

LEG. FINANCE - BILLS 1977 - 1978 828

HB 863 thru HB 868



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James O. Smith
Signature of Camera Operator

2/23/90
Date

COMMITTEE REPORT
SENATE

FURTHER: _____

3/7/78

Date: March 14, 1978

Mr. President:

The Committee on FINANCE has had HB 363
supplemental appropriation to Dept. of Health & Social Services, General Relief

under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____

and _____ new title same title

AND attaches a Letter of Intent New Fiscal Note

reports it back without recommendation

and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Handwritten signatures and notes in the signing area]

Do Not Pass
no rec

[Handwritten signature]
Chairman

STATE
of ALASKA

MEMORANDUM

TO: The Honorable John Sackett
Senator
Alaska State Legislature

DATE: March 17, 1978

FILE NO.

TELEPHONE NO.

FROM: Avrum M. Gross
Attorney General

SUBJECT: General Relief Sup-
plemental Appropriation,
HB 863

By: *Rich*
Thomas H. Robertson
Assistant Attorney General

You have asked for an analysis of an amendment to HB 863 that has been proposed by Senator Clem Tillion. A copy of the proposed amendment is attached.

Because of time constraints I have been unable to fully research the issues raised by your request. I have, therefore, simply outlined certain practical and legal issues raised by this amendment:

(1) It should be noted that approval of the amendment, which has not been considered in the House, would further delay the provision of benefits to eligible recipients. No benefits have been paid under this program since late February. Since that time, however, intake has continued and eligible applicants have been notified that they will receive benefits as soon as more funds are available. I am sure that many individuals (including landlords, storekeepers, etc.) are anxiously awaiting restoration of the program.

(2) The amendment conditions funding upon the adoption of regulations. This raises a serious question of whether the appropriation thus embodies substantive law in contravention of Art. II, Sec. 13 of the Alaska Constitution which provides that bills for appropriations must be confined to appropriations. It is arguable that the discretion to determine eligibility that has been given to the legislature cannot be restricted by means of an appropriation. It is true, of course, that the executive need not spend the appropriated funds.

(3) It is not clear whether the condition would require the Department of Health and Social Services to adopt the regulations prior to providing further benefits or whether benefits could be provided pending final promulgation of the regulations.

(4) Assuming that the condition mandates adoption prior to the provision of further benefits, it is not clear that the department would have recourse to emergency regulations. Under AS 44.62.250 the adoption of such regulations require that an "emergency" exists and that adoption is "necessary for the immediate preservation of the public peace, health, safety, or general welfare". AS 44.62.270 provides:

It is the state policy that emergencies are held to a minimum and are rarely found to exist.

It is certainly arguable that the legislature does not create emergencies within the meaning of these sections. If emergency regulations were not available any regulations implementing the proposed amendment could not take effect for at least sixty days.

(5) The proposed amendment also raises several constitutional issues. The equal protection clause of the Alaska Constitution requires that classifications bear a fair and substantial relation to the object of the legislation. See, Isakson v. Rickey, 550 P.2d 359 (Alaska 1976). First, it is questionable whether "employability" is an acceptable dividing line under this standard in view of the fact that in times of high unemployment many theoretically "employable" persons simply cannot find employment. Their need remains. Second, the statute refers to "single persons" and "couples". Assuming this to refer to marital status, which is itself unclear, one might question how marital status relates to need for general relief. Arguably, an employable single person with children could not receive benefits but an employable married person with children could receive benefits under the amendment as it is now written.

A M E N D M E N T

OFFERED IN THE SENATE:

BY: TILLION

To: _____ SENATE BILL No. _____

HOUSE BILL No. 863

PAGE: 1

LINE: 12

After the period add:

"This appropriation is conditioned upon adoption of regulations by the department which exclude employable single persons and employable couples without children from benefits of the General Relief Program."

Senators Tillion, Ziegler and Sumner offered the following amendment No. 1:

Page 1, line 12: after the period add: "No disbursements from this appropriation shall be made to employable single persons without children and employable couples without children in the General Relief Program."

AMENDMENT NO. 1 to HOUSE BILL NO. 363

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDINGFINANCE DIVISION
POUCH WF—STATE CAPITOL

JUNEAU 99801

MEMORANDUMTO: The Honorable Clark Gruening
House Finance Committee

DATE: September 27, 1977

FROM: Milt Barker *MB*
Fiscal Analyst

SUBJ: General Relief

At your request, I am forwarding information relating to the Anchorage general relief problem. As you can see from the first enclosure, the FY 78 appropriation has been divvied up among five regional offices based on each regions' percentage of total assistance cases (OAA, AB, etc.) except for the BIA contract allocation based on three months actual payments. Further, only 40% of the appropriation is allotted to the regions for the first six months so that there will be more adequate funds for the winter months with its higher assistance needs due to greater unemployment and higher heating costs.

The second enclosure indicates that SERO, NRO and SCRO all will have expended their first six months allocation before December, unless restrictions are made. Anchorage's expenditures thorough September 14 total \$56,884 of their allocation of \$78,200 (third enclosure), making it the most critical situation. Accordingly, on August 30, Garth Patterson restricted further SCRO relief to pending Aid to the Blind or Disabled cases and funerals (fourth enclosure).

General relief has for some period of years been expended within a region based on the amount of the allocation and a priority system. The priority system seems generally to be families with children first, followed by couples, and then singles, with unemployables within each category ranking higher than employables.

Anchorage expenditures soared because relief was granted to all the above categories (falling within the financial eligibility criteria) under pressure of Alaska Legal Services (enclosure five). Another push they made was for meeting full need up to the \$80 maximum. This may have had some further impact on expenditures by pushing the agency to make on-going (month after month) grants to persons who had continuing needs,

September 27, 1977

although data is unavailable to ascertain this. In the past the agency had strongly, and apparently successfully, discouraged eligibles from coming back a second time. When all this combined to severely deplete Anchorage's funds, the aforementioned restrictions were applied by Patterson.

Because the statutes (enclosed) say assistance may be given for general relief (AS 47.25.120), whereas for AFDC, OAA, AB and AD they say assistance shall be given, it seems that restrictions may be placed on the program by Health and Social Services, whether by category of eligible, percent of need granted, or duration of payment. The problem is that by allocating funds to regions and allowing each region to determine priorities, the program often gets different restrictions by region, sometimes seemingly arbitrary. This may not be legal.

Thus, by administrative or statutory means, it may become necessary to establish categories of eligibility, proration of need, and/or duration of payments to stabilize program expenditures in a legal manner. There is a six month restriction on GR in the regulations (7 AAC 47.060) about to be finalized (enclosed) but no restrictions by category of eligible, or proration of need.

Given the past history of very few continuing grants, the new regs with the six month restriction will not stabilize expenditures. Uniform statewide administrative restrictions outside the regulation process are possible, but may not be adhered to as well since Alaska Legal Services wouldn't then have anything so solid to beat the agency over the head with. Adoption of restrictions only by regulation thus, may become an issue in itself.

enclosures

MB:bf

GR FY78 Appropriation	\$288,00
Estimated BIA 18 yr. old cost	(26,600)
Remaining available	261,400

For first 6 months of FY78

261,400 x 40% = 104,560

SERO	104560	x	.129*	=	13488
SCRO	104560	x	.748	=	78210
NRO	104560	x	.109	=	11397
SWRO	104560	x	.003	=	314
NWRO	104560	x	.011	=	1150
					<u>104559</u>

GR Dist. by first 6 months of FY78

	<u>GR</u>	<u>BIA (18 yr. old)</u>	<u>TOTAL GR</u>
SERO	13,500	2,100	15,600
SCRO	78,200	0	78,200
NRO	11,400	1,600	13,000
SWRO	300	7,500	7,800
NWRO	1,200	2,100	3,300
TOTAL	<u>104,600</u>	<u>13,300</u>	<u>117,900</u>

* indicates percentage of non-native caseload.

NON-Native Cases - October, 1976

	<u>OAA</u>	<u>AB</u>	<u>AD</u>	<u>AFDC</u>	<u>TOTAL</u>	
SERO	107	1	59	159	326	.129
SCRO	364	13	335	1186	1893	.748
NRO	57	2	105	111	275	.108
SWRO	1	1	1	5	8	.003
NWRO	2	1	20	5	28	.011
TOTAL	<u>531</u>	<u>18</u>	<u>520</u>	<u>1466</u>	<u>2535</u>	

SERO 12.9%
 SCRO 74.8%
 NRO 10.9%
 SWRO 0.3%
 NWRO 1.1%

18 Year Olds

	<u>Jan, Feb, March Payment</u>	<u>For Provisions Months</u>	<u>12 month x 4</u>	<u>6 month x 2</u>
SERO	\$1044	-	1044	4176
NRO	800	-	800	3200
SWRO	3719	-	3719	14876
NWRO	1810 (770)	-	1040	4160
			6603	26412
				13,300 x 2 = 26,600

SEPD:

Alloc: \$15,600

Expenditures to date: \$5,100

projected spending will eliminate allocation prior to ~~the~~ Dec. 1.

Current rate \$3,220/mo.

No restrictions in force consistently.

NRO:

Alloc: \$13,000

Exps. to date: \$5,555

Current rate \$2,775/mo

projected spending will eliminate allocation prior to Dec. 1.

No restrictions in force consistently.

SCRO:

Can barely cover basics and RPP funds
 Will probably run \$2-4,000 over
 allocation just with these two items.

Anch

GR EXPENDITURES - WEEKLY BASIS

January	3 thru 7	\$2,482.00
"	10 thru 14	7,675.94
"	17 thru 21	4,671.18
"	24 thru 28	2,566.55
"	31 thru Feb. 4	6,322.49
February	7 thru 11	5,515.29
"	14 thru 18	3,548.48
"	21 thru 25	5,906.23
"	28 thru March 4	10,819.44
March	7 thru 11	4,043.65
"	14 thru 18	7,575.30
"	21 thru 25	2,693.03
"	28 thru April 1	6,716.84
April	4 thru 8	5,786.10
"	11 thru 15	8,247.94
"	18 thru 22	5,082.52
"	25 thru 29	3,746.74
May	2 thru 6	7,852.35
"	9 thru 13	5,352.97
"	16 thru 20	6,194.14
"	23 thru 27	3,159.54
"	30 thru June 3	2,635.23
June	6 thru 10	9,540.26
"	13 thru 17	6,231.54
"	20 thru 29	1,337.88
July	4 thru 8	4,983.26
"	11 thru 15	11,616.08
"	18 thru 22	7,197.86
"	25 thru 29	4,225.07
August	1 thru 5	5,219.56
"	8 thru 12	7,055.70
"	15 thru 19	7,965.22
"	22 thru 26	3,463.36
"	29 thru September 2	4,620.00
September	5 thru 14	541.87

135,692

56,884

TO

All Supervisors
and District Offices


DATE: August 30, 1977

FILE NO:

TELEPHONE NO: 274-6524

SUBJECT: GRA Limitations

FROM:

Garth Patterson 
Acting R.A.P.M.
Anchorage SCRO

GRA funds are extremely limited. We will take applications for GRA however no interviews will be conducted unless the application is for funeral assistance or AD pending or AB pending cases. There are no funds available except for the APA pending and funerals. Other applications will be kept by the GRA/GRM Eligibility Worker and will be denied at the end of each month. Reason lack of funds: DPW Staff Manual section 4422. Clients who leave applications should be encouraged to leave current addresses and phone numbers so they can be contacted should funds be made available. This policy is effective immediately and it is anticipated that this will continue until January 1, 1978.

GRM program will continue as before.

GP/sal

Catherine M. Lloyd
Deputy Commissioner for
Administrative Management

August 25, 1977

Don Kemp
Acting Director
Division of Public Assistance

General Relief Allocations
Specifically in Anchorage

This is to inform you of the current status of the allocation and spending of General Relief (GR) funds, as discussed in a joint meeting with members of the Division of Public Assistance staff and Liz Arnold and Dick Peter of the Attorney General's office.

Currently (and for many years), the total GR program appropriation has been divided in half and 6-month allocations have been made by region, based on the previous year's expenditures in each region. Regions keep their own program balances and cannot exceed their allocations without Central Office approval. In order to avoid over-spending, regions follow a priority system for granting GR. Under this system, so long as funds are regionally available, aid is granted to eligible needy families with young children. However, even when funds may remain available, single persons (and particularly employable, single persons) are generally refused assistance even if they are eligible.

As you are aware, in March of 1977 the priority system for controlling GR funds was protested by Legal Services in Anchorage on two grounds:

- (1) that FY77 GR funds would be lapsed due to the tight controls set upon their spending and;
- (2) in response to our justification that these controls are necessary to avoid the rapid and early depletion of the funds that it is then our responsibility to approach the legislature and appropriate more funds.

As a result of the protest, in Anchorage (only) we began meeting full need with no restrictions or priorities placed on eligibles. This resulted in spending at a rate which would surely bankrupt the GR program within a matter of months, (in 2 1/2 months we have depleted one half of Anchorage's allotted funds). It is only the fact that the remaining regions continued to restrict payment which allowed us to make this concession in Anchorage. However, it had become obvious that the situation had "gotten out of hand." It was the suggestion of Liz Arnold, Assistant Attorney General, that immediate restrictions be placed upon the spending of funds in Anchorage to avoid exceeding the budget. (The Anchorage Regional Office was contacted subsequent to this meeting and such action was taken.)

Cathorino M. Lloyd
Deputy Commissioner
August 25, 1977
Page 2

It has been our policy in the past to restrict spending on a discretionary basis, as the statutes and regulations do not speak specifically to restrictions on eligibility other than that an \$80 limit be set on GR disbursement (FAAC 47.100), certain limitations are set on age (FAAC 47.170), that if other resources are available (i.e., AS, AD or AFDC, etc.), GR may not be granted and that GR may not be granted for a period in excess of 6 months (FAAC 47.060). Need for determining eligibility is based solely on income (eligibility exists only if need exceeds monthly net income - FAAC 47.150).

Within these guidelines, a regional office must set its own priorities for disbursing funds. Historically, we have generally run out of GR funds by the end of the fiscal year, but in the past 2-3 years we have been lapsing funds, possibly as a result of pipeline impact. Based on this information Legal Services initiated its protest, which led to the situation described above. As regards Legal Services, what must be communicated is the necessity to exercise control from our side - we must be able to set limits on appropriations so long as the total GR amount provided by the legislature is less than adequate to fulfill the need. At this point, discretionary methods have been resumed in the Anchorage office until such a time as the necessary amendments to the regulations can be enacted or until a suitable agreement can be reached with Legal Services.

It is our feeling that a viable solution to the problem of allocating GR would be to impose a restriction, amending the period of eligibility (FAAC 47.060), to the effect that allocations to regional offices will be made on a monthly basis, based upon prior years' spending history (considering seasonal fluctuations), and disbursement of such funds will be made within the months budget on a priority system. In the event that the action already taken in Anchorage is challenged by Legal Services, it may be necessary to issue a Statement of Legal Intent to this effect. Otherwise, it is hoped that the measures taken will be sufficient action until legislature convenes.

DK/PM/el

Article 2. General Relief Assistance.

Section	Section
120. Eligibility for assistance	230. Persons liable for support and burial
130. Amount of assistance	240. Action against person liable for care of recipient
140. Residence in institution	250. Temporary relief
150. Application for assistance	260. Recovery and disposition of allowances improperly granted
160. Investigation of applicant	265. Cancellation of warrants
170. Granting of assistance	270. Agreements with federal government
180. Appeal	280. Obtaining assistance by fraud
190. Payment to guardians	290. Penalty for violation
200. Review of eligibility	300. Definitions
210. Alienation and attachment	
220. State's claim for assistance	

Sec. 47.25.120. Eligibility for assistance. Financial assistance may be given under §§ 120 -- 300 of this chapter, so far as practicable under the conditions in this state, to a needy person who is eligible under the regulations of the department. (§ 2 ch 110 SLA 1953; am § 1 ch 33 SLA 1957)

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. *Shelley v. Thompson*, 321 U.S. 613, 80 S. Ct. 1322, 22 L. Ed. 34 696 (1943).

Am. Jur. and ALR references. -- 41 Am. Jur., Poor and Poor Laws, § 1 et seq.

Liability of governmental agency for medical or surgical services rendered to poor person in emergency, without express authority, 33 ALR 961.

States of one's poor person, for purpose of statute enabling her to relief as affected by extent of her financial resources, 95 ALR 570.

Sec. 47.25.130. Amount of assistance. The amount of assistance for a needy 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 the applicant with reasonable subsistence according to standards of assistance established by the department. However, the amount of assistance for subsistence needs may not exceed \$70 a person a calendar month. (§ 3 ch 110 SLA 1953; am § 2 ch 33 SLA 1957)

Sec. 47.25.140. Residence in institution. No payment under §§ 120 -- 300 of this chapter may be made to or in behalf of an individual who is an inmate of the Alaska Pioneers' Home or other 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 disease. An inmate of the Alaska Pioneers' Home or other public institution, who is otherwise eligible to receive an allowance under §§ 120 -- 300 of this chapter, may apply for the allowance instead of the support and maintenance provided for him in the home or public institution. (§ 4 ch 110 SLA 1953)

Sec. 47.25.159. *Application for assistance.* A person requesting assistance shall apply for it, either for himself or by another in his behalf, upon forms furnished and under regulations prescribed by the department. (§ 5 ch 110 S.L.A. 1953)

Sec. 47.25.160. *Investigation of applicant.* The department shall promptly investigate each applicant to determine the applicant's eligibility. (§ 6 ch 110 S.L.A. 1953)

Sec. 47.25.170. *Granting of assistance.* Upon the completion of its investigation, the department shall decide whether the applicant is eligible for and should receive assistance promptly under §§ 120 — 200 of this chapter, 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. (§ 7 ch 110 S.L.A. 1953)

Sec. 47.25.180. *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. A representative designated to conduct the hearing shall be governed by the regulations prescribed for that purpose by the department. (§ 8 ch 110 S.L.A. 1953)

Sec. 47.25.190. *Payment to guardians.* When a guardian is appointed by the court for a person receiving assistance, the department may pay the assistance to the guardian. (§ 9 ch 110 S.L.A. 1953)

Sec. 47.25.200. *Review of eligibility.* Assistance granted under §§ 120 — 300 of this chapter 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. (§ 10 ch 110 S.L.A. 1953)

Sec. 47.25.210. *Alienation and attachment.* Assistance granted under §§ 120 — 300 of this chapter is inalienable by assignment or transfer and is exempt from garnishment, levy, or execution under the laws of this state. (§ 11 ch 110 S.L.A. 1953)

Sec. 47.25.220. *State's claim for assistance.* The total amount paid in assistance to a recipient constitutes a claim against the recipient and his estate. On the death of a person receiving assistance the total amount paid as assistance shall be allowed by the court having jurisdiction over the estate. (§ 12 ch 110 S.L.A. 1953)

Sec. 47.25.230. *Persons liable for support and burial.* Every needy person shall be supported while living; and upon dying, shall be given a decent burial by the spouse, children, father, mother, grandfather, grandmother, grandchildren, brothers or sisters of the needy person, if

they, or any of them, have the ability to do so, in the order named. Every designated person who fails to support the needy person when directed by the department to do so, or fails to give the needy person a decent burial when he dies shall reimburse the state or a municipality for the funds expended by either the state or a municipality for the relief or burial of the needy person, and these sums, with interest and costs may be recovered by the state or a municipality of the state in a civil action. (§ 13 ch 110 SLA 1953)

Cross reference. -- As to duty of parent and child to maintain each other, see AS 25.20.030.

Sec. 47.25.240. Action against person liable for care of recipient. If, during the continuance of an allowance, the department ascertains 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 claim for the assistance against the person liable for it. This claim may be enforced by civil action 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. (§ 14 ch 110 SLA 1953)

Sec. 47.25.250. Temporary relief. When a needy person is not entitled to assistance under §§ 120 -- 300 of this chapter and has no relatives in the state liable for his support under §§ 230 and 240 of this chapter, the needy person may receive temporary assistance in the form and amount which the department considers necessary. Temporary assistance may not exceed \$30 a month. (§ 15 ch 110 SLA 1953)

Sec. 47.25.260. Recovery and disposition of allowances improperly granted. If the department finds that a general relief allowance has been improperly granted, it shall investigate, and if it appears from the investigation that the assistance was improperly granted, the department may cancel the allowance and notify the recipient of the cancellation. The state then has a claim against the person who received the improper allowance. The claim may be enforced by civil action in the name of the state by the attorney general to recover the amount paid to the person, with interest, together with the necessary costs of the action. (§ 16 ch 110 SLA 1953)

Sec. 47.25.265. Cancellation of warrants. (a) Warrants issued to a general relief assistance recipient after the date of death of the recipient shall be returned to the Department of Administration and canceled.

(b) General relief assistance warrants issued before the death of the recipient but not negotiated at death shall be returned to the

§ 47.25.270 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.25.300

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 general relief assistance recipient for payment on warrants canceled under (a) and (b) of this section. (§ 1 ch 52 SLA 1964)

Sec. 47.25.270. 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 §§ 120 — 300 of this chapter for assistance to needy persons. (§ 18 ch 110 SLA 1953)

Sec. 47.25.280. Obtaining assistance by fraud. A person is guilty of a violation of §§ 120 — 300 of this chapter if he (1) by a statement, representation, or impersonation which he knows is false or by another fraudulent device, obtains or attempts to obtain or elicit or abets another 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; (2) aids and abets in buying or otherwise disposing of the property of the recipient of assistance for the purpose of avoiding liability for the assistance granted; or (3) gives false or incorrect information, knowing it to be false or incorrect, as part of the procedure to obtain assistance, even if he does not actually obtain or use the assistance. (§ 17 ch 115 SLA 1953; am § 1 ch 115 SLA 1975)

Effect of amendment. — The 1975 amendment (ch 116, SLA 1975 (S.H.B. 422)) see amendment tabled clause (3) 1975 House Journal, p. 1155.

Legislative committee report. — For

Sec. 47.25.290. Penalty for violation. A person who violates a provision of §§ 120 — 300 of this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both. (§ 12 ch 110 SLA 1953; am § 2 ch 116 SLA 1975)

Effect of amendment. — The 1975 amendment substituted "21,000" for "500," "for" for "in jail," and "one year" for "six months." Legislative committee report. — For report on ch. 116, SLA 1975 (S.H.B. 422), see 1975 House Journal, p. 1156.

Sec. 47.25.300. Definition. In §§ 120 — 300 of this chapter

(1) "assistance" means financial assistance to or on behalf of a needy person, including subsistence (food, shelter, fuel, clothing, and utilities) and transportation, medical needs (including, but not limited to,

hospitalization, nursing, and convalescent care), burial, and other determined needs;

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

(3) "needy person" means a needy resident of the state who is not eligible for aid 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 110 SLA 1953; am § 2 ch 32 SLA 1971; am § 6 ch 101 SLA 1971)

Effect of amendments. -- The first 1971 amendment deleted "who has lived in the state for one year immediately preceding the date of application for aid for assistance and" following "resident of the state" in paragraph (2).

The second 1971 amendment substituted "Department of Health and Social Services" for "Department of Health and Welfare" in paragraph (2).

Legislative committee 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, 394 U.S. 475, 1953, Ct. 1324, 22 L. Ed. 2d 674 (1959).

Article 3. Aid to Families with Dependent Children Act.

Section

- 310. Eligibility for assistance
- 320. Amount of assistance
- 330. Duties of department
- 340. Application for assistance
- 350. Investigation of application
- 360. Granting of assistance
- 365. Retention of parent or family member
- 370. Appeal

Section

- 380. Reconsideration and alteration of assistance
- 390. [Repealed]
- 395. Alteration and attachment
- 400. Purpose
- 405. Reporting change of status
- 410. Obtaining assistance by fraud
- 420. Definitions
- 425. Short title

Sec. 47.25.310. *Eligibility for assistance.* The department shall grant assistance to the family of each dependent child if determinee is eligible for assistance under § 310 -- 420 of this chapter, or to employment under a work incentive program established by AS 26.15.050, and by § 402(c) (1) of the Federal Social Security Act (42 USC 401 et seq.), as amended. (S 51-2-32; ACLA 1970; am § 2 ch 57 SLA 1970; am § 1 ch 13 SLA 1969; am § 2 ch 134 SLA 1968)

Editor's note. -- The federal provision referred to in this section was added by § 201 of the Social Security Amendments of 1967 (PL 90-248, 81 Stat. 834).

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. 475, 1953, Ct. 1324, 22 L. Ed. 2d 674 (1959).

Cited in Public Defender Agency v. Superior Court, Third Judicial Dist., Sup. Ct. Op. No. 1140 (Feb. No. 2071), 50 P.2d 937 (1936).

Register

HEALTH AND SOCIAL SERVICES

CHAPTER 47. GENERAL RELIEF.

Section

10. (Repealed)
20. Application
30. Application exception
40. Documentation
50. Eligibility decision
60. Period of eligibility
70. Availability of hearing
80. Report of change
90. Persons liable for care of the recipient
100. Limits of General Relief Assistance
110. Vendor payments
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140. Eligibility
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160. Resources
170. Age at which applicant may be eligible
180. Provision of medical benefits
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200. General Relief Medical coverage
210. Exclusions from General Relief Medical program
220. Responsibility of recipient
230. Responsibilities of provider
240. Reimbursement of provider
250. Quality and cost of benefits
260. Third party liability
900. Definitions

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Register

HEALTH AND SOCIAL SERVICES

CHAPTER 47. GENERAL RELIEF.

Section

10. (Repealed)
20. Application
30. Application exception
40. Documentation
50. Eligibility decision
60. Period of eligibility
70. Availability of hearing
80. Report of change
90. Persons liable for care of the recipient
100. Limits of General Relief Assistance
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HEALTH AND SOCIAL SERVICES

7 AAC 47.010

7 AAC 47.030

7 AAC 47.010 RESIDENCE. Repealed,

7 AAC 47.020 APPLICATION. The grant of General Relief assistance and General Relief Medical assistance may be considered only upon application. Any person, regardless of race, religion, age, sex, or national origin, may apply for such assistance. Applications must be made on a form designated by the Division of Public Assistance. The form is available at any district office of the division and must be filed at a district office. Application may be made either by the individual requesting aid or by a responsible person acting on his behalf. (Eff. / /77, Register)

Authority AS 47.05.010
AS 47.25.150

7 AAC 47.030 APPLICATION EXCEPTION. If, because of a medical emergency, a person is unable to apply for General Relief Medical assistance before treatment is received, the medical provider or his representative shall inform the nearest district office of the division of his patient's possible eligibility within 72 hours of admission to a treating facility. There are no restrictions on who may be considered as possibly eligible. In order to be considered for assistance, the patient or a responsible person acting in his behalf must make application within 72 hours of release from the facility.
(Eff. / /77, Register)

Authority: AS 47.05.010
AS 47.25.150

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HEALTH AND SOCIAL SERVICES

7 AAC 47.040
7 AAC 47.050

7 AAC 47.040. DOCUMENTATION. If at all possible, an applicant shall make himself available for an interview at a district office of the division. If he cannot be interviewed, statements of other persons who have knowledge of the applicant's need or of aspects of his circumstances relating to factors of eligibility will be obtained. Whether or not the applicant can be interviewed personally, he shall furnish adequate evidence to demonstrate his specific need and his eligibility for assistance. If there are compelling reasons beyond the control of the applicant or the division why adequate evidence cannot be obtained in a timely manner, and if there is no reasonable cause to doubt statements of fact presented by or on behalf of the applicant, assistance may be granted before receipt of the necessary evidence, upon approval by a regional manager of the division or his designee. The provision of assistance in such cases will neither relieve the recipient of the liability to repay granted assistance for which he is not entitled as provided by AS 47.25.260, nor will it prevent possible fraud prosecution under AS 47.25.290.

(Eff. / /77, Register)

Authority: AS 47.05.010
As 47.25.160

7 AAC 47.050. ELIGIBILITY DECISION. The division shall render an eligibility decision upon each identifiable application for assistance and shall forward to the applicant a written notice-of-eligibility decision no later than 30 days from the receipt of the application by a district office. In this section, "identifiable" application means one which contains at least the applicant's name, mailing address and signature or witnessed mark. However, in order for assistance to be granted, the applicant must complete all portions of the application.

(Eff. / /77, Register)

Authority: AS 47.05.010
AS 47.25.170

7 AAC 47.060. PERIOD OF ELIGIBILITY. Eligibility determined from an application may extend itself into the future for a period not to exceed six months and, for General Relief Medical assistance, may be determined to exist for up to six months retroactively, beginning with the date of application. At the expiration of the eligibility period, or at any time during the eligibility period at which there is an indication that there may be a change in the recipient's specific need or circumstances, the division may require a new application and full supporting verification. (Eff. / /77, Register)

Authority: AS 47.03.010
AS 47.25.120

7 AAC 47.070. AVAILABILITY OF HEARING. Any applicant or recipient whose application is not acted upon within 30 days after receipt, whose application is modified or denied, or whose assistance is reduced or discontinued, shall upon presentation of an oral or written request to any employee of the division, be granted an opportunity for a prompt hearing before a representative of the division. This hearing shall be conducted under the procedure established by 7 AAC 49. (Eff. / /77, Register)

Authority: AS 47.05.010
AS 47.25.180

7 AAC 47.080. REPORT OF CHANGE. It is the responsibility of the recipient or his authorized representative to report to the nearest district office all changes which might affect his continuing eligibility. Such changes must be reported orally or in writing within 10 days of their occurrence. Changes which must be reported include, but are not limited to, changes in the nature of the specific need, living arrangements, income, and resources. (Eff. / /77, Register)

Authority: AS 47.05.010
AS 47.25.200

7 AAC 47.090. PERSONS LIABLE FOR CARE OF THE RECIPIENT. The support of needy persons required by AS 47.25.023 of certain relatives who have the ability to furnish it means all needs for which General Relief assistance is authorized by the chapter, including General Relief Medical assistance. (Eff. / /77, Register)

Authority: AS 47.05.010
AS 47.25.230

7 AAC 47.100. LIMITS OF GENERAL RELIEF ASSISTANCE. The amount of General Relief assistance paid to or on behalf of eligible applicants is based on the extent of the specified need and the availability of program funds, but does not exceed a total of \$80 per person per month. Within this limitation, payments for food stamps may be allowed, subject to the provisions of the food stamp program. (Eff. / /77, Register)

Authority: AS 47.05.010
AS 47.25.130

7 AAC 47.110. VENDOR PAYMENTS. With the exception of the payments authorized under sec. 120 of this chapter, General Relief payments for rent, food, fuel, clothing, utilities, house repair, transportation, or funeral and burial expenses, as well as all General Relief Medical assistance payments, may be made only to the vendor or provider and not to the recipient of assistance. No General Relief vendor payments may be made for services or goods provided before the month of application. General Relief Medical provider payments may be made for medical services or goods provided before the month of application on behalf of those persons who meet the requirements of sec. 30 of this chapter. (Eff. / /77, Register)

Authority: AS 47.05.010
AS 47.25.170

7 AAC 47.120. CASH PAYMENTS. (a) Cash payments may be made only to the following classes of eligible persons:

(1) the relative of an 18-year old, specified in the Title 45, Code of Federal Regulations, sec. 233.90 (c)(v)(1), when the 18-year old meets all of the following criteria:

(A) was an eligible recipient of Aid to Families with Dependent Children (AFDC) assistance in the month preceding his 18th birthday;

(B) is a full-time high school student living at home with a relative specified in 45 CFR sec. 233.90 (c)(v)(1); and

(C) other children and the specified relative are in the home and continue to be eligible for AFDC; or

(2) a person who has applied for but who is not yet receiving benefits under the Aid to the Blind, Aid to the Disabled, Old Age Assistance, Alaska Longevity Bonus, or Supplemental Security Income programs.

(b) Persons eligible for cash payments under (a)(2) of this section may receive them for a period not to exceed six months.

(c) There are no restrictions on the use of cash payments. (E.L.

/ /77, Register)

Authority: AS 47.05.010
AS 47.25.120

7 AAC 47.130. FUNERAL AND BURIAL EXPENSES. General Relief assistance payments for funeral and burial expenses are allowed up to a maximum of \$700 a person for cremation or embalming, coffin with outside box, cemetery lot, opening and closing of the grave, use of a hearse and one automobile, and chapel services with minister. The maximum allowable payment is for the total of all the services, and only one payment may be made for each burial, regardless of the number of different vendors providing separate services. It is the responsibility of the vendor receiving the single payment to distribute to the other vendors the portion of it due to them. Amounts available from the prior resources listed in sec. 160(b) of this chapter shall be deducted from the \$700 maximum total before the payment of charges, regardless of whether these amounts have been collected before billing or payment. Payments for the transportation of a body from the place of death to the place of burial within the state, as requested by the next of kin, or to the place of last residence within the state, may also be allowed even though such payment brings the total over \$700, if prior authorization is given by a regional manager of the division and if no prior resources listed in sec. 160(b) of this chapter, which could pay for transportation, exists. (Eff. 1/1/77, Register)

Authority: AS 47.05.010
AS 47.25.120
AS 47.25.309 (3)

7 AAC 47.140. ELIGIBILITY. Eligibility for receipt of General Relief and General Relief Medical assistance is based upon:

- (1) financial need;
- (2) immediate and specific need for subsistence items such as rent food, or fuel; transportation; burial; or medical supplies and services;

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HEALTH AND SOCIAL SERVICES

7 ACC 47.140

7 ACC 47.150

(3) lack of prior resources listed in sec. 160(b) of this chapter of any kind sufficient to meet the specific need;

(4) age at which applicant may be eligible, as set out in sec. 170 of this chapter; and

(5) physical presence within the State of Alaska at the time of application. (Eff. / /77, Register)

Authority: AS 47.05.010
AS 47.25.120

7AAC 47.150. DETERMINATION OF FINANCIAL ELIGIBILITY. (a) financial eligibility exists only if need exceeds monthly net income, as determined under this section.

(b) need is determined by use of one of the following tables;

(1) Adult-only households:

<u>Number of Adults</u>	<u>(Rent Under \$35/mo.)</u>	<u>(Rent \$35/mo.)</u>
1	\$235	\$300
2	335	400
3	435	500
4	535	600
5	635	700

\$100 shall be added for each additional adult.

(2) Households with children and adults:

<u>Number of persons</u>	<u>Maximum need standard</u>
Parent plus 1 child	\$300
" " 2 children	350
" " 3 " "	400
" " 4 " "	450
" " 5 " "	500
" " 6 " "	550
" " 7 " "	600

\$100 shall be added for each additional adult, and \$50 for each additional child.

(c) Monthly net income is determined by:

(1) counting all income earned or unearned, from any source, except payments made under the Alaska Native Claims Settlement Act, received during the calendar month in which application is made, and all income reasonably expected to be received in time to meet the specific needs (income received weekly is multiplied by 4, that received every two weeks or otherwise twice monthly by 2, and that received monthly by 1);

(2) subtracting all mandatory payroll deductions (federal and state income tax, FICA, unemployment insurance, union dues, insurance premiums, and retirement); and

(3) not counting income received in the month just before the calendar month in which application is made, but considering this a resource under sec. 160 of this chapter.

(d) Persons who are included in the household, and who will therefore have their financial needs, income, and resources considered in determining financial eligibility, include the applicant, all related to the applicant by blood, marriage, or adoption who reside with him, and all unrelated persons whose needs are included in the request for assistance and who would benefit directly from the requested assistance, or who would benefit directly even if their needs are not included. (Eff.

/ /77, Register)

Authority: AS 47.05.010
AS 47.25.150

7 AAC 47.160 RESOURCES. (a) General Relief or General Relief-Medical assistance may not be granted if the applicant, despite an excess of need over income, has other resources available and adequate to meet the specific need. Resources that will affect eligibility are classified as prior or personal.

(b) Prior resources include but are not limited to:

- (1) coverage by Social Security, workman's compensation, or by medical and hospital insurance;
- (2) eligibility for assistance from categorical programs such as Aid to the Blind, Aid to Families with Dependent Children and Old Age Assistance;
- (3) qualification to receive assistance from the Veteran's Administration, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), Alaska Fisherman's Fund, U.S. Seaman's Act program, Crippled Children's Service, Office of Vocational Rehabilitation, Medicaid, Medicare, or free clinics;
- (4) potential treatment or assistance from the United States Public Health Service and Bureau of Indian Affairs health care and general relief programs; and
- (5) availability of cash, medical, and subsistence items and assistance from the Salvation Army, Red Cross, Lion's International, and other charitable organizations.

(c) Personal resources are:

- (1) liquid assets such as cash, savings, stocks or bonds totaling more than \$500;
- (2) more than one each of these: automobile, snowmobile, boat, or a combination of all three, unless they are used to produce income; a combination of any two is not considered a resource for the purpose of this section;

(3) real property, except for the applicant's home and the land upon which it stands and land contiguous to it, unless the property is for sale at or below fair market value, is producing reasonable income, or is essential to the employment of the applicant;

(4) credit sufficient to directly or indirectly meet the specified need. (Eff. / /77, Register)

Authority: AS 47.05.010
AS 47.25.130

7 AAC 47.170. AGE AT WHICH APPLICANT MAY BE ELIGIBLE.

(a) Applicants 19 years of age or older may be found eligible for General Relief and General Relief Medical assistance.

(b) An applicant under 19 years of age may be found eligible if he meets at least one of the following requirements:

(1) is living apart from parents or guardian and managing his own financial affairs, regardless of the source of his income;

(2) is 16 years of age or older and married, living with his spouse at the time of application;

(3) is in need of assistance to pay medical expenses for the diagnosis, prevention, or treatment of pregnancy or for diagnosis, and treatment of venereal disease; or

(4) is a female seeking abortion, or treatment following an abortion. (Eff. / /77, Register)

Authority: AS 09.65.100
AS 47.05.010
AS 47.25.120

Register

HEALTH AND SOCIAL SERVICES

7 AAC 47.180

7 AAC 47.190

7 AAC.47.180 PROVISION OF MEDICAL BENEFITS. The division will provide a written certification of eligibility for General Relief Medical benefits upon a form or card specified by it. This certification signifies that the person or persons named on it have been found eligible for medical assistance for the period of time stated. This certification neither guarantees to the recipient that certain medical services and supplies will be furnished nor guarantees to the provider that he will receive unrestricted payment for any and all services and supplies he provides. (Eff. / /77, Register)

Authority: AS 47.05.010

AS 47.25.170

7 AAC 47.190. EXCEPTIONS TO FINANCIAL ELIGIBILITY CRITERIA. Persons who do not meet the financial eligibility criteria of secs. 150 and 160 of the chapter, but whose income and resources are inadequate to meet their medical expenses, may apply to the Catastrophic Illness Program (7 AAC 48) for determination of eligibility for coverage of part or all of their medically-related costs.
(Eff. / /77, Register)

Authority: AS 47.05.010

AS 47.25.120

7 AAC 47.200 GENERAL RELIEF MEDICAL COVERAGE. The General Relief Medical program provides, subject to availability of funds, payments on behalf of needy persons who are eligible under the provisions of this chapter for the following:

- (1) medical care and services necessary to improve health or support life;
- (2) pharmaceuticals;
- (3) emergency dental care for relief of pain and acute infection;
- (4) voluntary sterilization, if the following requirements are met:

(A) request for sterilization procedure is made voluntarily and the person is advised that refusal to be sterilized at any time will not result in ineligibility or denial under this chapter;

(B) informed consent is obtained and documented by a properly completed Informed Consent for Voluntary Sterilization, State form 06-703S; and

(C) the sterilization is not done sooner than 72 hours after the giving of informed consent;

(5) eyeglasses, if prior authorization is received by the provider from the central office of the division;

(5) physical, occupational, speech, hearing, and language therapy is authorized by a pre-authorization request by a physician; if the need for therapy is urgent, a maximum of five treatments may be covered while the authorization process is under way;

(7) transportation within Alaska and to other states for emergency and non-emergency treatment, if treatment cannot be obtained locally; transportation costs include an escort when requested by a physician, and necessary food and lodging during treatment; transportation costing more than \$250 must be requested by a physician and, except in cases of emergency, must receive prior authorization by a regional manager or by the central office of the division;

(8) prosthetic devices, including hearing aids, if approved by the central office of the division after submission of a pre-authorization request by a physician; and

(9) legend drugs, excluding all anorexiants (appetite suppressants) medications, and certain over-the-counter drugs and supplies specified by the division; the division shall furnish each pharmacy which has signed an agreement with it under sec. 230(a) of this chapter, with a list of those over-the-counter drugs and supplies. (Eff. / /77, Register)

Authority: AS 09.65.100
AS 47.05.010
AS 47.25.120

7 AAC 47.210. EXCLUSIONS FROM GENERAL RELIEF MEDICAL PROGRAM.

The following are excluded from General Relief Medical coverage:

- (1) services which are not appropriate and necessary for the diagnosis or treatment of illness or injury;
- (2) hospitalization for alcoholism;
- (3) services, drugs, and supplies for cosmetic purposes; and
- (4) services which are reasonably available from another source or program, or which are payable through a prior resource. (Eff. / /77, Register)

Authority: AS 47.05.010
AS 47.25.120

7 AAC 47.220. RESPONSIBILITY OF RECIPIENT. (a) It is the responsibility of the recipient to:

- (1) guard his certification of eligibility with reasonable care to prevent it being used by unauthorized persons;
- (2) present it to the provider at the time service is rendered;
- (3) provide the identification supporting the proper use of the certification which the provider may require; and
- (4) refrain from using the certification after eligibility has expired.

(b) The recipient is responsible for all charges incurred if no certification is presented and for charges incurred before and after the eligibility period. (Eff. / /77, Register)

Authority: AS 47.05.010
AS 47.25.170

7 AAC 47.230. RESPONSIBILITIES OF PROVIDER. (a) In order to become eligible to receive direct payment for services rendered under the State of Alaska Medical Assistance programs authorized by AS 47.07 and As 47.25.120--47.25.300 the provider must sign an agreement to comply with all applicable statutes and regulations. The agreement may be terminated by either party upon 60 days' written notice.

(b) The provider shall take reasonable precautions to verify that the holder of a certification of eligibility is in fact the person named on it.

(c) The medical assistance program may not interfere with the provider's right to exercise professional judgement in rendering services. (Eff. / /77, Register)

Authority: AS 47.05.010
AS 47.25.170

7 AAC 47.240. REIMBURSEMENT OF PROVIDER. (a) Providers shall submit all claims for payment on invoices provided by the state and in accordance with the procedures set out by the division in its Provider's Manual which it issues to providers.

(b) Providers shall report, on the invoices, known or possible sources of payment which may be available to the recipient. If a provider receives payment from a third party for services for which direct payment had previously been received from the state, the provider shall reimburse the state to the extent of the third-party payment.

(c) To obtain payment, a provider must submit a state invoice not more than six months after the date of the service or after receipt of a third party payment. Invoices which are submitted after the six-month period will be returned without payment.

(d) Payment will be in the amount of the reasonable charges determined under 45 C.F.R. 250.50 for services covered by the Alaska Medicaid program, while the division will furnish provider with a current fee schedule for services not covered by the Alaska Medicaid program.

(e) A provider who disagrees with a disallowance by the division of all or part of a claim submitted for payment may appeal that action in accordance with AS 44.77.

(f) Acceptance by the provider of the reasonable charge determined under (d) of this section constitutes payment in full for goods or services for which a claim was submitted. A patient may not be billed for any unpaid portion of the charges for those goods or services. (Eff. / /77, Register)

Authority: AS 47.05.010
As 47.25.170

7 AAC 47.250 QUALITY AND COST OF BENEFITS. An applicant will not be denied General Relief Medical benefits because of the availability of a prior medical resource unless such a resource provides a similar service of a quality at least equal to that provided by the General Relief Medical program in the same or a road-connected community not more than 100 miles distant, and at an identical or lower cost. (Eff. / /77, Register)

Authority: AS 47.05.010
AS 47.25.120

7 AAC 47.260. THIRD PARTY LIABILITY. If an applicant is granted General Relief Medical assistance for treatment of an injury negligently or intentionally caused by another person, institution, corporation, or public or private agency, details of the incident from which the injury arose must be noted on the application to facilitate possible recovery. Unless the tortfeasor is judgment-proof, the applicant will be required to assign his cause of action to the state, or repay the value of the assistance he has received if he refuses to make such an assignment. (Eff. / /77, Register)

Authority: AS 47.05.010
AS 47.25.150

7 AAC 47.900. DEFINITIONS. Unless the context requires otherwise in this chapter:

(1) "central office" means the Juneau office of the Division of Public Assistance;

(2) "district office" means one of the local offices of the Division of Public Assistance which are staffed to accept applications for cash, food and medical assistance;

(3) "division" means the Division of Public Assistance of the Department of Health and Social Services;

(4) "legend drug" means a drug which may be purchased only on the prescription of a physician or dentist;

(5) "over-the-counter drug" means a substance for diagnosis, treatment, or prevention of disease which may be purchased without a prescription;

(6) "provider" means a person, business, or private or public agency or institution which offers goods or services of a medical, dental, or pharmaceutical nature to the public;

(7) "regional manager" means an employee of the division who has direct administrative responsibility for the operation of district offices within his geographic region of the state.

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

October 4, 1977

SUBJECT: Statutory requirements relating to eligibility for general relief and the amount and duration of payments once eligibility is established. (W.O. #4316)

TO: Representative Russ Meekins

FROM: Joseph A. Guthrie
Legislative Counsel



In response to threatened legal action by Alaska Legal Services, last March the division of public assistance abandoned its earlier practice of denying general relief benefits to persons considered to be cases of low priority, but otherwise eligible under income-and-need standards, and also abandoned another practice of awarding less than the full \$80.00 authorized to persons who demonstrated need for the full amount. Grants were then made to all recipients eligible under the income and need standards in the amount of their need up to \$80.00. Also, the practice of finding eligibility for a period of months was instituted. Soon, the yearly appropriation for GR was almost exhausted, resulting in restrictions being imposed recently which limit award of benefits to those awaiting receipt of aid to the disabled benefits, and for payment of funerals.

The purpose of this memo is to examine the nature of the state's obligation to recipients under the GR statutes, in order to determine if the state's earlier practices were illegal, as Alaska Legal Services claims.

Prior to March of 1977, the division denied benefits to persons who, otherwise eligible under the income and need standards developed by the division, were found to be wanting in view of a system of priorities developed by the division which favored families with children first, followed by couples, then singles, with unemployables within each category ranking higher than employables.

Representative Russ Meekins
October 4, 1977
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Although this scheme was never properly adopted as a regulation according to the Administrative Procedure Act (AS 44.62.180 - 290), such a standard would clearly be a regulation under AS 44.62.070 - 44.62.650, since it affects the public. As such it would be subject to court review in accordance with the standards enunciated in Kelly v. Zamarello, Alaska, 486 P.2d 906, 911 as follows:

Thus, where an administrative regulation has been adopted in accordance with the procedures set forth in the Administrative Procedures Act, and it appears that the legislature has intended to commit to the agency discretion as to the particular matter that forms the subject of the regulation, we will review the regulation in the following manner: First, we will ascertain whether the regulation is consistent with and reasonably necessary to carry out the purposes of the statutory provisions conferring rule-making authority on the agency. This aspect of review insures that the agency has not exceeded the power delegated by the legislature. Second, we will determine whether the regulation is reasonable and not arbitrary. The latter inquiry is proper in the review of any legislative enactment.

It seems to me that the scheme of priority outlined is neither consistent with the purposes of AS 47.25.120 - 47.25.300, nor is it reasonably necessary. AS 47.25.120 impliedly authorizes the department to adopt regulations determining who is "needy" and thus eligible for assistance under AS 47.25.120 - 47.25.300. The scheme of priorities outlined above seems a rather arbitrary determination of who is needy and thus eligible for benefits, since an employable single person may be in greater actual need than an unemployable couple with children. Therefore I think such a scheme of priorities invalid.

Likewise, the practice of making grants of less than \$80.00 to recipients who can show need justifying grants of the entire amount seems invalid in light of AS 47.25.130, which requires award of a grant to an applicant in amount sufficient to provide the recipient with reasonable subsistence, but not exceeding \$80.00. Considering that the legislature left the division with discretion in determining who is needy, but specified that an amount necessary for reasonable subsistence up to \$80.00 be granted, it seems to me that the development of more restrictive income-and-need eligibility standards would be more consistent with legislative intent.

Representative Russ Meekins
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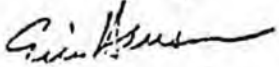
One might disagree with this conclusion by arguing that administrative interpretation of the term "needy" should not be influenced by budgetary factors, but I cannot find any authority in support of this argument. One might also argue that the words "where possible" preceding the language of AS 47.25.130, requiring reasonable subsistence be provided, to refer to constraints imposed by the paucity of funds, but I believe that if this had been the legislature's intent, language like "subject to available appropriations" would have been used. Instead, I think these words refer ahead to the \$80.00 limitation in the last sentence of AS 47.25.130.

Finally, the practice prior to March of requiring a determination of eligibility anew before each grant of benefits was discarded and the division began determining eligibility prospectively for a period of months with each single determination of eligibility. There are intimations in the statutes that such an arrangement was contemplated by the legislature. AS 47.25.170 refers to "the date on which assistance shall begin;" AS 47.25.200 states assistance grants "shall be reviewed by the department as frequently as it considers necessary;" and AS 47.25.250 refers to "temporary relief" (presumably as opposed to "permanent" relief); and AS 47.25.260 states the department may "cancel an allowance." All these references seem to envision continuing eligibility.

JAG:hjd

RAPMs

October 3, 1977


Eric Hansen, CFO

Gordon Landes, PAPO 

GR Program Changes

Effective immediately the following changes must be made in the General Relief program:

1. All eligible applicants will be provided assistance, regardless of their living situation, family composition, or employability. Single employable adults, childless couples, etc. will be issued vendor payments if they are financially eligible and have a need for a specific subsistence item.
2. There are to be no limits on the number of consecutive months an eligible applicant can receive assistance. That is, a client who receives GR in October must be served again in November if he reapplies and is found eligible.
3. The amount of assistance granted to each eligible person will:
 - (a) continue to be no more than \$80 per month for pending AD cases and 18 year old high school students (who were included in AFDC households and became ineligible for AFDC solely because of age);
 - (b) continue at the existing and appropriate level for AFDC "grandmothered" cases;
 - (c) continue at \$700 maximum for all burials; and
 - (d) for all GR cases involving vendor payments, the payment will be either the full amount of the specified subsistence item, or \$80 per person times the number of persons in the household, whichever is less.
4. GR allocations on a regional basis have been eliminated. Until further notice, you may serve all eligibles as detailed above.
5. You should continue to log each and every GR expenditure (field warrant and authorization for Central Office-generated regular warrant), but these are to be totalled on a weekly basis. Your total regional expenditure for each week must be telephoned to Eric Hansen on the following Monday. Weekly totals should be kept beginning 8 am, Monday, October 10, 1977.

6. The "GR Information Report" is discontinued. In its place you must use the attached summary sheet. This sheet should have a line entry for each GR expenditure, and it should list the initials of the case name, the age of the primary recipient, date of authorization, number of persons in the household, length of residence in Alaska (specify weeks, months, or years), amount of gross monthly household income, the source of that income, the type of GR aid provided (ie, "cash", "rent", "fuel", etc.) and the amount of the assistance provided.

These tally sheets should be kept on a weekly basis. At the close of each week's business, they should be mailed to Central Office, attention: Eric Hansen. Unfortunately, it is necessary that you complete these sheets retroactive to 8 am Monday, October 3.

These changes were mandated by the Commissioner's Office, with the concurrence of the Office of the Governor, after considerable discussion with the Attorney General's Office, Legal Services, and others, and they will remain in effect until further notice.

We recognize that all GR funds will be exhausted well before the end of the fiscal year, and hope that the Legislature will approve a supplemental appropriation. However, this must have no effect on the authorization of GR benefits through your offices.

If you have any questions, please call immediately.

cc: Catherine M. Lloyd
Fredrick McGinnis
Richard R. Wilson
Liz Arnold

MEMORANDUM

TO: Mike Harper, Administrative Assistant
Office of the Governor

DATE: October 4, 1977

FILE NO:

TELEPHONE NO:

FROM: Francis S.L. Williamson *for*
Commissioner
Department of Health & Social Services

SUBJECT: General Relief Program

This memo is to confirm the substance of a September 30, 1977, meeting between Sue Greenc, Ron Lind, Cathy Lloyd, Gordon Landes (Division of Public Assistance), and yourself. This meeting concerned a funding problem in the State's General Relief (GR) cash assistance program.

As you will recall, the level of benefits being provided to recipients in the Southcentral Region was expanding so rapidly, that it became obvious the FY78 GR allocation for the entire state might last only 6 months of the fiscal year.

In order to prevent this shortfall from occurring, the Southcentral Region was instructed by this Department to severely restrict the number of eligibles to whom benefits were provided, effective September 1. Shortly thereafter, we invited several Anchorage community organizations to a September 14 meeting to debate these restrictions, and discuss other alternatives. Those agencies present at the September 14 meeting unanimously recommended that the restrictions be lifted, and that all eligible persons be given the maximum amount of assistance to which they were entitled, even though this approach would result in a funding shortfall very early in the fiscal year.

At the meeting with you on September 30, Mrs. Lloyd discussed the recommendation arising from the September 14 meeting, as well as an analysis of anticipated GR expenditure rates if we were to lift all restrictions as recommended, and meet the full need of all eligible persons statewide. After considering the situation, you, Mr. Lind, and Mrs. Greene agreed that we were to take the following steps:

1. The Department was to lift all restrictions statewide, as soon as possible, and serve all eligible GR applicants.
2. The Department is to provide each eligible person with a vendor payment in the full amount of their specified subsistence need, (rent, clothing, etc.) not to exceed the statutory maximum of \$30 per person per month.

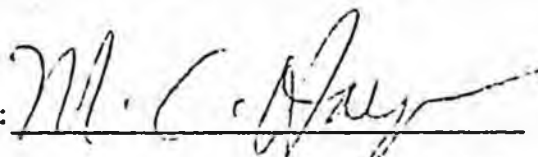
Mike Harper, Administrative Assistant
Office of the Governor
October 4, 1977
Page 2

3. The Department is to monitor GR expenditure levels, and report to you and Mr. Lind on a weekly basis in order to enhance the earliest possible reassessment of the situation, should it appear that current funding will not last until the Legislature convenes. The preliminary estimate provided you on September 30 was that the GR allocation would be exhausted no later than late February, 1977. However, as Ms. Lloyd explained, this estimate is based upon assumptions that cannot be fully supported either by historical or any other known data. Therefore, it is entirely possible that the expenditure rate may accelerate so rapidly that a funding shortfall may occur before the next session begins. Should this occur, it may be necessary to reexamine the options available to us under the very permissive GR statutes. It is our judgement that we would have to amend the Administrative Code GR regulations in order to significantly reduce the number of eligibles or the amounts of benefits provided to them.

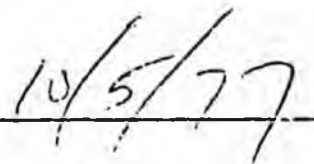
Because of the potential for serious public impact in this situation, I believe it is important that we all fully understand the course of action which has been decided upon. I would appreciate it if you would carefully review this memo, and the attached documents, and offer your concurrence below.

Thank you for your attention to this matter.

Concur:



Date:



Attachments: Minutes of the 9/14/77 meeting
GR Allocation Formula, FY 78 July-December
GR Expenditures July-September
GR Projections, FY 78 (9/29/77)

FSLW/RB/GGL/cl

#13863

March: Anchorage: Full mud rather than restricted pattern.

- ①. In Anch only?; After 5000 comp. units.
- ②. When began? Aug. - Sept - total amount.
- ③. New reqs / w/ mos restriction.

Admin reqs: Formulated, Mar 23: Provide as previously expected - unrestricted

④. Under restricted program, eliminated singles

- ①. Impact with children
- ②. " " " out "
- ③. Disafe. \$80.00 per person.

⑤. Eligibility: Regs state everyone.

for amount.

⑥. Why so large a jump: Prev. restriction then A.G. said it could not be restricted.

⑦. Feb 28: So late; Great demand + ^{no} restrictions.

⑧. Obtain type of people who were restricted.

a. Co

Local grant
\$ 150,000
150,000
000

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION

105 SOUTH FRANKLIN STREET
JUNEAU, ALASKA 99801

TELEPHONE 586-6425

MEMORANDUM

TO: Hon. Glen Hackney and Members of (S) HESS Committee

FROM: Peg Berck, ALSC

DATE: March 6, 1978

RE: House Bill 863

Prior to September, the categories of persons eligible for General Relief were:

1. Persons needing payment for burials;
2. Needy applicants awaiting receipt of Aid to Disabled;
3. Needy family with children, ineligible for AFDC;
4. Needy persons released from jail;
5. Needy single persons and couples ineligible for Adult Public Assistance.

↓ cut off

MB/km

other programs ↑ going up.

STATE
of ALASKA

MEMORANDUM

TO: The Honorable John Sackett
 Senator
 Alaska State Legislature

DATE: March 17, 1978

FILE NO:

TELEPHONE NO:

FROM: Avrum M. Gross
 Attorney General

SUBJECT: General Relief Supplemental Appropriation,
 HB 863

By: *Rick*
 Thomas H. Robertson
 Assistant Attorney General

You have asked for an analysis of an amendment to HB 863 that has been proposed by Senator Clem Tillion. A copy of the proposed amendment is attached.

Because of time constraints I have been unable to fully research the issues raised by your request. I have, therefore, simply outlined certain practical and legal issues raised by this amendment:

(1) It should be noted that approval of the amendment, which has not been considered in the House, would further delay the provision of benefits to eligible recipients. No benefits have been paid under this program since late February. Since that time, however, intake has continued and eligible applicants have been notified that they will receive benefits as soon as more funds are available. I am sure that many individuals (including landlords, storekeepers, etc.) are anxiously awaiting restoration of the program.

(2) The amendment conditions funding upon the adoption of regulations. This raises a serious question of whether the appropriation thus embodies substantive law in contravention of Art. II, Sec. 13 of the Alaska Constitution which provides that bills for appropriations must be confined to appropriations. It is arguable that the discretion to determine eligibility that has been given to the legislature cannot be restricted by means of an appropriation. It is true, of course, that the executive need not spend the appropriated funds.

(3) It is not clear whether the condition would require the Department of Health and Social Services to adopt the regulations prior to providing further benefits or whether benefits could be provided pending final promulgation of the regulations.

(4) Assuming that the condition mandates adoption prior to the provision of further benefits, it is not clear that the department would have recourse to emergency regulations. Under AS 44.62.250 the adoption of such regulations require that an "emergency" exists and that adoption is "necessary for the immediate preservation of the public peace, health, safety, or general welfare". AS 44.62.270 provides:

It is the state policy that emergencies are held to a minimum and are rarely found to exist.

It is certainly arguable that the legislature does not create emergencies within the meaning of these sections. If emergency regulations were not available any regulations implementing the proposed amendment could not take effect for at least sixty days.

(5) The proposed amendment also raises several constitutional issues. The equal protection clause of the Alaska Constitution requires that classifications bear a fair and substantial relation to the object of the legislation. See, Isakson v. Rickey, 550 P.2d 359 (Alaska 1976). First, it is questionable whether "employability" is an acceptable dividing line under this standard in view of the fact that in times of high unemployment many theoretically "employable" persons simply cannot find employment. Their need remains. Second, the statute refers to "single persons" and "couples". Assuming this to refer to marital status, which is itself unclear, one might question how marital status relates to need for general relief. Arguably, an employable single person with children could not receive benefits but an employable married person with children could receive benefits under the amendment as it is now written.

POSITION PAPER

ON

HOUSE BILL NO. 863

"An Act making a supplemental appropriation to the Department of Health and Social Services, General Relief; and providing for an effective date."

I. HISTORICAL PERSPECTIVE

For many years the total GR program appropriation had been divided in half and 6-month allocations had been made by region. These allocations were based on the previous year's expenditures in each region. Regions kept their own program balances and could not exceed their allocations without Central Office approval. In order to avoid over-spending, regions followed a priority system for granting General Relief Assistance. The granting of aid by a priority system related primarily to family composition and allowed certain eligible persons to be denied assistance when funding was short. For the most part, under this system so long as funds were regionally available, aid was granted to eligible needy families with young children. However, even when funds remained available single persons (and particularly employable single persons) were generally refused assistance even if they were eligible.

In March 1977, the priority system of controlling GR funds was protested by Legal Services in Anchorage. We consulted with the Attorney General's Office, and it was agreed that we should begin meeting the full need in Anchorage. (It was only the fact that the remaining regions continued to restrict payments which allowed us to make this concession in Anchorage.) However, within a short time, the expenditure pattern started to go into an over-expenditure pattern. We again met with Liz Arnold, Assistant Attorney General. She recommended the immediate restrictions be placed upon spending of funds in Anchorage. This was done.

At this point, the situation in Anchorage became "desperate." Other agencies as well as Legal Services contacted us on the situation.

The Agency met with other helping agencies in Anchorage to explain our funding situation and to seek and coordinate all available resources to meet our mutual clients needs. It appeared that the situation was critical.

Legal Services at this point was ready to go to suit if the restrictions were not immediately lifted statewide. Our Assistant Attorney General, Liz Arnold, attended this meeting with the agency. She advised us that she did not feel we could win the case against Legal Services.

On September 30, 1977 the agency met with the Administration. It was agreed that restrictions should be lifted statewide.

We were to keep informed on the expenditure levels and go for a supplemental.

II. FINANCIAL INFORMATION

In late January 1978, all information assembled to date confirmed that the Program would require a supplemental no later than March 31, 1978. Under the Program, the average monthly expenditure rested at approximately \$43,000. There was no information which indicated that this expenditure level would continue to accelerate; therefore, the Department submitted an initial supplemental request based on a monthly expenditure level of \$43,000 for the remainder of FY 78.

Unexpectedly, expenditure reports received in early February 1978 disclosed an expenditure level of \$62,900 for January, an increase of \$19,900 over the \$43,000 forecast in January. More alarmingly, expenditure information for February to date demonstrates that the rate of acceleration has not subsided. Anticipated expenditures for February are now expected to reach \$77,400, an increase of \$34,400 over that forecast in January.

The extreme fluctuations in this program make it impossible to accurately predict the final outcome for FY 78 (see attachment). However, assuming no further acceleration of the monthly payment level for the remainder of the fiscal year, it becomes readily apparent that there will be a \$404,200 shortfall unless cost containment measures are reinserted in this program. This figure was derived as follows:

\$545.9	Total GR Commitments through February 22.
- 288.0	FY 78 FCC Appropriation
<u>\$ 55.9</u>	GR Commitment in excess of FY 78 appropriation as of February 22.
+ 348.3	Estimated expenditure for remainder of FY 78. This was derived by taking the expected February expenditure level of \$77,400 x 4.5 months to cover the period February 22 through June 30.
<u>\$404.2</u>	Total FY 78 GR supplemental need as of this time.

III. PROGRAM INFORMATION

Distribution of GR Assistance Recipients

<u>Region</u>	<u>October, 1977</u> (Partial Figures)	<u>November, 1977</u>	<u>December, 1977</u>
Anchorage	191	335	433
Fairbanks	44	47	99
Juneau	95	59	110
Bethel	22	31	34
Kotzebue	<u>11</u>	<u>14</u>	<u>14</u>
TOTALS	363	486	690

Characteristics of GR Recipients, October - December, 1977

1. Average age of recipient was 28.7 years
2. 79.6% of all recipients had resided in Alaska one (1) year or longer
3. 69.5% of all recipients had no income in their household in the month aid was granted. The majority of those who did have income were receiving Unemployment Compensation Benefits.
4. The average GR recipient household contained 2.65 persons.
5. 51.9% of all GR recipients lived in single person households. ✓
6. 87.2% of all GR recipients receiving GR vendor payments obtained aid for rent costs.

IV. ALTERNATIVES

- A. Suspend the General Relief Assistance Program for the balance of FY 78.

This alternative would result in the following impacts:

1. Would create a severe hardship on the existing client population of 590 families.
2. Would possibly violate the Administrative Procedures Act which requires any state action having public impact be placed in promulgated regulations.

- 3. Would be blocked by a temporary restraining order because although the GR statutes are vague and permissive, there is some question as to the legality of suspending the program in its entirety for a long period of time, either with or without regulations.
- B. Reduce the General Relief Assistance Program for the balance of FY 78. This alternative would have the following impact:
 - 1. Would produce a need to develop special restrictive measures.
 - 2. Would require changes to the Administrative Code Regulations which will become final March 23.
 - 3. There would in all probability be a temporary restraining order issued through the courts to block this action.
- C. Continue the GR Assistance Program under current program guidelines by passing a supplemental for 404.2.

This alternative would result in the following impacts:

- 1. Continuing increased expenditures in the GR program.
- 2. No state-induced hardships to present or potential clients.
- 3. Would allow the necessary time needed for deliberate and legal reconsideration of GR program changes.

Attachments

APPROVED: Helen D. Beirne
 Helen D. Beirne, Commissioner
 Department of Health and Social Services

2/28/78
 (Date)

September 9, 1977

Human Support Services
Anchorage Municipality
3500 Tudor Road
Anchorage, Alaska 99503

Dear People:

This is to request your participation in a meeting sponsored by the Department of Health & Social Services, Division of Public Assistance, regarding the shortage of funds for emergency assistance in the Anchorage area.

The meeting is scheduled for Wednesday, September 14 at 9:00 a.m. in Room 426 of the McKay Building.

The current situation is becoming increasingly critical, with funds available through our General Relief program having been depleted to the point where services have been dramatically reduced in recent weeks. It is anticipated that this reduction will continue in upcoming months.

The objectives of the meeting are:

- (1) establish an understanding among concerned agencies as to the nature and extent of the emergency assistance problem;
- (2) develop information as to all emergency services available through the agencies represented; and
- (3) develop a comprehensive prioritized referral system for all agencies to use in providing maximum assistance to persons in need of help in emergency situations.

The meeting will be chaired by Deputy Commissioner Cathy Lloyd.

If you are unable to attend, it would be appreciated if another person could represent your agency.

Should you have any questions on this meeting, please do not hesitate to contact either myself at 465-3355, or our local Regional Manager, Mr. Carth Patterson at 274-6524.

Thank you.

Sincerely,

Don Kemp
Acting Director

cc: Fred McCinnis, Deputy Commissioner
Cathy Loyd, Deputy Commissioner
Carth Patterson, Regional Manager
Liz Arnold, Assistant Attorney General
Sam Granato, Director, Social Services

MINUTES OF GENERAL RELIEF PROGRAM PUBLIC MEETING

ANCHORAGE, ALASKA

Wednesday, September 14, 1977

The meeting was called to order by Catherine M. Lloyd, Deputy Commissioner, Department of Health and Social Services, at 9:10 a.m. Ms. Lloyd and Garth Patterson, Division of Public Assistance, presented statements in explanation of the purpose of the meeting, which was to explain our funding situation and to seek and coordinate all available resources to meet our mutual clients' needs.

Each agency representative present introduced himself and explained the services, his agency offers the indigent in Anchorage. A list of these agencies and participants is attached.

Mr. Patterson explained that the shortage of funds for his region for the remaining 9 1/2 months of the fiscal year was so severe that the program has stopped serving all eligible clients except 18 year old high school students, persons who have pending SSI disability determinations, and funeral expense cases. There were questions from the floor concerning past and present DPA procedures of making 6 month allocations by region, the granting of aid by a priority system related primarily to family composition which allows certain eligible persons to be denied assistance when funding was short, and related program questions.

It appeared to be the sense of the meeting that the situation was critical; specific case examples of the result of the Anchorage funding restriction were presented. In particular, there were questions concerning the necessity for more timely SSI determinations of disability, and the Department representatives were asked to further investigate the possibility of reducing all GR expenditures by obtaining reimbursement from SSI for GR payments made to this group of eligibles and the possibility of making these payments under the Aid to the Disabled budget, thus relieving GR of this client pressure in funding. The participants requested that another meeting be held as soon as possible to further explore these issues and to present a detailed analysis of the statewide expenditure patterns in the program in order to predict how long funds would be available if the full needs (under the statutory maximum \$80 payment limit) of all eligibles were to be met. A desire was expressed that the media and appropriate legislators be informed of the situation and that the agencies represented be kept informed of GR expenditures on a regular monthly basis.

Two motions were made, seconded, and passed unanimously (state personnel abstaining):

1. That the priority system now in place in Anchorage be abandoned and the full needs of all eligibles be met until program funds were exhausted statewide; and
2. If necessary, that there then be a request made for a special legislative session to provide additional funding.

Ms. Lloyd was asked to discuss these motions with the Commissioner and with the Governor and report their reactions.

Questions were raised about delays in processing Food Stamp applications in the Anchorage Office. Mr. Patterson responded by noting that the current performance averaged 11 days between receipt of application and determination of eligibility and that further reduction of this average would require additional staff. Several agencies testified that current levels of service in the Food Stamp Program impacted their programs negatively. It was the feeling of the group that the eligibility office was understaffed, and that with more staff the process would be speeded up.

Ms. Lloyd expressed the Departments' appreciation for the attendance and suggestions and stated that the next meeting would be held as soon as further information on spending patterns was gathered.

The meeting was adjourned at 10:55 a.m.

Robert Cotant
Anchorage Community Mental
Health Center

Carl John, Liz Blakely,
Dianne Dougherty, Patty More
Anchorage Municipality

Therese Donnelly
Day Care Consultants

Bruce Garberding
Social Services
Cook Inlet Native Association

Rick Brown
Don Clocksin
Alaska Legal Services

Ella Craig
Social Services
Bureau of Indian Affairs

Capt. Clithero
Francis Pate
Salvation Army

Pat Michaelson
Jo Sullivan
Evelyn Moss
St. Francis House

Gay Hunt
Older Persons Action Group

Meredith Hilby
Social Security Administration

Judy Sharpe
Providence Hospital

Liz Arnold
Department of Law

Faye Guthrie
Division of Social Services

Catherine Lloyd, Deputy Commissioner
Department of Health & Social Services

Gordon Landes
Garth Patterson
Division of Public Assistance

GR FY78 Appropriation
 Estimated BIA 18 yr. old cost
 Remaining available

\$288,00
 (26,600)
 261,400

For first 6 months of FY78

261,400 x 40% = 104,560

SERO	104560	x	.129*	=	13488
SCRO	104560	x	.748	=	78210
NRO	104560	x	.109	=	11397
SMRO	104560	x	.003	=	314
MMRO	104560	x	.011	=	1150
					<u>104559</u>

GR Dist. by first 6 months of FY78

	<u>GR</u>	<u>BIA (18 yr. old)</u>	<u>TOTAL GR</u>
SERO	13,500	2,100	15,600
SCRO	78,200	0	78,200
NRO	11,400	1,600	13,000
SMRO	300	7,500	7,800
MMRO	<u>1,200</u>	<u>2,100</u>	<u>3,300</u>
TOTAL	104,600	13,300	117,900

* indicates percentage of non-native caseload.

NON-Native Cases - October, 1976

	<u>OAA</u>	<u>AB</u>	<u>AD</u>	<u>AFDC</u>	<u>TOTAL</u>	
SERO	107	1	59	159	326	.129
SCRO	364	13	335	1186	1898	.748
NRO	57	2	105	111	275	.103
SMRO	1	1	1	5	8	.003
MMRO	<u>2</u>	<u>1</u>	<u>20</u>	<u>5</u>	<u>28</u>	<u>.011</u>
TOTAL	531	18	520	1456	2535	

SERO	12.9%
SCRO	74.8%
NRO	10.9%
SMRO	0.3%
MMRO	1.1%

18 Year Olds

	<u>Jan, Feb, March Payment</u>	<u>For Provisions Months</u>	<u>12 month x 4</u>	<u>6 month x 2</u>
SERO	\$1054	-	1054	2100
NRO	800	-	800	1600
SMRO	3719	-	3719	7500
MMRO	1510 (770)	-	1050	2100
			6603	13,300 x 2 = 26,600

GENERAL RELIEF EXPENDITURES

<u>Location</u>	<u>6 month allocation 6-12/77</u>	<u>July Exp.</u>	<u>Aug. Exp.</u>	<u>Sept. Exp. thru 9/24 PM</u>	<u>6 month remaining allocation</u>
Headquarters	\$15,600	\$3,023.49	\$2,061.14	\$1,867.87	\$8,647.50
Branches	13,000	2,399.02	3,156.08	720.00	6,724.90
Storage	78,200	28,022.27	28,323.84	4,971.12	16,882.77
Travel	7,800	1,694.00	1,820.00	2,022.57	2,263.33
Telephone	3,300	212.80	210.00	530.00	2,347.20
Statewide cash grants (included in above figures)	13,300	1,410.00	4,166.00	4,760.00	2,694.00

GENERAL RELIEF PROJECTIONS, FY 78

Original FY 78 GR Allocation	\$288,000.00
Total Funds Expended Through 9/23/77	81,034.20
GR Program Balance as of 9/24/77 =	206,965.80
Estimate of Expenditures for Remainder of September =	1,055.00
Projected Program Balance as of 10/1/77 =	205,910.80

1. If the September (restricted) expenditure rate continues unchanged statewide for each of the remaining 9 months of FY 78, the program will end the year with a surplus of \$105,411.76.
($11,166.56 \times 9 \text{ months} = \$100,499.04$)
2. If the Anchorage region returns to meeting full need effective 10/1/77, if the August Anchorage expenditures rate continues unchanged for each of the remaining 9 months, and if the August expenditure rates for all other regions continue unchanged for each of the remaining 9 months, the GR program would exhaust all funds in mid-March, 1978.
($\$35,571.06 \times 5.79 \text{ months} = \$205,910.80$)
3. If all regions begin meeting full need effective October 1, 1977, the program would exhaust all funds in late February, 1978.

- Assumptions:
1. Bethel and Kotzebue September expenditure rates would continue unchanged for each of the remaining 9 months.
 2. Anchorage August expenditure rate would continue unchanged for each of the remaining 9 months.
 3. Fairbanks expenditure rate would increase by 75% over its August rate, to \$5523.14 per month.
 4. Juneau expenditure rate would increase to 3 times its August rate (to \$6,183.42 per month).

($\$42,532.97 \times 4.81 \text{ months} = \$205,910.80$).

MEMORANDUM

TO: RAPMs

DATE: October 3, 1977

Eric Hansen
Eric Hansen, CFO

FILE NO:

TELEPHONE NO:

FROM: Gordon Landes, PAPO *GL*

SUBJECT: GR Program Changes

Effective immediately the following changes must be made in the General Relief program:

1. All eligible applicants will be provided assistance, regardless of their living situation, family composition, or employability. Single employable adults, childless couples, etc. will be issued vendor payments if they are financially eligible and have a need for a specific subsistence item.
2. There are to be no limits on the number of consecutive months an eligible applicant can receive assistance. That is, a client who receives GR in October must be served again in November if he reappplies and is found eligible.
3. The amount of assistance granted to each eligible person will:
 - (a) continue to be no more than \$80 per month for pending AD cases and 18 year old high school students (who were included in AFDC households and became ineligible for AFDC solely because of age);
 - (b) continue at the existing and appropriate level for AFDC "grandmothered" cases;
 - (c) continue at \$700 maximum for all burials; and
 - (d) for all GR cases involving vendor payments, the payment will be either the full amount of the specified subsistence item, or \$80 per person times the number of persons in the household, whichever is less.
4. GR allocations on a regional basis have been eliminated. Until further notice, you may serve all eligibles as detailed above.
5. You should continue to log each and every GR expenditure (field warrant and authorization for Central Office-generated regular warrant), but these are to be totalled on a weekly basis. Your total regional expenditure for each week must be telephoned to Eric Hansen on the following Monday. Weekly totals should be kept beginning 8 am, Monday, October 10, 1977.

6. The "GR Information Report" is discontinued. In its place you must use the attached summary sheet. This sheet should have a line entry for each GR expenditure, and it should list the initials of the case name, the age of the primary recipient, date of authorization, number of persons in the household, length of residence in Alaska (specify weeks, months, or years), amount of gross monthly household income, the source of that income, the type of GR aid provided (ie, "cash", "rent", "fuel", etc.) and the amount of the assistance provided.

These tally sheets should be kept on a weekly basis. At the close of each week's business, they should be mailed to Central Office, attention: Eric Hansen. Unfortunately, it is necessary that you complete these sheets retroactive to 8 am Monday, October 3.

These changes were mandated by the Commissioner's Office, with the concurrence of the Office of the Governor, after considerable discussion with the Attorney General's Office, Legal Services, and others, and they will remain in effect until further notice.

We recognize that all GR funds will be exhausted well before the end of the fiscal year, and hope that the Legislature will approve a supplemental appropriation. However, this must have no effect on the authorization of GR benefits through your offices.

If you have any questions, please call immediately.

cc: Catherine M. Lloyd
Fredrick McGinnis
Richard R. Wilson
Liz Arnold

Introduced: 2/28/78
Referred: Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 863

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation to the
7 Department of Health and Social Services, General
8 Relief; and providing for an effective date."

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

10 * Section 1. The sum of \$404,200 is appropriated from the general fund
11 to the Department of Health and Social Services, for the purpose of the
12 General Relief Program.

13 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
14 10.070(c).

FY 78 SUPPLEMENTAL REQUEST ANALYSIS

	FY 75 ACTUAL	FY 77 FINAL AUTH.	FY 77 ACTUAL	FY 78 GOV. BUDGET	FY 78 INITIAL AUTH.	FY 78 CURRENT AUTH.	EXPENDITURES + ENCUMBRANCES 7/1 - 12/31	OTHER OBLIGATIONS 7/1 - 12/31	PROJECTED EXPENDITURES + ENCUMBRANCES 1/1 - 6/30	FY 78 (DEFICIT) OR EXCESS	FY 79 MAINTENANCE REQUEST
SPECIAL SERVICES											
TRAVEL	19.6										
CONTRACTUAL SERVICES	141.9										
COMMODITIES	10.8										
EQUIPMENT											
GRANTS, BLESS. ...											
GRANTS, CLAIMS, ...	20.2	330.0	295.9	288.0	288.0	288.0	239.4	-0-	692.2	404.2	500.0
MISCELLANEOUS											
TOTAL	192.5	330.0	295.9	288.0	288.0	288.0	239.4	-0-	692.2	404.2	500.0
FEDERAL RECEIPTS	2.8										
EQUIPMENT OF WATCHING	-0-										
OTHER GENERAL FUND	189.7	330.0	295.9	288.0	288.0	288.0	239.4	-0-	692.2	404.2	500.0
INTER-AGENCY RECEIPTS											

AGENCY Department of Health & Social Svcs. ERU General Relief Assistance

COMPONENT

REVISED February 24, 1978

GENERAL RELIEF ASSISTANCE
FY 77

MONTHLY EXPENDITURES

	JUL 76	AUG 76	SEPT 76	OCT 76	NOV 76	DEC 76	JAN 77	FEB 77	MAR 77	APR 77	MAY 77	JUN 77
MONTHLY EXPENDITURES	2.9	9.7	13.8	11.8	12.8	18.2	20.0	24.7	35.9	33.4	51.5	31.5
CASH BALANCE	327.1	317.4	303.6	291.0	279.0	260.8	240.8	216.1	180.2	146.8	115.5	84.0
MONTH TO MONTH GROWTH RATE		235%	43%	(15%)	9%	43%	10%	24%	46%	(7%)	(7%)	1%

GENERAL RELIEF ASSISTANCE
FY 78

MONTHLY EXPENDITURES

	JULY 77	AUGUST 77	SEPTEMBER 77	OCTOBER 77	NOVEMBER 77	DECEMBER 77	JANUARY 78	FEBRUARY 17, 1978
MONTHLY EXPENDITURES	20.5	38.8	16.7	18.2	38.9	43.4	62.9	38.7
CASH BALANCE	267.5	228.7	212.0	193.8	154.9	111.5	48.6	9.9

MONTH TO MONTH GROWTH RATE 90% (57%) 9% 114% 12% 45%

GROWTH RATES
 AUG - FEB 100%
 OCT - FEB 326%
 NOV - FEB 99%
 DEC - FEB 79%



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

2/23/90
Date

HB 868
JAB 869

March 3, 1978

The Honorable Hugh Malone
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under art. III, sec. 18, of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill relating to state employee housing and a bill appropriating \$100,000 to the Employee Housing Revolving Fund.

The first bill's purpose is to ease the restrictions on the ability of bush employees to acquire or develop their own housing. This legislation permits the Department of Administration wide authority to acquire and dispose of housing to assist employees in obtaining or disposing of their property when they are requested to transfer on the state's behalf or when they are terminated from a field assignment. It will also guarantee the employees the return of their original housing investment which will reduce their fear of a heavy financial loss due to inability to sell on the open market.

The second bill merely appropriates money to the revolving fund so that the program authorized in the first bill may get underway immediately upon enactment.

The Employee Housing Revolving Fund is a revolving fund only in the sense that it continues from one fiscal year to the next without a lapse of appropriations. No money may be expended from the fund unless it has been appropriated. Either a blanket appropriation of the receipts in the annual general appropriation bill or a particularized projection and appropriation of them should suffice.

I am confident that this legislation will increase employee morale and bolster local bush economies through the medium of a stable housing market.

Sincerely,

S/JSH

Jay S. Hammond
Governor

Introduced: 3/3/78
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 868

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state employee housing; and pro-
7 viding for an effective date."

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

9 * Section 1. AS 44.21 is amended by adding new sections to read:

10 ARTICLE 4. EMPLOYEE HOUSING.

11 Sec. 44.21.200. ACQUISITION AND DISPOSITION. The department is
12 authorized to acquire, by purchase or otherwise, and to rent, sell, or
13 otherwise dispose of residential property or any interest in it, or to
14 guarantee a loan on it, for state employees at times and places the
15 commissioner determines that conditions in the housing market make it
16 necessary to prevent financial hardship for state employees who are
17 moving, at the state's request, to or from an assignment or who have
18 recently terminated.

19 Sec. 44.21.210. EMPLOYEE HOUSING REVOLVING FUND. There is es-
20 tablished the Employee Housing Revolving Fund to carry out secs. 200 -
21 230 of this chapter. It consists of money appropriated to it from the
22 general fund and from program receipts consisting of the money received
23 by the department from its management or disposition of property under
24 secs. 200 - 230. The commissioner may make expenditures from the fund
25 as necessary to administer secs. 200 - 230.

26 Sec. 44.21.220. POWERS. The commissioner may adopt regulations
27 reasonably necessary to carry out secs. 200 - 230 of this chapter,
28 and, in addition, may do all things which a reasonably prudent owner
29 of property would do to further and protect an interest in property.

1 Sec 44.21.230. DEFINITIONS. In secs. 200-230 of this chapter:

2 (1) "commissioner" means the commissioner of administration

3 (2) "department" means the Department of Administration.

4 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
5 10.070(c).

COMMITTEE REPORT

HOUSE

6/6/78

FURTHER: _____

Date: _____

Mr. Speaker:

The Committee on Finance has had HB 868
"An Act relating to state employee housing; effective date."

under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass recommends it do not pass
 recommends it do pass with attached amendment(s)
 recommends it be replaced with CS for _____

and _____ new title same title

- AND attaches a Letter of Intent New Fiscal Note
 reports it back without recommendation
 and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Chairman

COMMITTEE REPORT

HOUSE

3/3/78

FURTHER: FINANCE

Date: _____

Mr. Speaker:

The Committee on STATE AFFAIRS has had HB 868
"An Act relating to state employee housing; eff. date."

under consideration and (a majority of the committee) (~~the committee reports it back as follows~~)

- recommends it do pass () recommends it do not pass
- () recommends it do pass with attached amendment(s)
- () recommends it be replaced with CS for _____
- and _____ () new title () same title
- () AND attaches a Letter of Intent () New Fiscal Note
- () reports it back without recommendation
- () and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

<u>Karin W. Kethin</u>	<u>Do Pass</u>
<u>Tom Kelly</u>	<u>Do Pass</u>
<u>Donna Harvey</u>	<u>Do Pass</u>
<u>K.S. Bradley</u>	" "

Joe McKinnon No Rec

K.S. Bradley
Chairman

Introduced: 2/3/78
Referred: State Affairs and
Finance

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BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

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COMMITTEE COPY

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Sincerely,

S/JSH

Jay S. Hammond
Governor

ALASKA STATE LEGISLATURE

TENTH Legislature SECOND Session

HOUSE BILL NO. 868

By THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR.

"An Act relating to state employee housing; and providing for an effective date."

state employee housing

3-3-78

Introduced in the House 19....

HISTORY IN THE HOUSE

19	78	Read first time and referred to Committee on State Affairs and Finance Reported back with recommendation that
Mar.	3	
		Read second time and
		Read third time and
		PASS Effective Date Yeas Yeas Nays Nays Absent Absent Excused Excused
		Reconsideration
		PASS Effective Date Yeas Yeas Nays Nays Absent Absent Excused Excused
		Reported correctly engrossed
		Signed by Speaker
		Sent to Senate
CHIEF CLERK OF THE HOUSE		

HISTORY IN THE SENATE

19	Read first time and referred to Committee on	
		Reported back with recommendation that
		Read second time and
		Read third time and
		PASS Effective Date Yeas Yeas Nays Nays Absent Absent Excused Excused
		Reconsideration
		PASS Effective Date Yeas Yeas Nays Nays Absent Absent Excused Excused
		Reported correctly engrossed
		Signed by President
		Returned to House
SECRETARY OF THE SENATE		

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting:
	Failed to concur in Senate amendment; asked Sen. to recede
	Senate receded from amendment
	Senate failed to recede from amendment
	FCC appointed by House
	FCC appointed by Senate
	FCC adopted
	To enrolling
	Reported correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.