

SENATE BILL NO. 98

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Introduced: 2/23/95

Referred: HES, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act making changes related to the aid to families with dependent children
2 program, the Medicaid program, the general relief assistance program, and the
3 adult public assistance program; directing the Department of Health and Social
4 Services to apply to the federal government for waivers to implement the changes
5 where necessary; relating to eligibility for permanent fund dividends of certain
6 individuals who receive state assistance, to notice requirements applicable to the
7 dividend program; and providing for an effective date."

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

9 * **Section 1.** SHORT TITLE. This Act may be known as "The Personal Responsibility Act
10 of 1995."

11 * **Sec. 2.** AS 43.23.005 is amended by adding a new subsection to read:

12 (g) Notwithstanding the provisions of (a) - (c) of this section, an individual is
13 not eligible for a permanent fund dividend for a current year when, during the

1 immediately preceding year, total payments in an amount at least equal to the amount
2 of the current year dividend were made to the individual or on behalf of the individual
3 from one or more of the following programs:

- 4 (1) aid to families with dependent children under AS 47.25.310 -
5 47.25.420;
- 6 (2) Medicaid under AS 47.07;
- 7 (3) adult public assistance under AS 47.25.430 - 47.25.615;
- 8 (4) general relief assistance, including medical assistance, under
9 AS 47.25.120 - 47.25.300.

10 * **Sec. 3.** AS 43.23.028 is amended by adding a new subsection to read:

11 (c) The notice requirements of (a) of this section do not apply to
12 appropriations from the dividend fund to the extent that amounts appropriated for a
13 fiscal year do not exceed the total amount that would have been paid during the
14 immediately preceding fiscal year to individuals who are ineligible to receive dividends
15 under AS 43.23.005(g).

16 * **Sec. 4.** AS 43.23.055 is amended to read:

17 Sec. 43.23.055. DUTIES OF THE DEPARTMENT. The department shall

- 18 (1) annually pay permanent fund dividends from the dividend fund;
- 19 (2) subject to AS 43.23.011 and paragraph (8) of this section, adopt
20 regulations under AS 44.62 (Administrative Procedure Act) that establish procedures
21 and time limits for claiming a permanent fund dividend; the department shall determine
22 the number of eligible applicants by October 1 of the year for which the dividend is
23 declared and pay the dividends by December 31 of that year;
- 24 (3) adopt regulations under AS 44.62 (Administrative Procedure Act)
25 that establish procedures and time limits for an individual upon emancipation or upon
26 reaching majority to apply for permanent fund dividends not received during minority
27 because the parent, guardian, or other authorized representative did not apply on behalf
28 of the individual;
- 29 (4) assist residents of the state, particularly in rural areas, who because
30 of language, disability, or inaccessibility to public transportation need assistance to
31 establish eligibility and to apply for permanent fund dividends;

1 (5) annually determine, in cooperation with the Department of
2 Corrections, the number and identity of individuals ineligible for a permanent fund
3 dividend under AS 43.23.005(d);

4 (6) adopt regulations that are necessary to implement AS 43.23.005(d);

5 (7) adopt regulations that establish procedures for the parent, guardian,
6 or other authorized representative of a disabled individual to apply for prior year
7 permanent fund dividends not received by the disabled individual because no
8 application was submitted on behalf of the individual;

9 (8) adopt regulations that establish procedures for an individual to apply
10 to have a dividend warrant reissued if it is returned to the department as undeliverable
11 or it is not paid within two years of the date of its issuance; however, the department
12 may not establish a time limit within which an application to have a warrant reissued
13 must be filed;

14 (9) adopt regulations establishing an optional longevity bonus program
15 to provide for the direct payment by the department of an individual's permanent fund
16 dividend to an annuity program selected by the individual;

17 **(10) annually determine, in cooperation with the Department of**
18 **Health and Social Services, the number and identity of individuals ineligible for**
19 **a permanent fund dividend under AS 43.23.005(g).**

20 * Sec. 5. AS 47.25.120 is amended to read:

21 Sec. 47.25.120. ELIGIBILITY FOR ASSISTANCE. Financial assistance may
22 be given under AS 47.25.120 - 47.25.300, so far as practicable under the conditions
23 in this state, to a needy person who is **a United States citizen and otherwise** eligible
24 under the regulations of the department. **To the extent necessary to comply with the**
25 **citizenship requirement of this section, assistance under AS 47.25.120 - 47.25.300**
26 **is exempt from the requirement in AS 18.80.255 that state services and funds be**
27 **available to persons regardless of their national origin.**

28 * Sec. 6. AS 47.25.120 is amended by adding a new subsection to read:

29 (b) The department may not grant assistance under AS 47.25.120 - 47.25.300
30 to a person who has been convicted of violating AS 11.56.210 or a law in another
31 jurisdiction with elements substantially equivalent to AS 11.56.210 if the conviction

1 arose out of a written or recorded statement submitted in order to apply for or continue
2 receiving assistance under AS 47.07 or AS 47.25 or similar laws in another
3 jurisdiction.

4 * **Sec. 7.** AS 47.25.320(a) is amended to read:

5 (a) The department shall determine the amount of assistance for a dependent
6 child, and the relative with whom the dependent child is living, with regard to the
7 resources and necessary expenditures of the family and the condition existing in each
8 case. Assistance is sufficient if, when added to all other income and support available
9 to the child, the child and relative have reasonable subsistence compatible with
10 decency and health. However, the amount of assistance may not exceed the following:

11 (1) dependent child living with nonneedy relative: \$451 [FOR A
12 DEPENDENT CHILD WHO IS LIVING IN THE HOME OF A NONNEEDY
13 RELATIVE, \$452], plus \$87 [\$102] for each additional child;

14 (2) dependent child living with parent:

15 (A) for a parent and one dependent child, a maximum of \$767
16 [\$821];

17 (B) for each additional dependent child, or for a second parent,
18 \$87 [\$102] a month per individual;

19 (3) pregnant woman who is otherwise eligible for assistance under this
20 section [, OR A SINGLE-PERSON HOUSEHOLD THAT DOES NOT CONSIST OF
21 A DEPENDENT CHILD]: \$437 [\$514] a month.

22 * **Sec. 8.** AS 47.25.360 is amended to read:

23 Sec. 47.25.360. GRANTING OF ASSISTANCE. Upon the completion of the
24 investigation, the department shall decide whether the child is eligible for assistance
25 under AS 47.25.310 - 47.25.420, the amount of assistance, and the date on which it
26 starts. The department shall notify the person having custody of the child of its
27 decision. **Except as provided in AS 47.25.362(b), the** [THE] assistance shall be paid
28 monthly to the person having custody of the child upon order of the department.

29 * **Sec. 9.** AS 47.25 is amended by adding a new section to read:

30 Sec. 47.25.362. ASSISTANCE TO MINORS WITH CHILDREN. (a) Except
31 as provided in (c) of this section, the department shall require, as a condition of

1 eligibility for assistance, that a minor parent must reside in a

2 (1) place of residence maintained by the minor's parent, legal guardian,
3 or other adult relative of the minor as the parent's, guardian's, or other adult relative's
4 own home; or

5 (2) foster home, maternity home, or other adult-supervised supportive
6 living arrangement.

7 (b) Notwithstanding AS 47.25.360, the department shall, where possible, pay
8 assistance on behalf of a minor parent who is subject to the requirements of (a) of this
9 section to the minor's parent, legal guardian, or other adult relative, or, as applicable,
10 to the head of the adult-supervised supportive living arrangement where the minor
11 parent resides.

12 (c) The provisions of (a) and (b) of this section do not apply if

13 (1) the minor parent does not have a parent or legal guardian who is
14 living and whose whereabouts is known;

15 (2) a living parent or legal guardian of the minor parent will not allow
16 the minor to live in the home of the parent or guardian;

17 (3) the department determines that the physical or emotional health or
18 safety of the minor parent or the minor's child would be jeopardized if the minor and
19 the minor's child lived in the same residence with the minor's parent or guardian;

20 (4) the minor parent lived apart from the minor's parent or legal
21 guardian for either one year before the birth of the dependent child or one year before
22 the minor parent submitted the application for assistance; or

23 (5) the department otherwise determines under regulations that are
24 consistent with corresponding federal regulations that there is good cause for waiving
25 the requirements of (a) of this section in the case of a particular minor parent.

26 (d) In this section, "minor parent" means a person who is under the age of 18,
27 who has never married, and is either

28 (1) the natural parent of a dependent child living in the same
29 household; or

30 (2) eligible for assistance as a pregnant woman.

31 * **Sec. 10.** AS 47.25.421(d) is amended to read:

1 (d) The department shall adopt regulations setting criteria for determining
2 whether a person is in noncompliance with participation requirements of the program
3 for the purpose of imposing sanctions under the program for nonparticipation and for
4 noncompliance with a participation agreement. The department shall consult with
5 Native organizations that are operating similar programs when developing regulations
6 under this subsection. **To the extent allowed under federal law, the sanctions in the**
7 **regulations must include a 20 percent reduction in assistance to a household that**
8 **includes a participant under AS 47.25.421 - 47.25.429 if a**

9 **(1) person required to attend school, job training, counseling, or**
10 **substance abuse treatment under AS 47.25.421 - 47.25.429 refuses to attend**
11 **school, job training, counseling, or substance abuse treatment, as applicable;**

12 **(2) dependent child of school age fails, without good cause, to meet**
13 **standards of adequate levels of school attendance, as defined in the regulations;**
14 **and**

15 **(3) person assigned to a work experience or work supplementation**
16 **program under AS 47.25.421 - 47.25.429 quits participation in the work**
17 **experience or work supplementation program;**

18 **(4) person in the assistance unit who held a job at the time of**
19 **application for assistance under AS 47.25.310 - 47.25.420 voluntarily quits the job**
20 **without immediately starting a new job that pays at least the same amount in**
21 **wages.**

22 * Sec. 11. AS 47.25.430(e) is amended to read:

23 (e) Notwithstanding (a) and (b) of this section, the department shall, in a
24 manner that complies with federal requirements, reduce the maximum state
25 contribution to recipients otherwise payable on **the effective date of this bill section**
26 **[AUGUST 24, 1993]** to the maximum state contribution to recipients that was in
27 effect on **October 1, 1993, minus 1.7 percent** [JANUARY 1, 1992]. On and after **the**
28 **effective date of this bill section** [AUGUST 24, 1993], the department shall, in a
29 manner that complies with federal requirements, calculate the amount of monthly
30 assistance for a recipient based on the maximum state contribution to recipients in
31 effect on **October 1, 1993, minus 1.7 percent** [JANUARY 1, 1992], as modified by

1 any increase under (b) of this section that takes effect on or after the effective date
2 of this bill section.

3 * **Sec. 12.** AS 47.25.455(a) is amended to read:

4 (a) The department shall pay at least \$280 a month to a person eligible for
5 assistance under this chapter until an initial determination of [WHILE] the eligibility
6 of the person for benefits under 42 U.S.C. 1381 - 1385 (Title XVI, Social Security
7 Act, Supplemental Security Income Program [,]) is made. The department shall
8 terminate assistance under this section upon an initial determination that the
9 person is ineligible for assistance under 42 U.S.C. 1381 - 1385 and may not
10 continue assistance under this section during subsequent appeals of the initial
11 determination [BEING DETERMINED]. Payments in excess of \$280 a month may
12 be made under this section if the department determines that money is available for
13 excess payments.

14 * **Sec. 13.** AS 47.25.455(d) is amended to read:

15 (d) Beginning the first full month after a person is determined to be eligible
16 for assistance under 42 U.S.C. 1381 - 1383, the department shall terminate interim
17 assistance to that person under this section, unless it has already been terminated
18 under (a) of this section, and begin payments to the person under AS 47.25.430.

19 * **Sec. 14.** AS 47.25.455 is amended by adding a new subsection to read:

20 (e) A person applying for assistance under this section shall, as a condition of
21 eligibility for the assistance, agree to repay the assistance to the state upon a final
22 determination that the person is not eligible to receive a benefit under 42 U.S.C.
23 1381 -1383.

24 * **Sec. 15.** STATEWIDE PROGRAM CHANGES; WAIVERS. (a) The Department of
25 Health and Social Services shall, by December 31, 1995, seek appropriate waivers from the
26 federal government to implement secs. 16 - 26 of this Act. The department shall seek to
27 implement the changes made by these sections on a statewide basis, using control groups if
28 required by the federal government.

29 (b) To the extent that the federal government approves the necessary waivers and to
30 the extent that the department determines that a waiver is not necessary, the department shall
31 implement secs. 16 - 26. The commissioner of health and social services shall promptly

1 notify the revisor of statutes of the effective date of implementation of any part of secs. 16 -
2 26 and whether the basis for doing so is approval of a waiver or a determination that a waiver
3 is not necessary.

4 * **Sec. 16.** FIVE-YEAR LIMIT ON AFDC BENEFITS. Notwithstanding other provisions
5 of AS 47.25.310 - 47.25.420 and this Act, a person is not eligible to receive benefits under
6 AS 47.25.310 - 47.25.420 for more than a total of 60 months as the caretaker of a dependent
7 child or as a pregnant woman unless the person is permanently totally physically or mentally
8 disabled.

9 * **Sec. 17.** SCHOOL ATTENDANCE. (a) The Department of Health and Social Services
10 shall reduce by 20 percent the assistance for which an assistance unit is otherwise eligible
11 under AS 47.25.310 - 47.25.420 if a person in the assistance unit who is of school age fails,
12 without good cause, to meet standards of adequate levels of school attendance, as defined in
13 regulations of the department. The department may not assess a reduction under both this
14 subsection and sec. 30(d)(2) of this Act.

15 (b) In addition to assistance under AS 47.25.310 - 47.25.420 to which an assistance
16 unit is otherwise eligible, the department shall pay to the assistance unit the amount of \$200
17 upon the graduation from secondary school, or an equivalent level of technical or vocational
18 training, of a person in the assistance unit who is receiving assistance at the time of graduation
19 or of a person living in the same household as the assistance unit whose parent in the
20 household is receiving assistance at the time of the person's graduation. Payment under this
21 subsection may be made only once per person.

22 * **Sec. 18.** JOB RETENTION REQUIREMENT FOR RECIPIENTS. The Department of
23 Health and Social Services shall reduce by 20 percent the assistance for which an assistance
24 unit is otherwise eligible under AS 47.25.310 - 47.25.420 if a person in the assistance unit
25 who held a job at the time of application for assistance voluntarily quits the job without
26 immediately starting a new job that pays at least the same net amount in earnings.

27 * **Sec. 19.** PARENTAGE ESTABLISHMENT. (a) Unless exempt under (b) of this
28 section, an applicant for assistance under AS 47.25.310 - 47.25.420 must include on the
29 application the name of each dependent child's mother and father.

30 (b) Notwithstanding other provisions of AS 47.25.310 - 47.25.420, assistance under
31 AS 47.25.310 - 47.25.420 may not be paid to a family with respect to a dependent child

1 whose paternity has not been established, and the child's needs shall be disregarded in
2 determining the amount of assistance to the child's family unless

3 (1) the child was conceived as a result of rape or incest;

4 (2) the department determines that efforts to establish paternity would result
5 in physical danger to the relative claiming the assistance; or

6 (3) the relative claiming assistance on behalf of the child alleges that any of
7 not more than three named individuals may be the biological father of the child and provides
8 the address of each of the named individuals or the address of the immediate relatives of the
9 named individual and the state has not disproved the allegation; if this paragraph is
10 applicable, assistance is payable to the family, but the needs of the dependent child whose
11 paternity is uncertain shall be disregarded in determining the amount of the assistance;
12 however, the entire family is eligible for medical assistance under AS 47.07.

13 (c) A relative who claims assistance on behalf of a dependent child for whom
14 paternity has not been established and who alleges that the dependent child's biological father
15 is deceased has the burden of proving the paternity allegation under procedures that the
16 department may establish.

17 * **Sec. 20.** PERSONAL RESPONSIBILITY STATEMENT. (a) Before the department
18 may grant assistance under AS 47.25.310 - 47.25.420 to a person, the potential recipient shall
19 sign the personal responsibility statement described in (b) of this section.

20 (b) The personal responsibility statement referred to in (a) of this section shall read
21 as follows:

22 **STATE OF ALASKA**
23 **PERSONAL RESPONSIBILITY AGREEMENT**
24 **FOR AFDC RECIPIENTS**

25 I understand that public assistance is not intended to be a way of life, but to
26 be temporary assistance, and that becoming self-sufficient through work is
27 expected to be my personal goal. Therefore, I promise the citizens of the State
28 of Alaska that, in return for receiving public assistance, I accept personal
29 responsibility for myself and my family, and, at a minimum, will abide by the
30 following requirements:

31 * I promise, upon entry into the job placement track, to develop a self-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

sufficiency plan jointly with my family and a caseworker, to obtain a job, and to follow the plan.

* I understand that, if I am in the job placement track, workfare, or JOBS program, I will be sanctioned if I quit my job without good cause, or refuse to accept a job, or quit school, job training, counseling, or a substance abuse program.

* I promise to accept any reasonable employment as soon as it becomes available.

* I understand that I will lose cash benefits and will be permanently ineligible for public assistance if I commit welfare fraud.

* I understand that I will not receive any additional cash benefits if I have additional children while on public assistance. I am free to have as many children as I choose, but the citizens of the State of Alaska will not be required to pay for them.

* I promise to take responsibility for making sure that my children attend school. I understand that I will be sanctioned if my children are not in school on a regular basis.

* I promise to live with my parents, with a responsible adult relative, or in an adult-supervised foster home, maternity home, or other situation if I am a minor parent or a pregnant teenager in order to receive public assistance.

* I understand that, if I enter the JOBS program, workfare program, or job placement track, I will receive AFDC cash benefits for no more than 24 months from the date I begin receiving AFDC cash benefits unless the state finds an exception in my case.

* I promise to take all the necessary steps to become self-sufficient and to take responsibility for myself and my family.

I make this promise to the citizens of the State of Alaska on this _____ day of _____ in the year _____.

Signature of AFDC Recipient

Governor of Alaska

*** Sec. 21. NO AID FOR ADDITIONAL CHILD CONCEIVED WHILE ON WELFARE.**

(a) Notwithstanding other provisions of AS 47.25.310 - 47.25.420, assistance is not payable with respect to a child born to

(1) a recipient of assistance under AS 47.25.310 - 47.25.420; or

(2) an individual who received assistance under AS 47.25.310 - 47.25.420 at any time during the 10-month period ending with the birth of the child.

(b) The provisions of (a) of this section do not apply to

(1) a child who is the only dependent child on whose behalf the individual is eligible to receive assistance under AS 47.25.310 - 47.25.420; or

(2) children who are born during a multiple birth if the children are the only dependent children on whose behalf the individual is eligible to receive assistance under AS 47.25.310 - 47.25.420.

*** Sec. 22. PERMANENT WELFARE INELIGIBILITY AFTER WELFARE FRAUD. (a)**

A person is permanently ineligible for assistance under AS 47.07 and AS 47.25 upon conviction of violating AS 11.56.210 or a law in another jurisdiction with elements substantially equivalent to AS 11.56.210 if the conviction arose out of a written or recorded statement submitted in order to apply for or continue receiving assistance under AS 47.07 or AS 47.25 or similar laws in another jurisdiction.

(b) This section applies to offenses committed on or after the effective date of this section.

*** Sec. 23. ALIENS INELIGIBLE FOR ASSISTANCE.** Notwithstanding AS 18.80.255, a person who is not a United States citizen is not eligible for assistance under AS 47.07 or AS 47.25.310 - 47.25.615, except for emergency medical services under AS 47.07, unless the person

(1) was admitted within the six years immediately preceding the payment of assistance as a refugee under sec. 607 of the Immigration and Naturalization Act; or

(2) is over 75 years of age, has resided in the United States for at least five years, and has been lawfully admitted to the United States for permanent residence.

1 * **Sec. 24.** INFORMATION ABOUT ILLEGAL ALIENS. The Department of Health and
2 Social Services shall provide to the United States Immigration and Naturalization Service the
3 name, address, and other identifying information that the department has with respect to an
4 individual unlawfully in the United States any of whose children is a citizen of the United
5 States.

6 * **Sec. 25.** TRANSITIONAL BENEFITS AFTER MARRIAGE. The Department of Health
7 and Social Services may continue to grant assistance under AS 47.25.310 - 47.25.420 to a
8 family unit when the recipient of assistance marries an individual who is not a parent of a
9 child of the recipient and, but for the operation of this section, the resulting family would have
10 become ineligible for continued assistance under AS 47.25.310 - 47.25.420 by reason of the
11 marriage. Continued assistance under this section is limited to six months after the marriage.

12 * **Sec. 26.** ALCOHOL AND DRUG TESTING; TREATMENT PROGRAMS. (a) As a
13 condition of eligibility for assistance under AS 47.25.310 - 47.25.420, an applicant or recipient
14 who the Department of Health and Social Services determines is addicted to alcohol or drugs
15 shall agree to

16 (1) participate, and must maintain satisfactory participation, in an appropriate
17 addiction treatment program, if available; and

18 (2) submit to tests for the presence of alcohol or drugs, without advance notice,
19 while receiving the assistance.

20 (b) An applicant or recipient who fails to comply with (a) of this section is not
21 eligible for assistance under AS 47.25.310 - 47.25.420 during the two-year period that begins
22 with the failure to comply, but shall be considered to be receiving the assistance for purposes
23 of eligibility for medical assistance under AS 47.07.

24 * **Sec. 27.** DEMONSTRATION PROJECT; WAIVERS. (a) The Department of Health
25 and Social Services shall, by December 31, 1995, seek appropriate waivers from the federal
26 government to implement the AFDC demonstration project described in secs. 28 - 34 of this
27 Act. The department shall seek to implement the changes made by these sections in the
28 project area, using control groups if required by the federal government. To the extent that
29 the federal government approves the necessary waivers, the department shall implement secs.
30 28 - 34. The commissioner of health and social services shall promptly notify the revisor of
31 statutes of the effective date of implementation of any part of secs. 28 - 34.

1 (b) Notwithstanding (a) of this section, if changes in federal statutes or regulations
2 occur after the effective date of this section and would have a major effect on the design,
3 implementation, or operation of the project, the department shall

4 (1) apply for and implement only the waivers that relate to the parts of the
5 project that are not substantially affected by the changes in federal statutes or regulations; if
6 the department determines that the parts of the project that are not substantially affected by
7 the federal changes do not comprise a fiscally responsible project, the department is not
8 required to apply for or implement waivers under this Act and may discontinue operation of
9 the project under waivers that were implemented before the federal changes occurred;

10 (2) report to the legislature its recommendations for changes in its statutory
11 authority that may be needed in order to implement a fiscally responsible project in light of
12 conflicting or permissive changes in federal statutes or regulations.

13 (c) To the extent that the department determines that a provision of secs. 28 - 34 may
14 be implemented on a statewide basis without the need for a waiver to be approved, the
15 department shall implement that provision on a statewide basis. The commissioner of health
16 and social services shall notify the revisor of statutes of the effective date of any
17 implementation of secs. 28 - 34 under this subsection.

18 * **Sec. 28. EARNED INCOME DISREGARD; WAIVER OF "100-HOUR" RULE; AUTO**
19 **ALLOWANCE.** When determining the AFDC eligibility of a family in the project area and
20 when determining the amount of assistance to which a family in the project area is entitled,
21 the department shall

22 (1) disregard, for 24 months, \$200 plus one-third of the remainder of the
23 earned income of each person in the family unless federal regulations require that more earned
24 income of a person must be disregarded; for a family that applies for AFDC after this
25 paragraph has been implemented, this 24 months begins with the month for which the family
26 is first granted AFDC; for a family that is already receiving assistance when this paragraph
27 is implemented, this 24 months begins with the first month during which this paragraph is
28 implemented;

29 (2) waive the requirement that, for purposes of assistance for a dependent child
30 of unemployed parents, the principal wage-earning parent must be employed less than 100
31 hours a month; and

1 (3) allow the exclusion of \$5,000 of the combined equity of motor vehicles
2 used by the family for basic family transportation, transportation of a disabled child in the
3 household, or transportation of a member of the family to or from employment, training, or
4 participation in an activity required under sec. 29 or 30 of this Act; if the combined equity of
5 vehicles described in this paragraph exceeds \$5,000, the department shall apply the excess
6 equity amount toward the asset limit otherwise applicable to the family.

7 * **Sec. 29. WORKFARE.** (a) Each member of a family in the project area who is 18 years
8 of age or older shall participate for 21 hours a week in an uncompensated activity if assigned
9 to the activity by the department. The department shall assess the availability of activities that
10 satisfy the purposes of this subsection in each part of the project area and attempt to develop
11 additional activities where necessary. When assessing the availability of activities that are
12 suitable as uncompensated activities under this section and in assigning persons to those
13 activities, the department shall consider activities recommended by governmental
14 representatives of boroughs, cities, and communities and others in the project area. The
15 department shall penalize the family for failure of a person to comply with this subsection by
16 disregarding that person as a member of the family for purposes of determining the amount
17 of AFDC assistance given to the family.

18 (b) If organizations exist in the project area that have had successful experience in
19 conducting employment placement services, community services, and job training programs,
20 the department shall offer on a competitive basis contracts to those organizations to administer
21 (a) of this section. A contract under this subsection must provide that the department shall
22 make the determinations required under (c) and (d) of this section and the contractor shall
23 perform the duties assigned to the department under (a) of this section with respect to
24 uncompensated activities, including assessment of their availability, development of additional
25 activities, consideration of activities recommended by governmental representatives, and
26 assignment of persons to specific activities after referral of those persons to the contractor by
27 the department.

28 (c) The requirement to participate in an uncompensated activity under (a) of this
29 section does not apply to a person who

30 (1) has paid employment of at least 15 hours a week; a person who has paid
31 employment of less than 15 hours a week shall participate in an uncompensated activity

1 assigned under (a) of this section for the number of hours that, when added to the hours of
2 paid employment, equals 21;

3 (2) is participating in an activity under AS 47.25.421 - 47.25.429 (JOBS
4 program);

5 (3) is assigned to a job placement track under sec. 30 of this Act;

6 (4) is participating in an activity under a program operated by an Indian or
7 Native organization under 42 U.S.C. 682(i) unless the Indian or Native organization agrees
8 to the person's inclusion in the project;

9 (5) is exempt from participating in an activity under AS 47.25.421 - 47.25.429
10 (JOBS program);

11 (6) is the parent or other relative of a child under six years of age living in the
12 same household who personally provides care for the child; or

13 (7) is determined, according to regulations of the department, to be physically
14 or mentally unable to perform any reasonable activity that may be assigned under this section;
15 or

16 (8) is a parent who is providing care for a child with a developmental disability
17 as defined by AS 47.80.900.

18 (d) Notwithstanding (a) of this section, the department may not require a person to
19 participate in an uncompensated activity under (a) of this section unless the department agrees
20 to pay for

21 (1) costs of child care determined by the department to be necessary for the
22 person's participation; and

23 (2) transportation expenses determined by the department to be necessary for
24 the person's participation in the activity.

25 * **Sec. 30. JOB PLACEMENT TRACK.** (a) Except as provided in (b) of this section,
26 a member of a family in the project area who is 18 years of age or older may be assigned by
27 the department to a job placement track if the department determines after a comprehensive
28 family assessment that the person has the potential to succeed, within two years from the time
29 of assignment to the track, in finding and maintaining private unsubsidized employment at a
30 wage that would provide the person's family with net income equal to or greater than what
31 the family would receive from AFDC. In making its determination under this subsection, the

1 department shall consider

2 (1) the person's literacy and educational attainment level;

3 (2) the need for and availability of child care to enable the person to get and
4 keep employment;

5 (3) whether the person has a history of substance abuse;

6 (4) the person's prior work history;

7 (5) the person's medical history;

8 (6) whether the person has experienced sexual or physical abuse;

9 (7) whether the person is needed in the home to care for an incapacitated child
10 or other relative;

11 (8) whether there exist in the person's household the mental and emotional
12 support systems that may be necessary.

13 (b) The department may not assign to a job placement track a person who is the
14 parent of a child under the age of three unless all of the person's children who are under the
15 age of three were born while the person was receiving AFDC.

16 (c) The department and a person assigned to the job placement track shall complete
17 a self-sufficiency plan that identifies the respective responsibilities of the department and the
18 person that must be met in order for the person to get and keep employment.

19 (d) The department shall assess a 20 percent reduction in AFDC to a household that
20 includes a person assigned to the job placement track where a

21 (1) person required to attend school, job training, counseling, or substance
22 abuse treatment under AS 47.25.421 - 47.25.429 refuses to attend school, job training,
23 counseling, or substance abuse treatment, as applicable;

24 (2) person in the assistance unit who is of school age fails, without good cause,
25 to meet standards of adequate levels of school attendance, as defined in the regulations;

26 (3) person assigned to a work experience or work supplementation program
27 under AS 47.25.421 - 47.25.429 quits participation in the work experience or work
28 supplementation program; and

29 (4) person in the assistance unit who held a job at the time of application for
30 AFDC or who obtains a job while receiving AFDC voluntarily quits the job without
31 immediately starting a new job that pays at least the same net amount in wages.

1 * **Sec. 31. TIME LIMIT ON AFDC BENEFITS.** (a) Except as provided in (b) of this
2 section, a family in the project area who has a member assigned to an activity under the JOBS
3 program under AS 47.25.421 - 47.25.429, assigned to a workfare activity under sec. 29 of this
4 Act, or assigned to a job placement track under sec. 30 of this Act, is ineligible for AFDC
5 beginning with the 25th month after the person is assigned and does not become eligible to
6 apply for AFDC again until 84 months after the person is assigned.

7 (b) The AFDC eligibility of a family described in (a) of this section shall be extended
8 beyond 24 months from the assignments described in (a) of this section if the assigned person
9 has cooperated with the department and has substantially complied with the requirements of
10 the program to which the person was assigned but

11 (1) a temporary and verified physical or mental condition, as supported by
12 appropriate medical documentation, prevents the person from attaining and maintaining
13 employment that would provide the family with net income equal to or greater than what the
14 family would receive from the AFDC grant;

15 (2) the department failed to comply with AS 47.25.427 with respect to the
16 family or has substantially failed to provide the services specified in the person's self-
17 sufficiency plan;

18 (3) despite all appropriate efforts, the person has been unable to find, or has
19 lost without cause, employment that would provide the family with net income equal to or
20 greater than what the family would receive from AFDC; or

21 (4) other unique circumstances exist, as determined by the department, that
22 prevent the person from obtaining or retaining adequate employment.

23 (c) Notwithstanding (a) of this section, a family in the project area that becomes
24 ineligible for AFDC solely by operation of (a) of this section nevertheless remains eligible for
25 medical assistance under AS 47.07 for a period of 12 months after losing eligibility for AFDC
26 under (a) of this section.

27 * **Sec. 32. PROJECT AREA.** The department shall determine the area in which the project
28 will be implemented by choosing four municipalities as follows:

29 (1) the municipality that had the highest number of households receiving
30 AFDC in fiscal year 1993;

31 (2) a municipality contiguous to the municipality determined under (1) of this

1 section;

2 (3) an area consisting of

3 (A) a home rule city that is contained within the boundaries of a second
4 class borough and has a population of at least 15,000 persons; and

5 (B) the second class borough that contains the city described in (A) of
6 this paragraph; and

7 (4) the largest municipality, as measured by square miles, including the cities
8 within the municipality.

9 * **Sec. 33.** COOPERATION. State agencies shall cooperate with the department to the
10 extent necessary to implement secs. 28 - 34 of this Act.

11 * **Sec. 34.** DEFINITIONS. In secs. 28 - 34 of this Act,

12 (1) "AFDC" means the program of aid to families with dependent children
13 under AS 47.25.310 - 47.25.420;

14 (2) "department" means the Department of Health and Social Services;

15 (3) "project" means the department's implementation of the eligibility
16 modifications and requirements of secs. 28 - 31 of this Act, to the extent that the federal
17 government approves those modifications and requirements;

18 (4) "project area" means the area established by the department under sec. 32
19 of this Act.

20 * **Sec. 35.** AS 47.25.310(c) is repealed.

21 * **Sec. 36.** Sections 15 - 34 of this Act are repealed June 30, 2001.

22 * **Sec. 37.** APPLICABILITY. AS 47.25.455(a) and (d), as amended by secs. 12 and 13
23 of this Act, and AS 47.25.455(e), added by sec. 14 of this Act, apply to

24 (1) applications for assistance under AS 47.25.455 that are submitted to, or pending
25 with, the Department of Health and Social Services on or after the effective date of secs. 12 -
26 14 of this Act; and

27 (2) recipients of assistance under AS 47.25.455 whose determinations of eligibility for
28 assistance under 42 U.S.C. 1381 - 1385 are not final by the effective date of secs. 12 - 14 of
29 this Act.

30 * **Sec. 38.** Section 6 of this Act applies to offenses committed on or after the effective date
31 of sec. 6 of this Act.

1 * **Sec. 39.** Except as provided in sec. 40 of this Act, this Act takes effect immediately
2 under AS 01.10.070(c).

3 * **Sec. 40.** Sections 15 - 34 of this Act take effect on the approval of applicable waivers
4 or upon a determination that a waiver is not needed as provided in secs. 15 and 27 of this Act.