

28-LS0059\C  
Mischel  
3/9/13

**CS FOR HOUSE BILL NO. 16( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-EIGHTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES KELLER, Peggy Wilson**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to procedures and eligibility for specified cash assistance that require**  
2 **citizenship or status as a legal alien and, under certain circumstances, submission of and**  
3 **compliance with a sworn statement not to abuse alcohol or use illegally obtained drugs**  
4 **while receiving assistance."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **\* Section 1. AS 47.25.120 is amended by adding a new subsection to read:**

7 (b) A person must be a citizen of the United States or a legal alien as described  
8 in 8 U.S.C. 1181 - 1186 and not otherwise precluded from eligibility under state or  
9 federal law to be eligible for assistance under AS 47.25.120 - 47.25.300.

10 **\* Sec. 2. AS 47.25.150 is amended to read:**

11 **Sec. 47.25.150. Application for assistance.** A person requesting assistance  
12 shall apply for it, either personally or through another person, on [UPON] forms  
13 furnished and under regulations adopted by the department. Regulations adopted  
14 under this section must

1                   **(1) require an applicant to sign a sworn statement that the**  
2                   **applicant**

3                   **(A) is legally present in the state;**

4                   **(B) does not and will not, while receiving assistance, abuse**  
5                   **alcohol or use illegally obtained drugs; and**

6                   **(2) provide for denial, discontinuation, or modification of the**  
7                   **person's assistance, or assignment of an alternate payee for the person's**  
8                   **assistance, if the person makes a false statement or an intentional**  
9                   **misrepresentation to the department, knowing it was a false statement or an**  
10                   **intentional misrepresentation, to obtain benefits.**

11 \* Sec. 3. AS 47.25.160 is amended to read:

12                   **Sec. 47.25.160. Investigation of applicant and recipient.** The department  
13                   shall promptly investigate each applicant **and recipient** to determine the applicant's  
14                   **and recipient's** eligibility. **The investigation must include a request for reliable**  
15                   **testing for and other evidence of alcohol abuse or use of illegally obtained drugs if**  
16                   **the department reasonably suspects an applicant or recipient of alcohol abuse or**  
17                   **use of illegally obtained drugs.**

18 \* Sec. 4. AS 47.25.180 is amended to read:

19                   **Sec. 47.25.180. Appeal.** An applicant whose application is not acted **on**  
20                   **[UPON]** or is denied, discontinued, or modified by the department shall be granted an  
21                   opportunity for fair hearing before the office of the administrative hearings  
22                   (AS 44.64.010). The hearing shall be held within a reasonable time after demand for  
23                   it. The conduct of the hearing shall be governed by the regulations adopted for that  
24                   purpose by the department. **Refusal by an applicant for assistance or a recipient of**  
25                   **assistance to submit to reliable testing for alcohol abuse or use of illegally**  
26                   **obtained drugs, after the department has notified the applicant or recipient of a**  
27                   **reasonable suspicion of alcohol abuse or use of illegally obtained drugs, creates a**  
28                   **rebuttable presumption that the applicant or recipient made a false statement or**  
29                   **an intentional misrepresentation to the department to obtain benefits.**

30 \* Sec. 5. AS 47.25.440 is amended to read:

31                   **Sec. 47.25.440. Application for assistance.** A person requesting assistance

1 shall apply for it, either personally or through another, on [UPON] forms furnished  
2 and under regulations adopted by the department. Regulations adopted under this  
3 section must

4 (1) require an applicant to sign a sworn statement that the  
5 applicant

6 (A) is legally present in the state;

7 (B) does not and will not, while receiving assistance, abuse  
8 alcohol or use illegally obtained drugs; and

9 (2) provide for denial, discontinuation, or modification of the  
10 person's assistance, or assignment of an alternate payee for the person's  
11 assistance if the person makes a false statement or an intentional  
12 misrepresentation to the department, knowing it was a false statement or an  
13 intentional misrepresentation, to obtain benefits.

14 \* Sec. 6. AS 47.25.450 is amended to read:

15 Sec. 47.25.450. Investigation of applicant and recipient. After receiving an  
16 [UPON] application, the department shall investigate promptly and record the  
17 circumstances of each applicant and recipient to determine the facts supporting the  
18 application and receipt of benefits and other information required by the department.  
19 The investigation must include a request for reliable testing for and other  
20 evidence of alcohol abuse or use of illegally obtained drugs if the department  
21 reasonably suspects an applicant or recipient of alcohol abuse or use of illegally  
22 obtained drugs.

23 \* Sec. 7. AS 47.25.460(c) is amended to read:

24 (c) A recipient whose award is proposed to be modified or terminated, or an  
25 applicant whose application is denied by the department, shall be granted an  
26 opportunity for a hearing before the office of administrative hearings (AS 44.64.010).  
27 The hearing shall be held promptly after a request for hearing is made. The hearing  
28 shall be conducted in accordance with regulations adopted by the department. Refusal  
29 by an applicant for assistance or a recipient of assistance to submit to reliable  
30 testing for alcohol abuse or use of illegally obtained drugs, after the department  
31 has notified the applicant or recipient of a reasonable suspicion of alcohol abuse

1 or use of illegally obtained drugs, creates a rebuttable presumption that the  
2 applicant or recipient made a false statement or an intentional misrepresentation  
3 to the department to obtain benefits.

4 \* Sec. 8. AS 47.27.020(b) is amended to read:

5 (b) On the application, each applicant shall attest, in a sworn statement,

6 (1) to whether the family, at any time, has received cash assistance or  
7 self-sufficiency services from another state program that was established with federal  
8 money under the federal Temporary Assistance for Needy Families program;

9 (2) to [AND] whether the family has ever been disqualified from  
10 receiving cash assistance or self-sufficiency services under the federal Temporary  
11 Assistance for Needy Families program for the period for which the application has  
12 been submitted;

13 (3) that the applicant is legally present in the state; and

14 (4) that the applicant does not and will not, while receiving  
15 assistance, abuse alcohol or use illegally obtained drugs.

16 \* Sec. 9. AS 47.27.030(a) is amended to read:

17 (a) A participant in the Alaska temporary assistance program shall cooperate  
18 with the department, or its designee, to develop and sign a family self-sufficiency plan  
19 that includes

20 (1) the steps the family will take towards the self-sufficiency of the  
21 family;

22 (2) the self-sufficiency services the department will provide to assist  
23 the family to attain self-sufficiency;

24 (3) specific benchmarks to indicate the steps toward successful  
25 completion of the family plan;

26 (4) a statement that the family may be subject to reductions in cash  
27 assistance or self-sufficiency services or other sanctions if the family fails to comply  
28 with the family plan; [AND]

29 (5) a statement that describes the necessary conditions and the steps  
30 that must be taken to renegotiate the terms of the family plan; and

31 (6) a sworn statement that the members of the family do not and

1 **will not, while receiving assistance, abuse alcohol or use illegally obtained drugs.**

2 \* Sec. 10. AS 47.27.080 is amended by adding a new subsection to read:

3 (c) If the determination by the department that denies, limits, or modifies cash  
4 assistance, diversion payments, or self-sufficiency services is based on a reasonable  
5 suspicion of an applicant's or a recipient's alcohol abuse or use of illegally obtained  
6 drugs, the department shall notify the applicant or recipient of the basis for the  
7 suspicion and request the applicant or recipient to submit to reliable testing for alcohol  
8 abuse or illegal drug use. Refusal by an applicant for assistance or a recipient of  
9 assistance to submit to reliable testing for alcohol abuse or use of illegally obtained  
10 drugs creates a rebuttable presumption that the applicant or recipient made a false  
11 statement or an intentional misrepresentation to the department to obtain benefits.

12 \* Sec. 11. AS 47.27.085(a) is amended to read:

13 (a) Except as provided in (b) of this section, the department shall **deny or**  
14 **terminate benefits, assign a protective payee to manage cash assistance, or reduce**  
15 the amount of cash assistance provided to the family of an Alaska temporary  
16 assistance program applicant or participant who, without good cause, **provides false**  
17 **information or misrepresents information, knowing that it was false, to the**  
18 **department to obtain benefits,** fails to comply with a condition of the family self-  
19 sufficiency plan, [WHO] fails to participate in work activities required as a part of the  
20 Alaska temporary assistance program, or [WHO] fails to cooperate with the child  
21 support services agency as required under AS 47.27.040. The reduction shall be,

22 (1) beginning on the date the department makes a finding that the  
23 family is not in compliance under this subsection, 40 percent of the maximum cash  
24 assistance that would be payable under AS 47.27.025 for a family of the same size,  
25 assuming the family has no income counted for purposes of this chapter, until the date  
26 the department determines that the family is in compliance under this subsection if the  
27 family comes into compliance within the first four months after the date of the  
28 department's finding of noncompliance under this subsection; on the date the  
29 department determines that the family is in compliance, the department shall begin to  
30 pay the family the full amount of cash assistance for which the family is eligible;

31 (2) beginning five months after the date the department made the

1 finding that the family was not in compliance under this subsection, 75 percent of the  
2 maximum cash assistance that would be payable under AS 47.27.025 for a family of  
3 the same size, assuming the family has no income counted for purposes of this  
4 chapter, until the date the department determines that the family is in compliance  
5 under this subsection if the family comes into compliance during the fifth, sixth,  
6 seventh, or eighth month after the date the department initially determined that the  
7 family was not in compliance under this subsection; on the date the department  
8 determines that the family is in compliance, the department shall begin to pay the  
9 family the full amount of cash assistance for which the family is eligible;

10 (3) beginning nine months after the date the department made the  
11 finding that the family was not in compliance under this subsection, the full amount of  
12 the family's cash assistance if the noncompliance under this subsection is not corrected  
13 within eight months after the date of the department's initial finding of noncompliance  
14 under this subsection; in order to again receive cash assistance under this chapter, the  
15 family shall reapply under AS 47.27.020 and satisfy all requirements applicable to  
16 applicants under that section.

17 \* Sec. 12. AS 47.27.085(c) is amended to read:

18 (c) An Alaska temporary assistance program applicant or participant who  
19 receives cash assistance, a diversion payment, or self-sufficiency services when not  
20 entitled to them under this chapter because [THE] information provided by the  
21 applicant or participant was false or a misrepresentation made by the applicant or  
22 participant knowing the information to be false, or was otherwise inaccurate or  
23 incomplete, is liable to the department for the value of the cash assistance, diversion  
24 payment, and self-sufficiency services improperly provided to the applicant or  
25 participant.

26 \* Sec. 13. AS 47.27.200(e) is amended to read:

27 (e) An organization's plan for operation of the Alaska Native family assistance  
28 grant must

29 (1) be designed to facilitate self-sufficiency of assistance recipients in  
30 the region specified in the federally approved tribal family assistance plan by  
31 addressing the conditions specific to that region;

1 (2) provide for a reasonable pattern of service delivery from all  
2 providers serving that region;

3 (3) serve a specified region that consists of a geographically cohesive  
4 group of communities that share similar interests, resources, and traditions;

5 (4) establish the same maximum number of months of benefits as is  
6 established for the state program under AS 47.27.015(a)(1); [AND]

7 (5) provide for administration of the grant money received under this  
8 section to establish a program in accordance with the plan accepted by the department  
9 and in compliance with other requirements of this section; the program must include  
10 the following standards for providing assistance to eligible families:

11 (A) only families with at least one dependent child or a woman  
12 in the last trimester of pregnancy are eligible for assistance paid from an  
13 Alaska Native family assistance grant;

14 (B) amounts for assistance provided from an Alaska Native  
15 family assistance grant to eligible families may not exceed the amounts  
16 specified under AS 47.27.025(b) when combined with assistance provided  
17 under the federally approved tribal family assistance grant;

18 (C) to remain eligible for assistance paid from an Alaska  
19 Native family assistance grant, a minor parent of a dependent child must meet  
20 the requirements of AS 47.27.027;

21 (D) families receiving assistance paid from an Alaska Native  
22 family assistance grant shall comply with the provisions of AS 47.27.035(a)  
23 regarding participation in work activities;

24 (E) families receiving assistance paid from Alaska Native  
25 family assistance grant money shall comply with the provisions of (l) - (n) of  
26 this section regarding assignment of support rights and cooperation with the  
27 child support services agency;

28 (F) the organization has an impartial appeals process to allow  
29 affected families in the region of the state covered by the plan accepted by the  
30 department to have a fair hearing;

31 (6) require a sworn statement on an application for benefits that

1  
2  
3  
4  
5  
6  
7  
8  
9

the applicant does not and will not, while receiving assistance, abuse alcohol or use illegally obtained drugs and provide

(A) a procedure for denial, reduction, and termination of benefits and for assignment of an alternate payee;

(B) for an investigation of an applicant and recipient and, if the organization has a reasonable suspicion that an applicant or recipient submitted false information knowing that the information was false, or intentionally misrepresented information, a request for reliable testing and other relevant evidence, including drug or alcohol testing.