

HOUSE BILL NO. 465

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/4/98

Referred: Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the temporary establishment of the Alaska Disaster Assistance
2 Program; and providing for an effective date."

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

4 * **Section 1.** ALASKA DISASTER ASSISTANCE PROGRAM. (a) The Alaska Disaster
5 Assistance Program (ADAP) is established in the Department of Labor to provide a cash
6 benefit to individuals who have suffered a loss of primary income due to the 1997 economic
7 disaster caused by the failure of the salmon fishery harvest in the Bristol Bay salmon drift and
8 set gillnet and Kuskokwim salmon gillnet fisheries, as established in the regulations adopted
9 by the Board of Fisheries under AS 16.05.251. The cash benefit shall be awarded in an
10 amount up to \$700 per month, for a maximum of \$1,400, for the months of June and July
11 1997, or a pro-rated amount based on the number of eligible applicants and the specific
12 amount appropriated for this purpose, whichever is less.

13 (b) An individual who applies during the application period is eligible for a cash
14 benefit under ADAP for each month in which the individual qualifies if the individual

1 (1) suffered a loss of primary income that the individual normally would have
2 received through participation in a 1997 Bristol Bay or Kuskokwim salmon gillnet fishery or
3 in a closely related industry;

4 (2) participated, or intended to participate, in a 1997 Bristol Bay or
5 Kuskokwim salmon gillnet fishery or a closely related industry, as evidenced by a permit, a
6 license, an agreement, a contract, or a pattern of previous participation in a closely related
7 industry;

8 (3) within the previous two years, derived a principal source of income from
9 commercial fishing in the Bristol Bay or Kuskokwim salmon gillnet fishery or from work in
10 a closely related industry;

11 (4) has a family income that does not exceed 185 percent of the federal 1997
12 poverty guidelines for this state;

13 (5) is a United States citizen or meets the alien status requirements established
14 for unemployment insurance (UI) benefits to avoid disqualification under AS 23.20.381; and

15 (6) did not receive an assistance payment, a benefit, or a waiting week credit,
16 and was not disqualified from receiving an assistance payment, a benefit, or a waiting week
17 credit, under the Alaska temporary assistance program (ATAP) or the UI program, for any
18 period during June and July 1997, except that an individual who received an ATAP assistance
19 payment or UI benefit for one of the two months may receive an ADAP benefit for the month
20 in which the ATAP assistance payment or UI benefit was not received.

21 (c) The application period for an ADAP benefit begins 10 working days after the
22 effective date of this Act and continues for 15 working days. The application must be on a
23 form provided by the department and must contain a statement declaring loss of income as
24 a direct result of the economic disaster, documentation of attachment to the fishery, and the
25 signature of the applicant attesting that the information provided in the application is true.
26 The department may ask an applicant to supplement the original application with supporting
27 documentation. The application must authorize the department to verify the information
28 contained in the application with public agencies and employers. An application for an ADAP
29 benefit is not a public record and information contained in it is confidential under
30 AS 09.25.100 - 09.25.220 and AS 23.20.110. The department shall deny an application if the
31 application is filed or postmarked after the close of the application period.

1 (d) An applicant may appeal an ADAP benefit determination under the appeals
2 procedures established for the UI program in AS 23.20.420 and the regulations established
3 under AS 23.20.420, except that

4 (1) an appeal of an initial ADAP benefit determination must be filed within
5 15 days after the mailing or personal delivery of the determination; and

6 (2) an appeal to the commissioner of labor must be filed within 15 days after
7 the mailing or personal delivery of the decision by the appeals referee of the department.

8 (e) The department shall recover any benefits that are improperly paid to individuals
9 under the ADAP under the procedures for the recovery of improper unemployment
10 compensation payments established in AS 23.20.390. Amounts recovered under this
11 subsection shall be deposited in the general fund. If ADAP benefits were improperly paid
12 because of a fraudulent misrepresentation or nondisclosure on an ADAP application, the
13 applicant is disqualified from receiving any ADAP benefits.

14 (f) For the purposes of this section,

15 (1) "ADAP" means the Alaska Disaster Assistance Program;

16 (2) "Alaska temporary assistance program" or "ATAP" means the assistance
17 program established under AS 47.27;

18 (3) "closely related industry" means boat repair, net repair, fuel dock, cold
19 storage, cannery, or a local shore-based industry that provides services critical to the support
20 of the fishery operations;

21 (4) "department" means the Department of Labor;

22 (5) "documentation of attachment to the fishery" includes copies of licenses,
23 permits, wage statements, receipts for expenses establishing an intent to participate in one or
24 more of the 1997 fisheries or in a closely related industry, and documents that establish
25 previous participation in those fisheries or in a closely related industry, including income tax
26 returns, earnings documentation, fish landing records, and other documents that will support
27 a pattern of previous participation;

28 (6) "pattern of previous participation" means actual participation in the fishery
29 or in a closely related industry in at least one of the previous two years;

30 (7) "UI" means unemployment insurance provided for under the Alaska
31 Employment Security Act (AS 23.20).

- 1 * **Sec. 2.** Section 1 of this Act is repealed.
- 2 * **Sec. 3.** Section 1 of this Act takes effect immediately under AS 01.10.070(c).
- 3 * **Sec. 4.** Section 2 of this Act takes effect January 31, 1999.