each applicant to determine the applicant's eligibility. (§ 1 ch 63 SLA 1963)

Sec. 47.25.840. Granting of assistance. Upon the completion of its investigation, the department shall decide promptly whether or not the applicant is eligible for and should receive assistance under AS 47.25.790 — 47.25.970, the amount of assistance, the manner of paying or providing it, and the date on which the assistance shall begin. The department shall notify the applicant of its decision. (§ 1 ch 63 SLA 1963)

Sec. 47.25.850. Appeal. An applicant whose application is not acted upon, or is denied, discontinued, or modified by the department shall be granted an opportunity for fair hearing before a representative of the department appointed for that purpose. The hearing shall be held within a reasonable time after demand for it is made. If a representative is designated to conduct the hearing, the representative shall be governed by the regulations prescribed for that purpose by the department. (§ 1 ch 63 SLA 1963)

Sec. 47.25.860. Payment when recipient incapacitated. If a person receiving assistance is incapable of taking care of himself or the funds granted under AS 47.25.790 — 47.25.970, the department may direct the payment of the funds to his legally appointed guardian or to another person designated by the department for his benefit. (§ 1 ch 63 SLA 1963)

Sec. 47.25.870. Review of eligibility. Assistance grants under AS 47.25.790 — 47.25.970 shall be reviewed by the department as frequently as it considers necessary, and the amount of assistance may be changed or entirely withdrawn if the review of the circumstances warrants this action. (§ 1 ch 63 SLA 1963)

Sec. 47.25.880. Alienation and attachment. Assistance granted under AS 47.25.790 — 47.25.970 is inalienable by assignment or transfer and is exempt from garnishment, levy, or execution under the laws of this state. (§ 1 ch 63 SLA 1963)

Sec. 47.25.890. State's claim for assistance.

Repealed by § 7 ch 234 SLA 1970.

Editor's note. — The repealed section derived from § 1, ch. 63, SLA 1963.

Legislative history report. — For report on ch. 234, SLA 1970 (FCCS HCS CSSB 386), see 1970 House Journal, p. 1478.

Sec. 47.25.900. Security and lien.

Repealed by § 7 ch. 234 SLA 1970.

Cross reference. — See *Editor's note* to AS 47.25.890.

Editor's note. — The repealed section derived from § 1, ch. 63, SLA 1963.

Sec. 47.25.905. Property taken under eminent domain powers. If a recipient's property is taken for urban renewal or other public purposes and the recipient expresses his intent to purchase a personal dwelling, the proceeds which are paid the recipient as a result of the taking shall be paid by the taking authority into an escrow account under escrow instructions approved by the department. If the proceeds are paid into such an account and are applied by the recipient within one year to the purchase of a personal dwelling, the proceeds may not cause a reduction of the amount of assistance to which the recipient would otherwise be entitled. The department shall inform the recipient of the provisions of this section at the time of the taking. (§ 1 ch 60 SLA 1968; am § 5 ch 234 SLA 1970)

Legislative history reports. — For report on ch. 60, SLA 1968 (CSHB 283 am. 386), see 1968 House Journal, p. 540. For report on ch. 234, SLA 1970 (FCCS HCS CSSB 386), see 1970 House Journal, p. 1478.

Sec. 47.25.910. A recipient. If, during finds that a person is able to provide the person liable for the support and care for assistance against the name of the state by the recovery of the together with the cost 1963)

Sec. 47.25.920. If department finds that has been improperly the assistance was allowance and notice against the person be instituted in the the amount paid to cost of the action.

Sec. 47.25.925. recipient of aid to death of the recipient Administration and

(b) Aid to the recipient the death of the recipient to the Department claimed by the recipient within 90 days of

(c) The state shall deceased recipient payment on warrant 52 SLA 1964)

Sec. 47.25.930. department may any federal agency available to the transferred to the recipient — 47.25.970 for 52 SLA 1963)

Sec. 47.25.940. to furnish financial

Sec. 47.25.910. Action against person liable for care of the recipient. If, during the continuance of an allowance, the department finds that a person liable for the support of the recipient of assistance is able to provide the necessary care and support of the recipient and the person liable for the care and support of the recipient fails or refuses to support and care for the recipient, the state has a cause of action for the assistance against the person liable. The action shall be brought in the name of the state by the attorney general against the person liable for the recovery of the amount of money, with interest, paid to the recipient together with the costs and disbursements of the action. (§ 1 ch 63 SLA 1963)

Sec. 47.25.920. Recovery of allowances improperly granted. If the department finds that aid to a permanently and totally disabled person has been improperly granted, it shall investigate and, if it appears that the assistance was improperly granted, the department may cancel the allowance and notify the recipient. The state then has a cause of action against the person who received the improper allowance. The action may be instituted in the name of the state by the attorney general to recover the amount paid to the person, with interest, together with the necessary cost of the action. (§ 1 ch 63 SLA 1963)

Sec. 47.25.925. Cancellation of warrants. (a) Warrants issued to a recipient of aid to the permanently and totally disabled after the date of death of the recipient shall be returned to the Department of Administration and canceled.

(b) Aid to the permanently and totally disabled warrants issued before the death of the recipient but not repaid at death shall be returned to the Department of Administration and shall be canceled, unless claimed by the authorized representative of the estate of the recipient within 90 days of the date of death.

(c) The state shall not be liable to the estate, heirs, or creditors of the deceased recipient of aid to the permanently and totally disabled for payment on warrants cancelled under (a) and (b) of this section. (§ 4 ch 52 SLA 1964)

Sec. 47.25.930. Agreements with federal government. The department may enter into agreements, arrangements or contracts with any federal agency, department or official under which funds made available to the federal agency, department or official may be transferred to the department and spent in accordance with AS 47.25.790 — 47.25.970 for aid to the permanently and totally disabled. (§ 1 ch 63 SLA 1963)

Sec. 47.25.940. Purpose. The purpose of AS 47.25.790 — 47.25.970 is to furnish financial assistance so far as practicable to needy

permanently and totally disabled persons, and to help them obtain self-support or self-care. (§ 1 ch 63 SLA 1963)

Sec. 47.25.950. Obtaining assistance by fraud. A person is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500, or by imprisonment in a jail for not more than six months, or by both, if he

(1) by statement, representation or impersonation which he knows is false, or by another fraudulent device, obtains or attempts to obtain or aids or abets a person to obtain

- (A) assistance to which he is not entitled;
- (B) greater assistance than he is entitled to; or
- (C) payment of a forfeited grant or allowance; or

(2) aids or abets in buying or otherwise disposing of the property of the recipient of assistance for the purpose of voiding liability for the assistance granted. (§ 1 ch 63 SLA 1963)

Sec. 47.25.970. Definitions. In AS 47.25.790 — 47.25.970

(1) "assistance" means money payments to, or medical care in behalf of, or any type of remedial care recognized by the department in behalf of needy individuals 18 years of age or older who are totally and permanently disabled;

(2) "department" means the Department of Health and Social Services;

(3) "permanently and totally disabled person" means a needy resident of the state who is not eligible for assistance from another public agency or department providing similar services in the state;

(4) "public medical institution" means a public hospital or medical institution, except an institution for the treatment of tuberculosis or mental disease. (§ 1 ch 63 SLA 1963; am § 3 ch 105 SLA 1967; am § 64 ch 32 SLA 1971; am § 6 ch 104 SLA 1971)

Legislative history report. — For report on ch. 32, SLA 1971 (H.R. 111 am. 1971 House Journal); 138

A statutory prohibition of welfare benefits to residents of less than a year

creates a classification which constitutes an invidious discrimination denying such residents equal protection of the laws. *Shapiro v. Thompson*, 394 U.S. 618, 89 S. Ct. 1322, 22 L. Ed. 2d 600 (1969).

Sec. 47.25.970. Short title. AS 47.25.790 — 47.25.970 may be cited as the Aid to the Permanently and Totally Disabled Act. (§ 1 ch 63 SLA 1963)

Article 7. Food Stamp Program.

- Section 975. Food stamp program.
- 990. Duties of department.
- 993. Reporting change of status.

- Section 995. Penalties.
- 990. Definitions.

Sec. 47.2 authorized (b) House assistance (c) Food stores which program. E permitted to for the pur ammunition regulations SLA 1965;

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Sec. 47.2 (1) adopt program; (2) cooper to continue (3) compl 1964 (P.L. 8 (b) The d which the f 1965)

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Introduced: 2/2/81
Referred: Health, Education & Social Services and Finance

1 IN THE SENATE BY COLLETTA AND BRADLEY BY REQUEST
2 SENATE BILL NO. 131
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act extending certain benefits to the permanently
7 and totally disabled."

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

9 * Section 1. AS 47.25 is amended by adding a new section to read:
10 ARTICLE 6A. CERTIFICATION OF THE PERMANENTLY AND TOTALLY DISABLED.

11 → Sec. 47.25.971. CERTIFICATION OF THE PERMANENTLY AND TOTALLY
12 DISABLED. A person 50 years of age or over who, under regulations
13 adopted by the department under AS 47.25.790, either (1) is eligible
14 for financial assistance under AS 47.25.790 - 47.25.970, or (2) except
15 ? for the income and resources requirements, would be eligible for finan-
16 cial assistance under AS 47.25.790 - 47.25.970, may obtain written
17 certification from the department of his permanent and total disability.

18 (b) The department shall adopt regulations prescribing procedures
19 under which a person may apply for and obtain certification of his
20 permanent and total disability under (a) of this section.

21 (c) In this section, "department" means the Department of Health
22 and Social Services.

23 * Sec. 2. AS 28.10.411(c) is amended to read:

24 (c) A resident who is 65 years of age or older or who is 50 years
25 of age or older and certified as permanently and totally disabled under
26 AS 47.25.971 is entitled to an exemption from tax under this section
27 for one motor vehicle subject to registration. No exemption may be
28 granted except upon written application for the exemption on a form
29 prescribed by the department.

1 * Sec. 3. AS 29.53.020(e) is amended to read:

2 (e) The real property owned and occupied as a permanent place of
3 abode by a resident 65 years of age or over or by a resident 50 years
4 of age or over who has been certified as permanently and totally dis-
5 abled under AS 47.25.971, is exempt from taxation of the assessed value
6 of the real property. Only one exemption may be granted with respect
7 to the same property and, if two or more persons are eligible for an
8 exemption with respect to the same property, the parties shall decide
9 between or among themselves which shall receive the benefit of the
10 exemption. No real property may be exempted under this subsection
11 which the assessor determines, after notice and hearing to the parties
12 concerned, has been conveyed to the applicant primarily for the purpose
13 of obtaining the exemption. The determination of the assessor is
14 appealable under AS 44.62.560 - 44.62.570.

15 * Sec. 4. AS 29.63.065(a) is amended to read:

16 (a) The real property owned and occupied by a resident 65 years
17 of age or over, or by a resident 50 years of age or over who has been
18 certified as permanently and totally disabled under AS 47.25.971, or by
19 the spouse, widow, widower, or minor heir of the original applicant, on
20 which is located only his permanent abode which is a single-family
21 residence, is exempt from (1) special sewer assessments levied by a
22 home rule or general law municipality after September 2, 1975 and (2)
23 special water assessments levied by a home rule or general law munic-
24 pality after September 2, 1975. Only one exemption may be granted with
25 respect to the same property, and, if two or more persons are eligible
26 for an exemption with respect to the same property, the parties shall
27 decide between or among themselves which shall receive the benefit of
28 the exemption. No real property may be exempted under this subsection
29 which the municipality determines, after notice and hearing to the

1 parties concerned, has been conveyed to the applicant primarily for the
2 purpose of obtaining the exemption. The determination of the municipal-
3 ity is appealable under AS 44.62.560 - 44.62.570.

4 * Sec. 5. AS 29.73.060(a) is amended to read:

5 (a) A resident of the state (1) who is 65 years of age or older
6 or (2) who is 50 years of age or older and certified as permanently and
7 totally disabled under AS 47.25.971 who rents a permanent place of
8 abode is eligible for tax equivalency payments from the state through
9 the Department of Community and Regional Affairs.

10 * Sec. 6. AS 29.73.060(d) is amended to read:

11 (d) If two or more persons occupy a residence as tenants, not all
12 of whom are eligible for tax equivalency payments under this section,
13 the assessor shall determine equitable partial payments to be made to
14 the eligible tenants. However, tax equivalency payments to an eligible
15 applicant may not be reduced because the spouse is less than 65 years
16 of age or because the spouse is not certified as being permanently and
17 totally disabled under AS 47.25.971. If all occupants in a residence
18 are eligible for tax equivalency payments under this section, the occu-
19 pants shall decide between and among themselves which shall receive
20 payment.

21 * Sec. 7. AS 38.05.098(a) is amended to read:

22 (a) The real property occupied as a permanent place of abode by a
23 resident who is 65 years of age or over, or who is 50 years of age or
24 over and certified as permanently and totally disabled under AS 47.25.
25 971, and leased by that resident from the state in accordance with AS
26 38.05.070 - 38.05.105 is exempt from the payment of annual lease rent.
27 Only one exemption may be granted for the same property, and, if two or
28 more persons are eligible for an exemption for the same property the
29 parties shall decide between or among themselves which shall receive

1 the benefit of the exemption. An exemption may not be granted for a
2 portion of the lease which is used by the leaseholder for a purpose
3 other than his permanent place of abode.

4 * Sec. 8. AS 47.25.030 is amended to read:

5 Admin. Sec. 47.25.030. ADMISSION ON PAYMENT. A citizen of the United
6 States who is over 65 years of age or 50 years of age and certified as
7 permanently and totally disabled under AS 47.25.971 and who is a resi-
8 dent of the state and has been a resident for not less than 15 years
9 continuously immediately preceding his application, but who is not
10 destitute, may on application be admitted to the home upon his agreement
11 to pay to the state a sum for each day as the Department of Administra-
12 tion considers sufficient to compensate the state for the cost of care
13 and support of the person at the home. When this agreement is entered
14 into the Department of Administration may receive the security for the
15 payments, which it considers expedient.