

less than fifty-five percent of the votes cast in said referendum election are in the affirmative, the levy, assessment and collection of taxes for school purposes by the school board shall be in accordance solely with the provisions of Sections 37-3-53 and 37-3-54 ACLA 1949.

Section 5. This Act shall be applicable only to those independent school districts where the total school enrollment for all public elementary and high schools within the district during the school year 1952-1953 was 4,000 or more pupils.

Districts covered

Section 6. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its passage and approval.

Emergency clause.

Approved March 30, 1953.

CHAPTER 110

AN ACT

[S. B. 66]

Relating to providing General Relief Assistance; establishing eligibility factors and amount of assistance; providing penalties; repealing Sections 51-2-2, 51-2-21, 51-2-22, 51-2-23 as amended by Chapter 78 S.L.A. 1951, 51-2-24, 51-2-81, 51-2-91 and 51-2-92 ACLA 1949; and fixing an effective date.

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

Section 1. DEFINITIONS. As used in this Act:

(a) "Welfare Department" means the Department of Public Welfare created by Chapter 3, Extraordinary Session Laws 1937 (51-1-1 — 51-1-23 ACLA 1949).

"Welfare Department" defined.

(b) "Needy person" means any needy resident of the Territory who has lived in the Territory for one year immediately preceding the date of application for relief assistance and who is not eligible for aid from any other

"Needy person" defined.

public agency or department providing similar services in the Territory.

"Public Medical Institution" defined.

(c) "Public medical institution" means any public hospital or medical institution, except an institution for the treatment of tuberculosis or mental disease.

"Assistance" defined.

(d) "Assistance" means financial assistance to or on behalf of a needy person, including subsistence (food, shelter, fuel, clothing, and utilities), transportation, medical needs (including, but not limited to, hospitalization, nursing, and convalescent care), burial, and other determined needs.

Persons eligible.

Section 2. ELIGIBILITY FOR ASSISTANCE. Financial assistance shall be given under this Act, so far as practicable under the conditions in this Territory, to any needy person who is found eligible under rules and regulations established by the Board of Public Welfare.

Amount of assistance allowable.

Section 3. AMOUNT OF ASSISTANCE. The amount of assistance which shall be granted for any needy person shall be determined by the Welfare Department with due regard to the resources and needs of the person and the conditions existing in each case, and shall be sufficient to provide the applicant with reasonable subsistence according to Standards of Assistance established by the Welfare Department, provided, that the amount of assistance for subsistence needs may not exceed \$80.00 per person per calendar month.

Maximum.

Residence in institution.

Section 4. RESIDENCE IN INSTITUTION. No payment under the provisions of this Act may be made to or in behalf of any individual who is an inmate of the Alaska Pioneers' Home or any other public institution (except as a patient in a public medical institution) or any individual who is a patient in an institution (either public or private) for tuberculosis or mental diseases. Any inmate of the Alaska Pioneers' Home or such public institution, who is otherwise eligible to receive an allow-

ance under the provisions hereof, may at any time make application for such allowance in lieu of the support and maintenance provided for him or her in the Home or public institution.

Section 5. 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 Welfare Department.

Application for assistance.

Section 6. INVESTIGATION OF APPLICANT. Whenever the Welfare Department receives an application for General Relief, an investigation shall be made promptly to determine the applicant's eligibility according to the rules of the Board of Public Welfare.

Investigation of applicant by Welfare Dept.

Section 7. GRANTING OF ASSISTANCE: PAYMENTS. Upon the completion of its investigation, the Welfare Department shall decide whether the applicant is eligible for and should receive assistance promptly under the provisions of this Act, the amount thereof, the manner of paying or providing it, and the date on which the assistance shall begin. The Welfare Department shall notify the applicant of its decision.

Granting of assistance.

Notification to applicant.

Section 8. APPEAL. Any applicant whose application is not acted upon, is denied, discontinued, or modified by the Department shall be granted an opportunity for fair hearing before a representative of the Welfare Department duly appointed for that purpose; such hearing shall be granted and shall be held within a reasonable time after demand therefor has been made; and where a representative is designated to conduct such hearing, the representative shall be governed by the rules and regulations prescribed for that purpose by the Welfare Department.

Appeal and hearing.

Section 9. Whenever it shall be ascertained that any person receiving assistance has had a guardian appointed

Payment to guardian.

by a court, the Welfare Department may direct the payment of assistance to his or her legally appointed guardian.

Review of eligibility.

Section 10. REVIEW OF ELIGIBILITY. All assistance grants under the provisions of this Act shall be reviewed by the Welfare Department as frequently as it may deem necessary, and the amount of assistance may be changed or entirely withdrawn, if the review of the circumstances warrants such action.

Assistance inalienable and exempt from process.

Section 11. 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.

Claim against recipient or estate.

Section 12. AMOUNT OF ASSISTANCE AS CLAIM AGAINST RECIPIENT AND HIS ESTATE. 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.

Persons liable for support and burial.

Section 13. PERSONS LIABLE FOR SUPPORT AND BURIAL OF NEEDY PERSON. Every needy person must be supported while living and upon dying, be given a decent burial, by the spouse, children, father, mother, grandfather, grandmother, grandchildren, brothers or sisters of such needy person, if they, or either of them, be of sufficient ability, in the order named; and every such person who fails to support such needy person when directed by the Welfare Department to do so, or fails to give the needy person a decent burial when he dies, must reimburse the Territory or any municipality thereof for any funds expended by either of the latter for the relief or burial of such needy person, and such sums with

interest and costs may be recovered by the Territory or any municipality thereof in a civil action.

Recovery by
Territory.

Section 14. ACTION AGAINST PERSON LIABLE FOR CARE OF RECIPIENT. If at any time during the continuance of any allowance the Welfare Department ascertains that anyone liable for the support of the recipient of such assistance is able to provide the necessary care and support of the recipient, and the person so liable for the care and support of the recipient fails or refuses to support and care for the recipient, then there shall exist a claim for such assistance against the person or persons liable therefor, which claim may be enforced by civil action brought in the name of the Territory by the Attorney General against the person or persons so liable for the recovery of the amount of money, with interest thereon, paid to the recipient, together with the costs and disbursements of the suit or action.

Action by
Territory against
persons liable.

Section 15. GRANT OF TEMPORARY RELIEF BY TERRITORY. Whenever any needy person is not entitled to the benefits of this Act and has no relatives in the Territory liable for his or her support pursuant to the preceding sections, the needy person may receive temporary assistance in such form and amount as the Welfare Department deems necessary, but in no event to exceed \$80.00 per month.

Temporary
assistance.

Maximum.

Section 16. RECOVERY AND DISPOSITION OF ALLOWANCES IMPROPERLY GRANTED. Should it be ascertained by the Welfare Department that any General Relief allowance has been improperly granted, an investigation shall be made, and if it appears as a result of the investigation that the assistance was improperly granted, the Welfare Department may cancel the allowance and notify the recipient to that effect, and the Territory shall have a claim against the person who has received the improper allowance, which claim may be

Recovery of
allowances
improperly
granted.

enforced by civil action brought 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 the suit or action.

Fraudulent
statements to
obtain assistance.

Section 17. **FRAUDULENT OBTAINING OF ASSISTANCE.** Any person who by means of any knowingly 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, or (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 violation of this Act.

Agreements with
Federal agencies.

Section 18. **PROVISIONS REGARDING AGREEMENTS.** The Board of Public Welfare is hereby authorized and empowered to enter into agreements, arrangements, or contracts with any Federal agency, department, or official under which any funds made available to such Federal agency, department, or official may be transferred to the Department of Public Welfare and expended in accordance with the provisions of this Act for assistance to needy persons who are eligible for aid.

Violation a
misdemeanor;
penalties.

Section 19. **VIOLATIONS: MISDEMEANOR: PENALTY.** Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed \$500.00, or by imprisonment in the Federal Jail not to exceed six months, or by both such fine and imprisonment.

Statutes repealed.

Section 20. **REPEALS.** Sections 51-2-2, 51-2-21, 51-2-22, 51-2-23 as amended by Chapter 78 S.L.A. 1951, 51-2-24, 51-2-81, 51-2-91, and 51-2-92 ACLA 1949, are repealed.

Section 21. **EFFECTIVE DATE.** This Act shall take effect April 1, 1953. Effective date.

Approved March 30, 1953.

CHAPTER 111

AN ACT

[J. C. S. S. B. 79]

Amending Section 26-1-3 ACLA 1949 relating to priorities of mechanics' and materialmen's liens and the enforcement thereof, time and place of filing lien claims, and payments by owner to contractor or sub-contractor as discharging lien of workmen or materialmen.

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

Section 1. Section 26-1-3 ACLA 1949 is amended to read as follows:

Section 26-1-3. **Priorities:** Sale and removal of building or other improvement. All liens created by this code upon any parcel of land and upon any building or other improvement shall be preferred to all liens, mortgages, or other incumbrances which may have attached to the land upon which the building or other improvement shall have been constructed, or situated when altered or repaired, subsequent to the time when the building or other improvement or the alteration or repair thereof was commenced, or materials for the same were commenced to be furnished and placed upon or adjacent to the land; and shall be likewise preferred to all liens, mortgages, or other encumbrances which were unrecorded at the time construction of the building, structure, or other improvement or the alteration or repair thereof was commenced or materials for the same were

Priorities of
liens stated.

Preferred to
unrecorded
encumbrances.