

**under the aid to the blind program; and providing for an effective date.**

(H.B. 85)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. AS 47.25.640 is amended to read:

Sec. 47.25.640. **Amount of Assistance.** The department shall determine the amount of assistance granted for a needy blind person with due regard to the resources and needs of the person and the conditions existing in each case. Assistance shall be sufficient to provide the applicant with reasonable subsistence compatible with decency and health, and according to the standards of assistance established by the department. However, assistance shall not exceed \$110 a month. Direct payments for medical services and remedial care shall not be considered in determining the maximum amount payable.

Sec. 2. AS 47.25 is amended by adding a new section to read:

Sec. 47.25.721. **Security and Lien.**

(a) The department may require as a condition of granting financial assistance that the property of a recipient, except personal property to the amount of \$500, be pledged as a guarantee for the reimbursement of the funds granted, and an instrument executed by the recipient, pledging the property, shall be made to the department and held by it for the state.

(b) The state has a lien against all the property of the recipient, except per-

sonal property to the amount of \$500, and in an amount equal to that expended for his benefit, from and after the filing of a claim of lien in the office of the recorder for the district in which the property is located or possessed, particularly describing the property. Suit to foreclose a lien shall be instituted within six months after the cessation of assistance or as soon afterward as possible.

(c) From and after the lien attaches, the property shall not be sold without the consent of the state, except that consent may be given by the attorney general on behalf of the state agency filing the lien if a prior permanent or superior lien is filed against the property. The lien, if not satisfied by the purchaser, is not lost, nor does the augmentation of the amount of the lien in proportion to expenditures made on behalf of the recipient cease.

(d) Claim of lien shall be filed only in those cases which the department, in its discretion, considers proper. If the United States requires, it shall be reimbursed out of the money realized upon the security on a pro-rata basis in proportion to the amount it expended on behalf of the recipient, and the remaining amount shall be paid to the Department of Revenue for the assistance granted under secs. 620 - 780 of this chapter.

Sec. 3. This Act takes effect on July 1, 1963.

Approved April 15, 1963

## CHAPTER 63

### AN ACT

**Establishing a program for aid to the permanently and totally disabled; and providing for an effective date.**

(H.B. 86)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. AS 47.25 is amended by adding Article 6 to read:

#### Article 6

**Aid to the Permanently and Totally Disabled**

Sec. 47.25.790 Eligibility for aid to the permanently and totally disabled

- Sec. 47.25.800 Application for assistance
- Sec. 47.25.810 Amount of assistance
- Sec. 47.25.820 Residence in institutions
- Sec. 47.25.830 Investigation of applicant
- Sec. 47.25.840 Granting of assistance
- Sec. 47.25.850 Appeal
- Sec. 47.25.860 Payment when recipient incapacitated
- Sec. 47.25.870 Review of eligibility
- Sec. 47.25.880 Alienation and attachment
- Sec. 47.25.890 State's claim for assistance
- Sec. 47.25.900 Security and lien
- Sec. 47.25.910 Action against person liable for care of recipient
- Sec. 47.25.920 Recovery of allowances improperly granted
- Sec. 47.25.930 Agreements with federal government
- Sec. 47.25.940 Purpose
- Sec. 47.25.950 Obtaining assistance by fraud
- Sec. 47.25.960 Definitions
- Sec. 47.25.970 Short title

Sec. 47.25.790. **Eligibility for Assistance.** Financial assistance may be given under secs. 790 - 970 of this chapter, so far as practicable under the conditions in this state, to a permanently and totally disabled person who is eligible under the regulations of the department. All regulations of the department shall be made available to all interested persons.

Sec. 47.25.800. **Application for Assistance.** A person requesting assistance shall apply for it, either for himself or by another in his behalf, upon forms furnished under the regulations prescribed by the department.

Sec. 47.25.810. **Amount of Assistance.** The amount of assistance for a permanently and totally disabled person shall be determined by the department with regard to the resources and needs of the person and the conditions existing in each case. When possible, assistance

shall be sufficient to provide reasonable subsistence compatible with decency and health and according to the standards of assistance established by the department. However, the amount of assistance shall not exceed \$110 a calendar month. Direct payments for medical services and remedial care shall not be considered in determining the maximum amount payable.

Sec. 47.25.820. **Residence in Institutions.** No payment under secs. 790 - 970 of this chapter may be made to or in behalf of an individual who is (1) a patient of a public institution, except as a patient in a public medical institution, or an individual who is a patient in a public or private institution for tuberculosis or mental diseases; or (2) has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result of the diagnosis. A patient or guest of an institution may, at any time he wishes to leave the institution, apply for assistance under secs. 790 - 970 of this chapter instead of the support and maintenance provided in the institution.

Sec. 47.25.830. **Investigation of Applicant.** The department shall promptly investigate each applicant to determine the applicant's eligibility.

Sec. 47.25.840. **Granting of Assistance.** Upon the completion of its investigation, the department shall decide promptly whether or not the applicant is eligible for and should receive assistance under secs. 790 - 970 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.

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

Sec. 47.25.860. **Payment When Recipi-**

**ent Incapacitated.** If a person receiving assistance is incapable of taking care of himself or the funds granted under secs. 790 - 970 of this chapter, the department may direct the payment of the funds to his legally appointed guardian or to another person designated by the department for his benefit.

Sec. 47.25.870. **Review of Eligibility.** Assistance grants under secs. 790 - 970 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.

Sec. 47.25.880. **Alienation and Attachment.** Assistance granted under secs. 790 - 970 of this chapter is inalienable by assignment or transfer and is exempt from garnishment, levy, or execution under the laws of this state.

Sec. 47.25.890. **State's Claim for Assistance.** The total amount of assistance paid 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.

Sec. 47.25.900. **Security and Lien.** (a) The department may require as a condition of granting financial assistance that the property of a recipient, except personal property to the amount of \$500, be pledged as a guarantee for the reimbursement of the funds granted, and an instrument executed by the recipient, pledging the property, shall be made to the department and held by it for the state.

(b) The state has a lien against all the property of the recipient, except personal property to the amount of \$500 and in an amount equal to that expended for his benefit, from and after the filing of a claim of lien in the office of the recorder for the district in which the property is located or possessed, particularly describing the property. Suit to foreclose a lien shall be instituted within six months after the cessation of assistance or as soon afterward as possible.

(c) From and after the lien attaches, the property shall not be sold without the consent of the state, except that consent may be given by the attorney gen-

eral on behalf of the state agency filing the lien if a prior permanent or superior lien is filed against the property. The lien, if not satisfied by the purchaser, is not lost, nor does the augmentation of the amount of the lien in proportion to expenditures made on behalf of the recipient cease.

(d) Claim of lien shall be filed only in those cases which the department, in its discretion, considers proper. If the United States requires, it shall be reimbursed out of the money realized upon the security on a pro-rata basis in proportion to the amount it expended on behalf of the recipient and the remaining amount shall be paid to the Department of Revenue for the assistance granted under secs. 790 - 970 of this chapter.

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

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

Sec. 47.25.930. **Agreements with Federal Government.** The department may enter into agreements, arrangements, or contracts with any federal agency, department, or official under which funds

made available to the federal agency, department, or official may be transferred to the department and spent in accordance with secs. 790 - 970 of this chapter for aid to the permanently and totally disabled.

Sec. 47.25.940. **Purpose.** The purpose of secs. 790 - 970 of this chapter is to furnish financial assistance so far as practicable to needy permanently and totally disabled persons, and to help them obtain self-support or self-care.

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

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

(A) assistance to which he is not entitled;

(B) greater assistance than he is entitled to; or

(C) payment of a forfeited grant or allowance; or

(2) aids or abets in buying or otherwise disposing of the property of the recipient of assistance for the purpose of

voiding liability for the assistance granted.

Sec. 47.25.960. **Definitions.** In secs. 790 - 970 of this chapter,

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

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

(3) "permanently and totally disabled person" means a needy resident of the state who has resided in the state for five years during the nine years immediately preceding the date of application for aid to the permanently and totally disabled while a resident of the state and who is not eligible 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.

Sec. 47.25.970. **Short Title.** Secs. 790-970 of this chapter may be cited as the Aid to the Permanently and Totally Disabled Act.

Sec. 2. This Act takes effect on July 1, 1963.

Approved April 15, 1963

## CHAPTER 64

### AN ACT

**Relating to compensation of district magistrates; and providing for an effective date.**

(C.S.H.B. 93)

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

Section 1. AS 22.15.220 (a) is amended to read:

(a) Each district magistrate shall receive annual compensation to be deter-

mined by the supreme court, but, in any event, not to exceed \$14,000. Compensation shall be payable annually in twelve equal monthly installments.

Sec. 2. This Act takes effect on July 1, 1963.

Approved April 15, 1963