

1923, and Chapter 67, Session Laws of Alaska 1925, all amendatory to said Chapter 32, Session Laws of Alaska 1913, be and the same are hereby repealed.

Approved April 30, 1929.

CHAPTER 65.

AN ACT

[S. B. 76]

To revise and codify the laws relative to the care and support of the destitute or needy, to repeal (a) Chapter 80 Session Laws of Alaska, 1913, An Act to Provide a Home for Indigent Prospectors and Others; (b) Chapter 64, Session Laws of Alaska, 1915, Chapter 46 Session Laws of Alaska, 1923, An Act to Provide Allowances to Aged Residents of Alaska and the Acts amendatory thereto being Chapter 49 Session Laws of Alaska, 1917, Chapter 17 Session Laws of Alaska 1919, Chapter 21 Session Laws of Alaska 1921, Chapter 65 Session Laws of Alaska, 1925; (c) Chapter 23 Session Laws of Alaska, 1919, An Act to Provide that the Territory have a preferred claim against estates of beneficiaries; (d) Chapter 45 Session Laws of Alaska, 1921, An Act to Provide for filing claims against estates of beneficiaries; (e) Chapter 51 Session Laws of Alaska, 1913, An Act to Provide for Relief of Destitution and Chapter 45, Session Laws of Alaska, 1919, amendatory thereto; and (f) Chapter 78 Session Laws of Alaska, 1923, An Act to make further relief for the needy; to repeal all Acts or parts of Acts inconsistent with this Act, and to give this Act immediate effect.

Be it enacted by the Legislature of the Territory of Alaska:

Article I

ALASKA PIONEERS' HOME

Section 1. Creation of Alaska Pioneers' Home. The Territory shall maintain an institution for the care of such needy persons as shall be entitled to the benefits thereof under the provisions of this Act, which institution shall be known as the "Alaska Pioneers' Home".

Board of Trustees created.

The institution (now situated at Sitka, Alaska, and any other that may be established) shall be under the care, control and management of a board of three members to be known as the "Board of Trustees of Alaska Pioneers' Home". The Governor shall be chairman and member of said board and the other two members shall be appointed by the Governor, one of whom shall be appointed Secretary of the board and receive a salary of Seventy-five Dollars per month, and the other member appointed by the Governor shall be Treasurer and shall receive a salary of Fifty Dollars per month, which salaries shall be paid out of the biennial appropriation for the maintenance of the said Home.

Powers of Trustees.

Section 2. Powers of Trustees. The board of trustees shall have possession of all property belonging to and constituting such Home and keep it in readiness for occupation, and shall have control of any funds appropriated therefor or which may come into its hands for such purpose. The board may make contracts in its name for the furnishing of the buildings and for the supplies designed for use or consumption therein, but shall spend no money and incur no indebtedness for such purposes beyond the appropriation previously made therefor by the Legislature, excepting insofar as it may have additional funds derived from donations or from allotments made from that portion of the Alaska fund which has been set aside by Congress for the relief of indigents in the Territory of Alaska under the control of the District Judges. The Board shall appoint a Superintendent of the Home, and such other officers as may be necessary for the proper conduct of the institution, who shall serve during the pleasure of the Board. It shall adopt rules and regulations defining the duties of the officers of the Home, providing for the government of its inmates, and fixing the terms and conditions of admission thereto, and the cause and manner of expulsion therefrom. The Board may require and take in its name and security by way of bond,

Expenditures limited.

Proviso.

Board's power to hire and bond help.

or otherwise, from any person appointed or elected by it, for the faithful performance of his duties, and have full accounting for all moneys or property received by him for or on account of the Board of Trustees or in the performance of such duties. (Section 2, Chapter 80, 1913.)

Section 3. Admission to Home. Every worthy person residing in Alaska, and who shall have been a resident of the Territory continuously for more than five years immediately preceding his application for admission, and who shall be destitute and in need of the aid or benefit of said Home in consequence of physical disability or other cause, shall be entitled to admission thereto subject to the conditions, limitations and penalties prescribed by the rules and regulations of the Board. But no person shall be admitted as an inmate to the Alaska Pioneers' Home under the provisions of this Act, where the support and maintenance of such person is imposed by law upon any relative or member of the family of such person. (Section 3, Chapter 80, 1913.)

Requirements
for admission
to Home.

Proviso.

Section 4. Transfer of Inmates to Sanitarium. Any person regularly admitted into the Home who is found to be insane may be transferred to the asylum or sanitarium provided for the care and custody of insane persons for the Territory of Alaska and in the same manner as provided by law for the admission of other persons to such asylum or sanitarium. (Section 4, Chapter 80, 1913.)

Transfer of
insane to
sanitarium.

Section 5. Admission on Payment. Any citizen of the United States over 65 years of age who shall be a resident of the Territory and shall have been such resident for not less than 10 years continuously immediately preceding his application, but who may not be destitute, may on application be admitted to the Home upon his agreement to pay to the Territory such sum per day as the Board may deem sufficient to compensate

Admission on
payment.

Amount fixed
by Board.

the Territory for the cost of care and support of such person at the Home. When such agreement is entered into the Board shall have authority to receive such security for the payments, as the Board shall deem expedient.

Maintenance.

Section 6. Maintenance. The Legislature shall each session appropriate the necessary funds for the maintenance of the Home to be expended by the Board of Trustees, and said Board is authorized and empowered to receive funds, donations and bequests from private individuals, societies or organizations, and funds derived by the Government of the United States from taxes on business and trade or otherwise and apportioned or allotted to the said Home for the support and maintenance of said Home or its inmates. (Section 5, Chapter 80, 1913.)

Board may receive funds.

Create special fund.

Section 7. Bequests and Donations. Whenever a bequest or a donation shall be received by the Home the same may by the Board be set aside as a permanent special fund to be expended or used in the manner expressly indicated or probably desired by testator or donor.

Report.

Section 8. Report of Trustees. Such Board shall on or before March 1st in years in which the Legislature meets, make to the Legislature a detailed report of all its receipts and expenditures and of all its proceedings for the previous two calendar years, with full estimates for the coming two years, verified by each of the members of such Board. (Section 6, Chapter 80, 1913.)

Article II

To whom Board may allow pension.

Section 9. Who entitled to allowance. Any resident of Alaska who is a citizen of the United States and who has attained the age of sixty-five (65) years or, if a woman, the age of sixty (60) years, and who shall have resided in Alaska continuously since January 1st,

1906 and is entitled to the free benefits of the Alaska Pioneers' Home, may, in lieu of an application to be received and cared for at such Home, make an application to the Board of Trustees of said Alaska Pioneers' Home in the manner prescribed in this Act for an allowance to be paid out of money appropriated by the Territorial Legislature for this purpose, and thereupon said Board shall investigate the case of such applicant, and if it finds that his or her case is worthy and that he or she is in actual need of such allowance, the said Board shall enroll him or her as a beneficiary under this Act and issue a certificate accordingly, which shall not be transferable or descendible, and in conformity therewith an allowance shall be paid for his or her use, as provided in Sections 11 and 12 of this Act, out of the appropriation for allowances to aged pioneers; Provided, that if any person given an allowance under the provisions of this Act shall be admitted to the Alaska Pioneers' Home, any allowance granted hereunder shall be suspended during the time such person shall be an inmate of the Home, and any inmate of the Home, who is eligible to receive an allowance under the provisions of this Act, may at any time make application for such allowance in lieu of the support and maintenance provided for him in such Home. (Section 1, Chapter 65, 1925.)

Allowances out of appropriation for aged pioneers.

Pension in lieu of Home residence.

Section 10. Application for Allowance. Said Board of Trustees shall cause blank forms of applications for such allowance to be prepared and printed and shall distribute them in sufficient quantities to the various Commissioners for the several precincts of Alaska. The application shall set forth the facts requisite to bring the applicant within the provisions of this Act, and shall state in detail the periods and causes of his or her disability for gaining his or her subsistence, and his or her resources and circumstances and those of his or her relatives (if any) living in Alaska or elsewhere, and that applicant is dependent in part upon

Commissioners to be supplied with printed forms of application.

Information and signature.

an allowance from the Territory for a living and has no other sufficient means of support. Said application shall be signed by the applicant, and witnesses, acknowledged and verified by his or her affidavit to the effect that the statements contained therein are true. Said affidavit shall be sworn to before any notary or other person authorized to administer an oath, and there shall be appended to the application a certificate by such authorized person, and supported by affidavits by two reputable persons resident within such precinct, to the effect that he or they are personally acquainted with the applicant and believe all the statements set forth in such application to be true. Any one who, in any such affidavit knowingly makes a false statement, shall be guilty of perjury and shall be prosecuted and punished accordingly. (Section 3, Chapter 46, 1923.)

Notary seal and two people to vouch.

Penalty for false affidavit.

Amount of allowance, how paid.

Proviso.

Section 11. Amount of Allowance. Method of Payment. Each allowance granted shall be of such amount, not exceeding Thirty-five (\$35.00) Dollars per month for men and Forty-five (\$45.00) Dollars per month for women, as said trustees in their discretion shall allow and specify in the certificate; Provided, that nothing in this Act shall affect the allowance of any person now receiving any benefit or allowance from the Territory. The Board of Trustees may at any time after an allowance has been granted demand of the beneficiary a restatement of his or her disability for gaining subsistence, and his or her resources and circumstances and the resources and circumstances of his or her living relatives. Such statement shall be signed and sworn to by the beneficiary and be in such form as the Board may prescribe.

Amount of allowance based on needs—how paid.

Said trustees shall not establish any uniform allowance, but shall take into consideration the necessities of each individual applicant and the cost of living in the place where he or she resides, and after being granted, the allowance may be discontinued or the

amount may be diminished or increased by said Board. Each allowance shall be paid quarter-yearly, and a warrant of said trustees on the Territorial Treasurer for the amount of the quarter payment, payable to the beneficiary or order, shall be forwarded by said Board to the Commissioner within whose precinct the beneficiary resides, in time to reach such Commissioner on or before the beginning of the quarter-year for which the same is payable, and shall be by the Commissioner delivered on or after the beginning of such quarter-year, to the beneficiary upon his or her appearing in person before the Commissioner and exhibiting his or her certificate, and such warrant or draft shall be paid in due course by the Territorial Treasurer; Provided, that in cases where it shall be impracticable, by reason of slow or interrupted means of communication or travel, for the quarterly payments to reach the Commissioner or for the beneficiary to appear at the Commissioner's office to receive such payment during a period of more than one quarter-year, said trustees may in their discretion transmit, with a quarterly payment, another payment for the next following quarter and said Commissioner, if so directed by said trustees, may deliver both payments at the same time. And further provided that in case the beneficiary is not able and cannot appear before the Commissioner in person, within a reasonable time to receive such allowance, the Commissioner may forward the same to such beneficiary. If the funds provided by the Legislature shall be exhausted, the Territorial Treasurer shall issue warrants to the beneficiary which warrants shall be an obligation of the Territory of Alaska, payable out of the funds of the Territory as soon as made available by an Act of the Legislature. (Section 4, Chapter 46, 1923; Paragraph 1, Section 4, Chapter 46, 1923; Section 2, Chapter 65, 1925.)

Commissioner
deliver warrant.

Proviso.

More than
one quarterly
payment at a
time, when.

Section 12. Payments Outside Territory. If any such person, having been granted an allowance, desires

Payments, how
made outside
Territory.

to take up his residence temporarily or permanently elsewhere than in the Territory with the permission of the trustees, such allowance shall not cease, but the Board of Trustees shall prepare such additional regulations as may be necessary to carry out this provision so as to properly safeguard the interest of the Territory. (Section 2, Chapter 46, 1923.)

Payments how made in cases of irresponsible pensioners.

Section 13. Payment applied on Sustenance. Notwithstanding anything contained in Section 11 of this Act, said trustees, in any case in which, either at or after the time of granting an allowance they shall become satisfied that payments to a beneficiary will be subject to wasteful use or the diversion from his or her means of sustenance, they may cause the money to be paid into the hands of the Commissioner for the precinct of the beneficiary's residence, or into the hands of any suitable and trustworthy person, to be paid out for the beneficiary's sustenance and benefit; and such depository shall account quarterly to said trustees for all funds so intrusted to him, showing when, to whom, for what, and in what sums the same were disbursed. (Section 5, Chapter 46, 1923.)

Depository to report.

Medical certificate required with application for admission.

Section 14. Medical Certificate on Application for Admission to Home. Any inmate of the Pioneers' Home eligible to receive allowance who wishes to apply for benefits under this Act shall submit with his application for allowance a certificate from a practicing physician who is not connected with said Home setting forth the state of health of the applicant. (Section 7, Chapter 46, 1923.)

Article III

TEMPORARY RELIEF OF DESTITUTION

Governor may appoint Advisory Board.

Section 15. Authority of Governor. Advisory Board. The Governor is vested with entire and exclusive superintendence of the poor, with authority to appoint an Advisory Board in each Judicial Division of the Terri-

tory, composed of such individuals as he may designate, the duties of the members of such Advisory Board to be such as may be prescribed by the Governor under regulations to be promulgated by him under the authority hereof. (Section 1, Chapter 45, 1919.)

Section 16. Obligation of Relatives. Every person without means who is unable to earn a livelihood in consequence of immaturity, sickness or physical infirmity, shall be an indigent within the meaning of this article, must be supported while living and when he dies be given a decent burial, by the father, mother, grandfather, grandmother, children, grandchildren, brothers or sisters of such indigent person, if they, or either of them, be of sufficient ability, in the order named; and every such person who fails to support such indigent relative when directed by the Governor or some member of the Advisory Board to do so, or fails to give such indigent a decent burial when he dies, must reimburse the Territory or any municipality thereof for any funds expended by them or either of them for the relief or burial of such indigent, not however, to exceed the rate of Thirty Dollars per month for support and One Hundred Dollars for burial, and such sums with interest and costs may be recovered by the Territory or any municipality thereof in civil action; Provided, however, that when any person becomes indigent as the result of intemperance or other vice no other relative except parents and children shall be under obligation to support or bury him. (Section 2, Chapter 45, 1919, Section 3, Chapter 45, 1919.)

Relatives to reimburse, when.

Territory may bring suit to recover.

Proviso.

Section 17. Relief of Territory. Whenever any such indigent as is described in Section Sixteen of this Act is not entitled to the benefits of the provisions of Article I or II of this Act, and has no relatives in the Territory liable for his support pursuant to Section Sixteen (16) of this Act, such indigent may receive temporary relief from the Territory in an amount not

Temporary relief, when, limitation.

to exceed Thirty Dollars (\$30) during any calendar month, exclusive of cost of medical attendance in case of sickness. (Section 4, Chapter 45, 1919.)

Reimburse hospitals and physicians.

Section 18. Medical Services. The Governor shall have power to reimburse hospitals and physicians for expenses incurred and services rendered for relief of indigents who have no relatives within the Territory liable for this support. No charge for expense incurred under the provisions of this section shall be in excess of the expenses actually and necessarily incurred, and the following schedule of fees shall be the maximum paid by the Territory:

Charges defined. Medical attendance \$1.00 per visit.

Minor operations \$5.00.

Digital amputation \$10.00.

Major operations \$50.00. (Section 9, Chapter 45, 1919.)

Burial.

Section 19. Burials. The Governor shall have authority to provide decent burial for indigents who have no known relatives within the Territory liable for such expense. (Section 5, Chapter 45, 1919.)

Article IV

ALLOWANCES TO UNITED STATES DISTRICT JUDGES.

Indigent appropriation to be expended by Judges.

Section 20. The Legislature may from time to time appropriate money for the relief of the sick, unfortunate and needy in the Territory of Alaska, to be expended under the direction of the United States District Judges for the several Divisions of the Territory. The money so appropriated shall be expended for the aid and relief of the sick or unfortunate in the Territory of Alaska who are in dire need of assistance. (Chapter 78, 1923.)

Appropriation allotted, manner of.

Section 21. The Governor shall allot the money appropriated under Section 20 of this Act to the United

States District Judges of the several Divisions, according to their needs, but only one half of the money appropriated shall be so allotted for each year of the biennium. The money so allotted shall be expended under the direction of said District Judge for the aid and relief of persons in dire need in the Territory of Alaska, and may be used for the purchase of food, clothing or other necessary supplies, for hospital services, medical attention, transportation, or in such other way as the District Judge may direct. The money shall be expended upon vouchers, signed by the person benefited and approved in writing by the District Judge under whose direction such expenditures are made, and paid by warrants drawn on the Treasurer. The form of the vouchers and manner of payment shall be prescribed by the Governor and the Treasurer of the Territory. (Section 2, Chapter 78, 1923; Section 3, Chapter 78, 1923; Section 4, Chapter 78, 1923.)

How paid.

Article V

RIGHTS OF TERRITORY AGAINST ESTATES OF DECEDENT BENEFICIARIES

Section 22. Expenses incurred by Territory Recoverable. Any money paid to or any expense incurred for any person pursuant to the provisions of Articles I, II, III or IV of this Act shall with interest thereon at rate of eight per centum per annum from date of payment be an indebtedness owing the Territory by the beneficiary and such indebtedness may be recovered during the life of the beneficiary and shall be a first, prior and preferred claim against the estate of such beneficiary after his death.

Territory has prior claim against indigent or estate.

That any moneys left in charge of the Board of Trustees by any deceased inmate of the Pioneers' Home may be used for the burial and funeral expenses of such deceased inmate and for the improvement of the burial plot of the Alaska Pioneers' Home.

Money left how used.

Personal effects may be used, how.

Any clothing or other personal effects left by any deceased inmate of the Home may be used by the Board for the benefit of other inmates, or may be given to relatives or sold and the proceeds applied in the same manner as above provided for moneys left. (Section 6, Chapter 46, 1923.)

Governor or Board file claim against estate. —how collected.

Section 23. Claims Against Estates in Territory. Whenever a beneficiary under this Act shall die leaving an estate in the Territory the Governor, or the Board of Trustees of the Pioneers' Home, shall file with the executor or administrator, or with the Probate Court where such administration is had, the claim of the Territory against such estate, and the Attorney General shall take such steps as may be necessary to enforce and collect the same. All moneys so collected shall be paid into the Treasury of the Territory. (Section 1, Chapter 45, 1921.)

Claim to property outside Territory.

Section 24. Property Outside of Territory. Whenever a beneficiary under the provisions of this Act shall die leaving property outside the Territory it shall be the duty of the Attorney General on direction of the Governor or the Board of Trustees of the Pioneers' Home to take such steps with respect to the same as will protect and secure the rights of the Territory as a creditor.

Governor's affidavit prima facie evidence.

Section 25. Certificate by Governor. A certificate by the Governor to the effect that a decedent was a beneficiary under this Act and that by reason of that fact the Territory has a claim against his estate, shall be prima facie evidence of such facts in any proceedings in the courts of the Territory.

Article VI

SUPPORT OF INDIGENT CHILDREN.

Aid to mothers, when.

Section 26. When Aid Given Mothers. Whenever it shall appear to the Governor by clear and convincing

evidence that the mother of any child under sixteen (16) years of age, (except of native children who are provided for by the Department of the Interior out of funds of the Treasury of the United States.)

1. Is a single woman, or has a husband who is an inmate of an insane asylum or a penal institution, or who is physically or mentally so deficient as to be unable to support his family, and

2. That she has no means of supporting the child except by her own labor, and

3. That she is unable to properly support such child, and

4. That she is a fit person to have custody of such child and

5. That she is a resident of the Territory at the time relief herein provided for is granted and has been such resident continuously for at least two consecutive years immediately prior thereto.

The Governor shall have authority to award such mother a monthly allowance of not to exceed Fifteen (\$15.00) Dollars for a single child, and Ten (\$10.00) Dollars additional for each additional child. (Section 6, (1), Chapter 67, 1925.) ^{Amount of allowance.}

Section 27. Renewal of Allowance. Evidence of Need. No allowance awarded under the preceding section shall be continued for more than one year unless the same is renewed after a reexamination of circumstances of the beneficiary, and no such allowance shall be either awarded or renewed except upon a statement sworn to by the beneficiary showing all the facts necessary to entitle her to the relief herein provided for. (Section 6, (1), Chapter 67, 1925.) ^{Renewal of allowance made yearly.}

Article VII

MISCELLANEOUS PROVISIONS.

Ward of Gov-
ernment ex-
cluded from
benefits.

Section 28. When Applicable to Indians and Eskimos. This Act shall not inure to the benefit of any Indian or Eskimo resident of the Territory who is provided for by the Department of the Interior out of the funds of the Treasury of the United States or to any ward of the Government of the United States. (Section 8, Chapter 46, 1923.)

Residence
defined.

Section 29. Residence—What Is. No one who has been absent from the Territory twelve consecutive months or more shall be considered to have been a resident of the Territory during such absence, and one who has left the Territory without any definite intention of returning within a year shall be deemed to have ceased to be a resident from the date of his departure. (Section 8, Chapter 46, 1923.)

Repeal.

Section 30. Repeal. (a) Chapter 80, Session Laws of Alaska, for 1913.

(b) Chapter 64 Session Laws of Alaska for 1915; Chapter 49 Session Laws of Alaska for 1917; Chapter 17, Session Laws of Alaska for 1919; and Chapter 21 Session Laws of Alaska for 1921; Chapter 46, Session Laws of Alaska for 1923; and Chapter 65 Session Laws of Alaska for 1925,

(c) Chapter 23 Session Laws of Alaska, 1919,

(d) Chapter 45 Session Laws of Alaska for 1921,

(e) Chapter 51 Session Laws of Alaska for 1913 and Chapter 45 Session Laws of Alaska for 1919; and

(f) Chapter 78 Session Laws of Alaska for 1923, are hereby repealed and all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Emergency.

Section 31. Time of Taking Effect. This Act shall take effect immediately after its passage and approval.

Approved April 30, 1929.