

CS FOR SENATE BILL NO. 98(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/28/95
Referred: Finance

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

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; relating to the duties of the Department of
4 Health and Social Services; establishing a 30-day residency requirement for the
5 program of aid to families with dependent children (AFDC); reducing AFDC
6 payment levels; requiring minor parents to live in adult-supervised living
7 arrangements in order to be eligible for AFDC benefits; limiting AFDC benefits
8 to 24 months under certain circumstances; limiting AFDC benefits to 60 months
9 under other circumstances; establishing penalties for noncompliance with certain
10 AFDC program requirements; requiring the signing of a personal responsibility
11 statement as an eligibility requirement for the AFDC program; prohibiting
12 increases in AFDC benefits for a child who is born while the parent is receiving

1 AFDC benefits or if the parent was receiving AFDC benefits at any time during
2 the 10 months preceding the child's birth, with exceptions; establishing a workfare
3 pilot project for AFDC recipients; providing that payment of AFDC benefits to
4 residents of the state who have resided here less than six months will be at the
5 level they would have qualified for in their previous state of residency, with some
6 exceptions; prohibiting the payment of interim adult public assistance while an
7 initial determination of ineligibility is being appealed; and providing for an
8 effective date."

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

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

12 * **Sec. 2.** AS 47.05 is amended by adding a new section to read:

13 Sec. 47.05.012. INFORMATION ABOUT ILLEGAL ALIENS. (a) The
14 Department of Health and Social Services shall provide to the United States
15 Immigration and Naturalization Service the name, address, and other identifying
16 information that the department has with respect to an individual unlawfully in the
17 United States any of whose children is a citizen of the United States.

18 (b) The department shall implement this section only to the extent that
19 implementation is not prohibited under federal law.

20 * **Sec. 3.** AS 47.07 is amended by adding a new section to read:

21 Sec. 47.07.022. PERMANENT INELIGIBILITY AFTER WELFARE FRAUD.
22 (a) Notwithstanding AS 47.07.020, a person is permanently ineligible for assistance
23 under this chapter upon conviction of violating AS 11.56.210 or a law in another
24 jurisdiction with elements substantially similar to AS 11.56.210 if the conviction arose
25 out of a written or recorded statement submitted in order to apply for or continue
26 receiving assistance under this chapter or AS 47.25 or similar laws in another
27 jurisdiction.

28 (b) The department shall implement this section only to the extent that

1 implementation is not prohibited under federal law.

2 * **Sec. 4.** AS 47.25.120 is amended by adding a new subsection to read:

3 (b) The department may not grant assistance under AS 47.25.120 - 47.25.300
4 to a person who has been convicted of violating AS 11.56.210 or a law in another
5 jurisdiction with elements substantially similar to AS 11.56.210 if the conviction arose
6 out of a written or recorded statement submitted in order to apply for or continue
7 receiving assistance under AS 47.07 or this chapter or similar laws in another
8 jurisdiction.

9 * **Sec. 5.** AS 47.25.310(a) is amended to read:

10 (a) The department shall grant assistance to the family of each dependent child
11 and each pregnant woman it determines **under AS 01.10.055 has been a resident of**
12 **the state for at least 30 days immediately preceding the application for assistance**
13 **and** is **otherwise** eligible for assistance under AS 47.25.310 - 47.25.420. The
14 department shall apply sanctions authorized under AS 47.25.421(d) for failure to
15 comply with the requirements of the JOBS program established under AS 47.25.421 -
16 47.25.429, or the requirements of an Indian or Native program approved under 42
17 U.S.C. 682(i).

18 * **Sec. 6.** AS 47.25 is amended by adding new sections to read:

19 Sec. 47.25.311. INELIGIBILITY FOR ASSISTANCE. (a) A person is
20 permanently ineligible for assistance under AS 47.25.310 - 47.25.420 upon conviction
21 of violating AS 11.56.210 or a law in another jurisdiction with elements substantially
22 similar to AS 11.56.210 if the conviction arose out of a written or recorded statement
23 submitted in order to apply for or continue receiving assistance under AS 47.07, this
24 chapter, or similar laws in another jurisdiction.

25 (b) Assistance is not payable with respect to a child born to

26 (1) an individual who is receiving assistance under AS 47.25.310 -
27 47.25.420 at the time of the birth; or

28 (2) an individual who received assistance under AS 47.25.310 -
29 47.25.420 at any time during the 10-month period ending with the birth of the child.

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

31 (1) a child who is the only dependent child on whose behalf the

1 individual is otherwise eligible to receive assistance under AS 47.25.310 - 47.25.420;
2 or

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

6 (d) A person is not eligible to receive benefits under AS 47.25.310 - 47.25.420
7 for more than a total of 60 months as the caretaker of a dependent child or as a
8 pregnant woman unless the person is permanently totally physically or mentally
9 disabled.

10 (e) The department shall implement this section only to the extent that
11 implementation is not prohibited under federal law. To the extent that this section may
12 be implemented under federal law, its provisions supersede inconsistent provisions of
13 AS 47.25.310 - 47.25.420.

14 Sec. 47.25.315. ASSISTANCE TO MINORS WITH CHILDREN. (a) Except
15 as provided in (c) of this section, the department shall require, as a condition of
16 eligibility for assistance, that a minor parent must reside in a

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

20 (2) foster home, maternity home, or other adult-supervised supportive
21 living arrangement; however, the minor may satisfy the condition of eligibility
22 imposed by this subsection by residing in a foster home, maternity home, or other
23 adult-supervised supportive living arrangement only if

24 (A) the minor parent does not have a parent, legal guardian, or
25 other adult relative who is living and whose whereabouts are known;

26 (B) there is no living parent, legal guardian, or adult relative of
27 the minor parent who will allow the minor to live in the home of the parent,
28 legal guardian, or adult relative; or

29 (C) the department determines that the physical or emotional
30 health or safety of the minor parent or the minor's child would be jeopardized
31 if the minor and the minor's child lived in the same residence with any of the

1 minor's parents, legal guardian, or other adult relatives.

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

7 (c) The provisions of (a) of this section do not apply if

8 (1) the minor parent lived apart from the minor's parent or legal
9 guardian for either one year before the birth of the dependent child or one year before
10 the minor parent submitted the application for assistance; or

11 (2) the department otherwise determines under regulations that there is
12 good cause for waiving the requirements of (a) of this section in the case of a
13 particular minor parent.

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

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

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

19 (e) The department shall implement this section only to the extent that
20 implementation is not prohibited under federal law. To the extent that this section may
21 be implemented under federal law, its provisions supersede inconsistent provisions of
22 AS 47.25.310 - 47.25.420.

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

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

30 (1) dependent child living with nonneedy relative: \$463 [FOR A
31 DEPENDENT CHILD WHO IS LIVING IN THE HOME OF A NONNEEDY

1 RELATIVE, \$452], plus \$87 [\$102] for each additional child;

2 (2) dependent child living with parent:

3 (A) for a parent and one dependent child, a maximum of \$767
4 [\$821];

5 (B) for each additional dependent child, or for a second parent,
6 \$87 [\$102] a month per individual;

7 (3) pregnant woman who is otherwise eligible for assistance under this
8 section, or a single-person household that does not consist of a dependent child: \$437
9 [\$514] a month.

10 * **Sec. 8.** AS 47.25 is amended by adding new sections to read:

11 Sec. 47.25.341. PARENTAGE ESTABLISHMENT. (a) Unless exempt under
12 (b) of this section, an applicant for assistance under AS 47.25.310 - 47.25.420 shall
13 include on the application the name of each dependent child's mother and father.

14 (b) Notwithstanding other provisions of AS 47.25.310 - 47.25.420, assistance
15 under AS 47.25.310 - 47.25.420 may not be paid to a family with respect to a
16 dependent child whose parent or legal guardian refuses to provide the names of the
17 dependent child's mother and father and the child's needs shall be disregarded in
18 determining the amount of assistance to the child's family unless

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

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

22 (3) the parent or other relative claiming assistance on behalf of the
23 child alleges that any of not more than three named individuals may be the biological
24 father of the child and provides the address of each of the named individuals or the
25 address of the immediate relatives of the named individual and the state has not
26 disproved the allegation.

27 (c) The department shall implement this section only to the extent that
28 implementation is not prohibited under federal law. To the extent that this section may
29 be implemented under federal law, its provisions supersede inconsistent provisions of
30 AS 47.25.310 - 47.25.420.

31 Sec. 47.25.342. REFERRAL TO JOBS PROGRAM. At the time of initial

1 application under AS 47.25.340, the department shall inform the applicant about the
2 job opportunity and basic skills program operated under AS 47.25.421 - 47.25.429 and
3 programs operated by Indian and Native organizations under 42 U.S.C. 682(i). The
4 department shall also assist an applicant and each adult member of the applicant's
5 household with the development of a plan that outlines the steps that may be necessary
6 for the person to take in order to become self-sufficient and identifies the help that the
7 department or another state agency can provide in order to assist the person in
8 becoming self-sufficient. The requirements of this section do not apply to minors or
9 permanently disabled adults who are applicants or members of the applicant's
10 household.

11 Sec. 47.25.343. SHORT-TERM NONCASH ASSISTANCE. (a) At the time
12 a person applies for assistance under AS 47.25.310 - 47.25.420, the department shall
13 make a preliminary assessment of whether the assistance unit, with noncash assistance
14 for food, child care, and health care, could be helped through a short-term crisis
15 without the need to resort to financial assistance.

16 (b) If the preliminary assessment under (a) of this section indicates that
17 noncash assistance may be sufficient to enable the applicant to remain self-sufficient
18 financially and the department determines from the information provided on the
19 application that the assistance unit appears to be eligible for assistance under
20 AS 47.25.310 - 47.25.420, the department may, instead of processing the application,

21 (1) pay for child care that is necessary for the applicant or a member
22 of the applicant's family to get or maintain paid employment;

23 (2) provide food stamps sufficient for the family's needs, considering
24 other resources; and

25 (3) provide coverage under AS 47.07 (Medicaid) for the family's health
26 care needs.

27 (c) The assistance provided under (b) of this section may be provided for up
28 to six consecutive months or until the department determines that the family no longer
29 meets the eligibility requirements for assistance, whichever is earlier.

30 (d) The department shall implement this section only to the extent that
31 implementation is not prohibited under federal law. To the extent that this section may

1 be implemented under federal law, its provisions supersede inconsistent provisions of
2 AS 47.25.310 - 47.25.420.

3 * **Sec. 9.** AS 47.25 is amended by adding new sections to read:

4 Sec. 47.25.351. PERSONAL RESPONSIBILITY STATEMENT. (a) Before
5 the department may grant assistance under AS 47.25.310 - 47.25.420 to a person, the
6 potential recipient shall sign the personal responsibility statement described in (b) of
7 this section. The department may make technical corrections in the language of the
8 statement to reflect changes in the names of the education, training, and assistance
9 programs referred to in the statement.

10 (b) With the exception of technical corrections that may be made by the
11 department under (a) of this section, the personal responsibility statement referred to
12 in (a) of this section shall read as follows:

13 **STATE OF ALASKA**
14 **PERSONAL RESPONSIBILITY AGREEMENT**
15 **FOR AFDC RECIPIENTS**

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

- 22 * I promise to develop a self-sufficiency plan jointly with my family and
23 a caseworker, to obtain a job, and to follow the plan.
- 24 * I understand that, if I am in the workfare or JOBS program, I will be
25 penalized if I quit my job without good cause, or refuse to accept a job,
26 or quit school, job training, counseling, or a substance abuse program.
- 27 * I promise to accept any reasonable employment as soon as it becomes
28 available.
- 29 * I understand that I will lose cash benefits and will be permanently
30 ineligible for public assistance if I commit welfare fraud.
- 31 * I understand that I will not receive any additional cash benefits if I have

1 additional children while on public assistance. I am free to have
2 as many children as I choose, but the citizens of the State of
3 Alaska will not be required to pay for them.

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

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

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

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

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

20 _____
21 Signature of AFDC Recipient

22 _____
23 Governor of Alaska

24 (c) The department shall implement this section only to the extent that
25 implementation is not prohibited under federal law. To the extent that this section may
26 be implemented under federal law, its provisions supersede inconsistent provisions of
27 AS 47.25.310 - 47.25.420.

28 Sec. 47.25.352. WAIVER OF "100-HOUR" RULE; AUTO ALLOWANCE.

29 (a) When determining the eligibility of a family and when determining the amount
30 of assistance to which a family is entitled, the department shall

31 (1) waive the requirement that, for purposes of assistance for a

1 dependent child of unemployed parents, the principal wage-earning parent must be
2 employed less than 100 hours a month; and

3 (2) allow the exclusion of \$5,000 of the combined equity of motor
4 vehicles used by the family for basic family transportation, transportation of a disabled
5 child in the household, or transportation of a member of the family to or from
6 employment, training, or participation in an activity required under AS 47.25.363 or
7 47.25.421 - 47.25.429, if the combined equity of vehicles described in this paragraph
8 exceeds \$5,000, the department shall apply the excess equity amount toward the asset
9 limit otherwise applicable to the family.

10 (b) The department shall implement this section only to the extent that
11 implementation is not prohibited under federal law. To the extent that this section may
12 be implemented under federal law, its provisions supersede inconsistent provisions of
13 AS 47.25.310 - 47.25.420.

14 Sec. 47.25.353. TWO-TIER PAYMENT SYSTEM. (a) The department shall
15 verify the state of residence for the previous six months for each new family that
16 applies for assistance under AS 47.25.310 - 47.25.420. The residence history of the
17 caretaker relative of the child for whom assistance is being sought shall be used to
18 determine the prior state of residence for the entire family.

19 (b) Upon determination of the eligibility of a family whom the department
20 determines under (a) of this section has resided in the state for less than six months
21 immediately preceding the family's application for assistance, the department shall pay
22 to the family the amount of assistance that a typical family of the same size would
23 receive in the family's most recent prior state of residence, subject to any penalties or
24 bonuses authorized under other laws of this state, if the family applies for assistance

25 (1) within 90 days after moving to the state; or

26 (2) more than 90 days after moving to the state, but less than 180 days
27 after moving to the state and the family is unable to demonstrate to the satisfaction of
28 the department that the caretaker relative in the family was employed in a paying job
29 for at least 13 weeks after moving to the state.

30 (c) In determining which state will be used to determine the benefit payment
31 amount under (b) of this section, the department shall use the state for which the most

1 recent one-month or longer period of residence for the caretaker relative has been
2 verified by the department.

3 (d) The benefit amount determined under (b) and (c) of this section is the
4 maximum amount of assistance payable to the family until after the sixth month of
5 state residency of the caretaker relative. If the family remains eligible for assistance
6 after six months of residency, the maximum amount of assistance payable after the
7 sixth month of residency in the state shall automatically change to the benefit amount
8 otherwise payable under AS 47.25.310 - 47.25.420, subject to any penalties or bonuses
9 authorized under other laws of this state.

10 (e) This section does not apply to a family whose caretaker relative, according
11 to criteria established by the department,

12 (1) left the state briefly during the previous six months and has
13 returned; or

14 (2) entered the state in the previous six months to provide care for a
15 minor child who resided in the state for six months before application for assistance
16 was made.

17 (f) The department shall implement this section only to the extent that
18 implementation is not prohibited under federal law. To the extent that this section may
19 be implemented under federal law, its provisions supersede inconsistent provisions of
20 AS 47.25.310 - 47.25.420.

21 * **Sec. 10.** AS 47.25.360 is amended to read:

22 Sec. 47.25.360. GRANTING OF ASSISTANCE. Upon the completion of the
23 investigation, the department shall decide whether the child is eligible for assistance
24 under AS 47.25.310 - 47.25.420, the amount of assistance, and the date on which it
25 starts. The department shall notify the person having custody of the child of its
26 decision. **Except as provided in AS 47.25.315(b), the** [THE] assistance shall be paid
27 monthly to the person having custody of the child upon order of the department.

28 * **Sec. 11.** AS 47.25 is amended by adding new sections to read:

29 Sec. 47.25.361. ALCOHOL AND DRUG TESTING; TREATMENT
30 PROGRAMS. (a) As a condition of eligibility for assistance under AS 47.25.310 -
31 47.25.420, an applicant or recipient who the department determines is addicted to

1 alcohol or drugs shall agree to participate, and must maintain satisfactory participation,
2 in an appropriate addiction treatment program, if available.

3 (b) An applicant or recipient who fails to comply with (a) of this section is not
4 eligible for assistance under AS 47.25.310 - 47.25.420 for one month for the first
5 failure to comply, for six months for the second failure to comply, and for 12 months
6 for the third and any subsequent failure to comply, but shall be considered to be
7 receiving the assistance for purposes of eligibility for medical assistance under
8 AS 47.07.

9 (c) The provisions of (a) of this section are not applicable to dependent
10 children.

11 (d) The department shall implement this section only to the extent that
12 implementation is not prohibited under federal law. To the extent that this section may
13 be implemented under federal law, its provisions supersede inconsistent provisions of
14 AS 47.25.310 - 47.25.420.

15 Sec. 47.25.362. TRANSITIONAL BENEFITS AFTER MARRIAGE. (a) The
16 department may continue to grant assistance under AS 47.25.310 - 47.25.420 to a
17 family unit when the recipient of assistance marries an individual who is not a parent
18 of a child of the recipient and, but for the operation of this section, the resulting family
19 would have become ineligible for continued assistance under AS 47.25.310 - 47.25.420
20 by reason of the marriage. Continued assistance under this section is limited to six
21 months after the marriage.

22 (b) The department shall implement this section only to the extent that
23 implementation is not prohibited under federal law. To the extent that this section may
24 be implemented under federal law, its provisions supersede inconsistent provisions of
25 AS 47.25.310 - 47.25.420.

26 Sec. 47.25.363. WORKFARE PILOT PROJECT. (a) The department shall
27 operate a pilot project under which each member of a family in the project area who
28 is 18 years of age or older shall participate for 21 hours a week in an uncompensated
29 activity if assigned to the activity by the department. The department shall assess the
30 availability of activities that satisfy the purposes of this subsection in each part of the
31 project area and attempt to develop additional activities where necessary. When

1 assessing the availability of activities that are suitable as uncompensated activities
2 under this section and in assigning persons to those activities, the department shall
3 consider activities recommended by governmental representatives of boroughs, cities,
4 and communities and others in the project area. The department shall penalize the
5 family for failure of a person to comply with this subsection by disregarding that
6 person as a member of the family for purposes of determining the amount of assistance
7 given to the family for

8 (1) one month for the first failure to comply;

9 (2) six months for the second failure to comply; and

10 (3) 12 months for the third and subsequent failure to comply.

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

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

24 (1) has paid employment of at least 15 hours a week; a person who has
25 paid employment of less than 15 hours a week shall participate in an uncompensated
26 activity assigned under (a) of this section for the number of hours that, when added
27 to the hours of paid employment, equals 21;

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

30 (3) is participating in an activity under a program operated by an Indian
31 or Native organization under 42 U.S.C. 682(i) unless the Indian or Native organization

1 agrees to the person's inclusion in an activity under this section;

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

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

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

9 (7) is a parent who is providing care for a child with a developmental
10 disability as defined by AS 47.80.900.

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

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

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

18 (e) The department shall determine the area in which the project required
19 under this section will be implemented by choosing four municipalities as follows:

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

22 (2) a municipality contiguous to the municipality determined under (1)
23 of this section;

24 (3) an area consisting of

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

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

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

31 (f) The department shall implement this section only to the extent that

1 implementation is not prohibited under federal law. To the extent that this section may
2 be implemented under federal law, its provisions supersede inconsistent provisions of
3 AS 47.25.310 - 47.25.420.

4 Sec. 47.25.364. TIME LIMIT ON BENEFITS. (a) Except as provided in (b)
5 of this section, a family who has a member assigned to an activity under AS 47.25.363
6 or 47.25.421 - 47.25.429 is ineligible for assistance beginning with the 25th month
7 after the person is assigned and does not become eligible to apply for assistance again
8 until 84 months after the person is assigned.

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

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

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

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

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

25 (c) Notwithstanding (a) of this section, a family that becomes ineligible for
26 assistance solely by operation of (a) of this section nevertheless remains eligible for
27 medical assistance under AS 47.07 for a period of 12 months after losing eligibility
28 for assistance under (a) of this section.

29 (d) The department shall implement this section only to the extent that
30 implementation is not prohibited under federal law. To the extent that this section may
31 be implemented under federal law, its provisions supersede inconsistent provisions of

1 AS 47.25.310 - 47.25.420.

2 * **Sec. 12.** AS 47.25 is amended by adding new sections to read:

3 Sec. 47.25.366. SCHOOL ATTENDANCE. (a) The department shall reduce
4 the assistance for which an assistance unit is otherwise eligible under AS 47.25.310 -
5 47.25.420 if a person in the assistance unit who is of school age fails, without good
6 cause, to meet standards of adequate levels of school attendance, as defined in
7 regulations of the department. The reduction under this subsection shall be achieved
8 by disregarding the needs of the person who failed to meet the school attendance
9 standards. The person's needs shall be disregarded for

- 10 (1) one month for the first failure;
11 (2) six months for the second failure; and
12 (3) 12 months for the third and subsequent failures.

13 (b) In addition to assistance under AS 47.25.310 - 47.25.420 to which an
14 assistance unit is otherwise eligible, the department shall pay to the assistance unit the
15 amount of \$200 upon the graduation from secondary school, graduation from an
16 equivalent level of technical or vocational training, or receipt of a graduation
17 equivalency diploma by a person in the assistance unit who is receiving assistance at
18 the time of graduation. Payment under this subsection may be made only once per
19 person.

20 (c) The department shall implement this section only to the extent that
21 implementation is not prohibited under federal law. To the extent that this section may
22 be implemented under federal law, its provisions supersede inconsistent provisions of
23 AS 47.25.310 - 47.25.420.

24 Sec. 47.25.367. JOB RETENTION REQUIREMENT FOR RECIPIENTS. (a)
25 The department shall reduce the assistance for which an assistance unit is otherwise
26 eligible under AS 47.25.310 - 47.25.420 if a person in the assistance unit who held a
27 job at the time of application for assistance voluntarily, without good cause, quits the
28 job without immediately starting a new job that pays at least the same net amount in
29 earnings. The reduction under this subsection shall be achieved by disregarding the
30 needs of the person who quit the job. The person's needs shall be disregarded for

- 31 (1) one month for the first job quit;

- 1 (2) six months for the second job quit;
- 2 (3) 12 months for the third and subsequent job quit.

3 (b) The department shall implement this section only to the extent that
4 implementation is not prohibited under federal law. To the extent that this section may
5 be implemented under federal law, its provisions supersede inconsistent provisions of
6 AS 47.25.310 - 47.25.420.

7 Sec. 47.25.368. LIMITS ON PENALTIES. The department may not
8 simultaneously assess a penalty against an assistance unit under more than one of the
9 following sections:

- 10 (1) AS 47.25.361;
- 11 (2) AS 47.25.363;
- 12 (3) AS 47.25.366;
- 13 (4) AS 47.25.367; and
- 14 (5) AS 47.25.421(d).

15 * **Sec. 13.** AS 47.25.421(d) is amended to read:

16 (d) The department shall adopt regulations setting criteria for determining
17 whether a person is in noncompliance with participation requirements of the program
18 for the purpose of imposing sanctions under the program for nonparticipation and for
19 noncompliance with a participation agreement. The department shall consult with
20 Native organizations that are operating similar programs when developing regulations
21 under this subsection. **To the extent allowed under federal law, the sanctions in the**
22 **regulations must include a reduction in assistance to a household that includes a**
23 **participant under AS 47.25.421 - 47.25.429 if (1) a person in the household who**
24 **is required to attend school, job training, counseling, or substance abuse**
25 **treatment under AS 47.25.421 - 47.25.429 refuses to attend school, job training,**
26 **counseling, or substance abuse treatment, as applicable; or (2) a person in the**
27 **household who is assigned to a work experience or work supplementation**
28 **program under AS 47.25.421 - 47.25.429 quits participation in the work**
29 **experience or work supplementation program. The reduction under this**
30 **subsection shall be achieved by disregarding the needs of the person referred to**
31 **in (1) or (2) of this subsection. The person's needs shall be disregarded for one**

1 month for the first violation under (1) or (2) of this subsection, six months for the
2 second violation, and 12 months for the third and subsequent violations.

3 * **Sec. 14.** AS 47.25 is amended by adding a new section to read:

4 Sec. 47.25.431. PERMANENT INELIGIBILITY AFTER WELFARE FRAUD.

5 (a) A person is permanently ineligible for assistance under AS 47.25.430 - 47.25.615
6 upon conviction of violating AS 11.56.210 or a law in another jurisdiction with
7 elements substantially similar to AS 11.56.210 if the conviction arose out of a written
8 or recorded statement submitted in order to apply for or continue receiving assistance
9 under AS 47.07, this chapter, or similar laws in another jurisdiction.

10 (b) The department shall implement this section only to the extent that
11 implementation is not prohibited under federal law. To the extent that this section may
12 be implemented under federal law, its provisions supersede inconsistent provisions of
13 AS 47.25.430 - 47.25.615.

14 * **Sec. 15.** AS 47.25.455(a) is amended to read:

15 (a) The department shall pay at least \$280 a month to a person eligible for
16 assistance under this chapter **until an initial determination of [WHILE] the eligibility**
17 of the person for benefits under 42 U.S.C. 1381 - 1385 (Title XVI, Social Security
18 Act, Supplemental Security Income Program [,]) is **made. The department shall**
19 **terminate assistance under this section upon an initial determination that the**
20 **person is ineligible for assistance under 42 U.S.C. 1381 - 1385 and may not**
21 **continue assistance under this section during subsequent appeals of the initial**
22 **determination [BEING DETERMINED].** Payments in excess of \$280 a month may
23 be made under this section if the department determines that money is available for
24 excess payments.

25 * **Sec. 16.** AS 47.25.455(d) is amended to read:

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

30 * **Sec. 17.** AS 47.25.455 is amended by adding new subsections to read:

31 (e) A person applying for assistance under this section shall, as a condition of

1 eligibility for the assistance, agree to repay the assistance to the state upon a final
2 determination that the person is not eligible to receive a benefit under 42 U.S.C.
3 1381 - 1383.

4 (f) The amount owed by a person to the state under (c) or (e) of this section
5 is considered an overpayment that is subject to the provisions of AS 47.05.080.

6 * **Sec. 18.** AS 47.25.310(c) is repealed.

7 * **Sec. 19.** AS 47.25.363, enacted by sec. 11 of this Act, and AS 47.25.368(2), enacted by
8 sec. 12 of this Act, are repealed March 1, 2001.

9 * **Sec. 20.** APPLICABILITY. (a) AS 47.25.455(a) and (d), as amended by secs. 15 and
10 16 of this Act, and AS 47.25.455(e) and (f), added by sec. 17 of this Act, apply to

11 (1) applications for assistance under AS 47.25.455 that are submitted to, or
12 pending with, the Department of Health and Social Services on or after the effective date of
13 secs. 15 - 17 of this Act; and

14 (2) recipients of assistance under AS 47.25.455 whose determinations of
15 eligibility for assistance under 42 U.S.C. 1381 - 1385 are not final by the effective date of
16 secs. 15 - 17 of this Act.

17 (b) AS 47.07.022, added by sec. 3 of this Act, AS 47.25.120(b), added by sec. 4 of
18 this Act, AS 47.25.311(a), added by sec. 6 of this Act, and AS 47.25.431, added by sec. 14
19 of this Act, apply to offenses committed on or after the effective date of secs. 3, 4, 6, and 14
20 of this Act, respectively.

21 * **Sec. 21.** REGULATIONS. The Department of Health and Social Services may begin the
22 process of adopting regulations to implement this Act. The regulations intended to implement
23 a statute amended or added by this Act may not take effect until the effective date of the
24 amendment or addition.

25 * **Sec. 22.** REPORT. The Department of Health and Social Services shall review the
26 effects of the pilot project operated under AS 47.25.363, enacted by sec. 11 of this Act, and
27 submit a written report of its findings about the project to the legislature by January 15, 2002.

28 * **Sec. 23.** Except as provided in sec. 24 of this Act, this Act takes effect March 1, 1996.

29 * **Sec. 24.** Sections 1, 3 - 5; AS 47.25.315, as enacted by sec. 6 of this Act; sec. 7;
30 AS 47.25.342, as enacted by sec. 8 of this Act; and secs. 10, 13, and 15 - 22 of this Act take
31 effect immediately under AS 01.10.070(c).