

CHAPTER 2.

AN ACT

[S. B. 6]

Relating to and providing for old-age assistance, accepting the provisions of Federal legislation for old-age assistance, declaring its effective date, and repealing all Acts and parts of Acts in conflict with any provision hereof.

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

Section 1. **Persons Entitled to Assistance—Limitation of Amount.** Financial assistance, so far as practicable under the conditions in this Territory, shall be given under this Act to any aged, needy resident of the Territory who is a citizen of the United States and who has resided in the Territory for five (5) years during the nine (9) years immediately preceding the date of application, who has attained the age of 65 years and who has not made a voluntary assignment or transfer of property for the purpose of qualifying for such assistance, shall be eligible to apply for and receive old-age assistance under this Act. Such assistance granted shall be in such amount as will provide the applicant with a reasonable subsistence compatible with decency and health, but shall in no case exceed the rate of Forty-five Dollars (\$45.00) per calendar month, provided, that if any person given an allowance under the provisions hereof shall apply for admittance to and shall be admitted to the Alaska Pioneers' Home or any public institution, any allowance granted hereunder shall be suspended during the time such person shall be an inmate of the Home or any other public institution, and any inmate of the Home or other public institution, who is eligible to receive an allowance under the provisions hereof may at any time make application for such allowance in lieu of the support and mainte-

Persons
entitled to
Old-Age
Assistance.

Maximum
allowance.

nance provided for him or her in such Home or other public institution.

Applications.

Section 2. Application for Assistance. Any person requesting assistance shall make application therefor, either for himself or by another in his behalf, upon forms furnished and under rules and regulations prescribed by the Board of Public Welfare.

Board to investigate applicants.

Section 3. Investigation of Application. Whenever the Board receives an application for old-age assistance, an investigation and record shall be promptly made of the circumstances of the applicant. The object of such investigation shall be to ascertain the facts supporting the application and such other information as may be required by the rules of the Board.

Award and Appeal.

Section 4. Award and Appeal. Upon the completion of its investigation, the Board shall decide whether the applicant is eligible for and should receive old-age assistance, the amount thereof, the manner of paying or providing it and the date on which the assistance shall begin. The Board may make such additional investigation as it may deem necessary, and shall make its decision as to the granting of assistance and the amount thereof and nature thereof as in its opinion is justified and in conformity with the provisions of this Act. The Board shall notify the applicant of its decision in writing.

Hearing before Board.

Any applicant whose application is denied, discontinued or modified by the Board shall be granted an opportunity for fair hearing before the Board or before an agent of the Board, duly appointed for that purpose; such hearing shall be granted and shall be held within a reasonable time after demand therefor has been made; provided, however, that where an agent is designated to conduct such hearing, said agent shall

Proviso.

be governed by the rules and regulations prescribed for that purpose by the Board.

Each allowance shall be paid monthly upon a warrant drawn upon the Territorial Treasurer for the amount thereof and forwarded to the beneficiary as expeditiously as circumstances will permit; provided, that in case it is impracticable by reason of slow or interrupted means of communication for a warrant covering any one month's benefit to reach the beneficiary in due course, the Board may transmit warrants covering payments for more than one month and may deliver all of them to the beneficiary at one time. All warrants shall be registered with the Territorial Treasurer in a book kept for that purpose and when so registered shall in the order of their registration take priority over all other Territorial warrants against the Old-Age Assistance Fund.

Payment.

Section 5. Payment When Recipient Incapacitated. Whenever it shall be ascertained that any person receiving assistance is incapable of taking care of himself or herself or of the funds granted hereunder, the Board may direct the payment thereof to his or her legally appointed guardian or to such other person as designated by the Board for his or her benefit.

Payment to
Guardian—
When.

Section 6. Cancellation or Reduction of Assistance. Whenever it shall be ascertained that the recipient of any assistance or the husband or wife of such recipient has become possessed of property or income sufficient to properly maintain such recipient, then the aid or assistance granted to such recipient shall either be cancelled or reduced to such amount as the Board shall determine is sufficient for the required assistance.

Cancellation or
Reduction of
Assistance.

Section 7. Imprisoned Recipients. If a recipient is convicted of any crime or offense, and punished by imprisonment, no payment shall be made during the period

Imprisoned
Recipients
Assistance
may be
discontinued.

of imprisonment. In such cases, the assistance may be declared forfeited in the discretion of the Board.

Allowances
Improperly
Granted—Re-
covery and
disposition
thereof.

Section 8. Recovery and Disposition of Allowances Improperly Granted. Should it be ascertained by the Board that any old-age allowance has been improperly granted, an investigation shall be made, and if it appears as a result of such investigation that such assistance was improperly granted, it may cancel the allowance and notify the recipient to that effect, and the Territory shall have cause of suit or action against such person who has received such improper allowance, which action shall be instituted in the name of the Territory by the Attorney General to recover the amount paid to such person, with interest thereon, together with the necessary costs of such suit or action. One-half of the net amount so collected shall promptly be paid to the United States if required to do so by the Federal Government, and the remaining one-half thereof shall be paid to the old-age assistance fund.

Modification or
cancellation of
Allowance—
For what
causes.

Section 9. Modification of Assistance — Change of Circumstances. All assistance granted under the provisions of this Act shall be subject to be reconsidered from time to time and as frequently as may be required by the rules of the Board and the Board may change the assistance granted or cancel the same entirely when it finds that the circumstances have changed sufficiently to warrant such action.

Removal of
Recipient—
Effect of.

Section 10. Removal of Recipient from Territory. Any person receiving assistance who shall remove from the Territory shall not thereafter be entitled to receive any assistance unless the Board of Public Welfare shall otherwise direct.

Periodical re-
ports required.

Section 11. Periodical Reports. The Board shall make such reports in detail as shall be required of it

by the Governor of the Territory or by the United States Government or any of its agencies.

Section 12. **Annual Report.** Within ninety days after the close of each calendar year the Board shall make a report to the Governor for the preceding year stating:

Annual reports, when filed and what to contain.

- (a) the total number of recipients;
- (b) the total amount disbursed in cash;
- (c) the total number of applications;
- (d) the number granted;
- (e) the number denied;
- (f) the number cancelled during the year; and
- (g) such other information as may be deemed advisable or required.

Section 13. **Assistance Inalienable and Exempt from Process.** All assistance granted under the provisions of this Act shall be inalienable by any assignment or transfer and shall be exempt from garnishment, levy, or execution under the laws of this Territory.

Assistance allowance inalienable and exempt from process.

Section 14. **Amount of Assistance a Claim Against Recipient and His Estate—Pro Rata Disbursement of Collections.** The total amount paid in assistance to any recipient shall constitute a claim against such recipient and his or her estate. On the death of a person receiving assistance the total amount paid as assistance shall be allowed by the Court having jurisdiction over such estate, and when collected, one-half of the net amount thereof so collected shall promptly be paid to the United States if required to do so by the Federal Government, and the remaining one-half shall be paid to the Territorial Treasurer for the old-age assistance fund.

Territory and United States has prior claim against indigent or estate.

Section 15. **Property of Recipient Pledge—Foreclosure.** The Board may, in its discretion, require as a

Property of Recipient Pledged—Money realized—how disbursed.

condition of granting financial assistance that the property of any recipient of such assistance be pledged as a guarantee for the reimbursement of the funds so granted and any instrument executed by such recipient pledging such property shall be made to the Board to be held by it for the Territory granting such relief. One-half of the net amount of money realized upon such security shall promptly be paid to the United States if required to do so by the Federal Government, and the remaining one-half shall be paid to the Territorial Treasurer for the old-age assistance fund and credited to the Territory.

Relatives to reimburse, when.

Section 16. Action Against Person Liable for Care of Recipient. If at any time during the continuance of any allowance the Board ascertains that any one liable for the support of the recipient of such assistance is able to provide the necessary care and support of such recipient, and such person so liable for the care and support of such recipient fails or refuses to support and care for such recipient, then there shall exist a cause of suit or action for such assistance against the person or persons liable therefor, which said suit or action shall be brought in the name of the Territory by the Attorney General against such person or persons so liable for the recovery of the amount of money, with interest thereon, paid to such recipient, together with the costs and disbursements of such suit or action. One-half of the net amount so recovered shall promptly be paid to the United States if required to do so by the Federal Government, and the remaining one-half thereof shall be paid to the Territorial Treasurer for the Territorial old-age assistance fund and credited to the Territory.

Attorney General to bring actions for reimbursement.

Fraudulently Obtaining Assistance a Misdemeanor.

Section 17. Penalty for Fraudulently Obtaining Assistance. Any person who by means of any false statement or representation or impersonation, or other fraudulent device, obtains or attempts to obtain or aids or

abets any person to obtain (1) any assistance to which he or she is not entitled; (2) greater assistance than that to which he or she is entitled; (3) payment of any forfeited grant or allowance, or aids and abets in buying or in any way disposing of the property of the recipient of assistance for the purpose of avoiding any liability for the assistance granted, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the Federal jail not to exceed six months, or by both such fine and imprisonment. Penalty.

Section 18. **Penalty.** Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and if no penalty is herein provided such person, upon conviction thereof, shall be punished by a fine of not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the Federal jail not to exceed six months, or by both such fine and imprisonment. Penalty.

Section 19. **Policy of Territory Declared—When Act Becomes Operative.** It is hereby declared to be the public policy of the Territory to cooperate and coordinate with the United States Government and its established or created agencies in providing for and administering the laws of the Federal and Territorial Governments having for their purpose old-age assistance for residents of this Territory, and for that purpose and to that end this law is enacted. Policy of Territory—Act Operative.—when.

Section 20. **Repeal.** That all Acts or parts of Acts in conflict herewith, be, and the same are hereby repealed. Repeal.

Approved April 2, 1937.