

**CS FOR HOUSE BILL NO. 98(HES) am**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Amended: 4/8/00

Offered: 3/3/00

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to contracts for the provision of state public assistance to  
2 certain recipients in the state; providing for regional public assistance plans and  
3 programs in the state; relating to grants for Alaska Native family assistance  
4 programs; relating to assignment of child support by Alaska Native family  
5 assistance recipients; to paternity determinations and genetic testing involving  
6 recipients of assistance under Alaska Native family assistance programs; and  
7 providing for an effective date."

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

9 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new  
10 section to read:

11 **FINDINGS AND INTENT.** (a) The legislature finds that

12 (1) self-sufficiency for Alaska families is a statewide goal and that achieving  
13 self-sufficiency is greatly influenced by local conditions, particularly in rural Alaska with its

1 unique mix of subsistence and cash economies;

2 (2) self-sufficiency efforts are more likely to succeed when local communities  
3 in a region of Alaska take responsibility for reducing dependence and when those efforts  
4 accurately reflect the varying conditions of that region;

5 (3) new federal welfare reform law offers Alaska Native nonprofit  
6 organizations the opportunity to assume responsibility for providing public assistance and self-  
7 sufficiency services throughout the state; and

8 (4) it is in the best interests of the state to promote regional responsibility for  
9 the design of the state public assistance program and self-sufficiency services.

10 (b) It is the intent of the legislature

11 (1) to provide certain appropriations that would otherwise be used to provide  
12 assistance and self-sufficiency services to the recipients living in a public assistance region  
13 through an Alaska Native family assistance grant to the Alaska Native nonprofit organizations  
14 that are assuming the responsibility for providing assistance and services in that region;

15 (2) that state public assistance plans may be approved on a regional basis in  
16 appropriate circumstances and, if approved, may be administered uniformly in the region for  
17 all recipients in order to achieve the maximum cost efficiencies and benefits of a regionally  
18 designed program.

19 \* **Sec. 2.** AS 25.27.045 is amended to read:

20 **Sec. 25.27.045. Determination of support obligation.** The agency may  
21 appear in an action seeking an award of support on behalf of a child owed a duty of  
22 support, or to enforce a spousal support order if a spousal support obligation has been  
23 established and if a support obligation, established with respect to a child of that  
24 spouse, is also being administered, and may also appear in an action seeking  
25 modification of a support order, decree, or judgment already entered. Action under  
26 this section may be undertaken upon application of an obligee, or at the agency's own  
27 discretion if the obligor is liable to the state **or an Alaska Native family assistance**  
28 **program** under AS 25.27.120(a) or (b).

29 \* **Sec. 3.** AS 25.27.062(1) is amended to read:

30 (l) Unless modified or terminated by the agency or the court, an order to  
31 withhold income under this chapter remains in effect, except as provided in (k) of this

1 section, until the support order is satisfied. The agency or court may not terminate or  
 2 modify an income withholding order solely on the ground that the obligor has paid all  
 3 arrearage. Upon satisfaction of a support order, if the order is

4 (1) being enforced by the agency, the agency shall, within 15 working  
 5 days, notify all persons served by the agency with the income withholding order that  
 6 withholding is no longer required; if the agency receives money from an obligor under  
 7 an income withholding order after the underlying support order has been satisfied and  
 8 the agency was enforcing the support order at the time it became satisfied, the agency  
 9 shall immediately return the overpayment to the obligor; if the agency fails to return  
 10 an overpayment as required under this paragraph, the state is liable to the obligor for  
 11 the amount of the overpayment, plus interest at the rate imposed under AS 43.05.225,  
 12 and a person **or an Alaska Native family assistance program** to whom the agency  
 13 erroneously disbursed the overpayment is liable to the state for the amount disbursed,  
 14 plus interest at the rate imposed under AS 43.05.225;

15 (2) not being enforced by the agency, the obligor shall file a motion  
 16 in court requesting termination of the withholding order and serve the motion on the  
 17 obligee; the court shall enter an order terminating the withholding order if the court  
 18 determines that the support order has been satisfied; the obligor may deliver a copy  
 19 of the termination order to persons who were served with the income withholding  
 20 order; when a termination order is entered, the obligee shall, upon request of the  
 21 obligor, notify the obligor of all persons who have been served with the income  
 22 withholding order by the obligee.

23 \* **Sec. 4.** AS 25.27.065(b) is amended to read:

24 (b) When the right to receive child support has been assigned to a  
 25 governmental entity **or an Alaska Native family assistance program**, an agreement  
 26 under (a) of this section that has not been adopted as an administrative order of the  
 27 agency is not effective during a period when the obligee is receiving assistance under  
 28 AS 47.27 **or from an Alaska Native family assistance program**.

29 \* **Sec. 5.** AS 25.27.080(b) is amended to read:

30 (b) The agency on behalf of the custodian, [OR] the state, **or an Alaska**  
 31 **Native family assistance program** shall take all necessary action permitted by law to

1 enforce child support orders so entered, including petitioning the court for orders to  
2 aid in the enforcement of child support.

3 \* **Sec. 6.** AS 25.27.120(a) is amended to read:

4 (a) An obligor is liable to the state in the amount of assistance granted under  
5 AS 47.07 and AS 47.27, **or to an Alaska Native family assistance program in the**  
6 **amount of the family assistance provided by the program,** to a child to whom the  
7 obligor owes a duty of support except that, if a support order has been entered, the  
8 liability of the obligor for assistance granted under AS 47.27 **or provided by an**  
9 **Alaska Native family assistance program** may not exceed the amount of support  
10 provided for in the support order, and, if a medical order of support has been entered,  
11 the liability of the obligor for assistance granted under AS 47.07 may not exceed the  
12 amount of support provided for in the medical order of support.

13 \* **Sec. 7.** AS 25.27.120(c) is amended to read:

14 (c) Within 30 days after the agency knows the identity and address of an  
15 obligor who resides in the state and who is liable to the state **or an Alaska Native**  
16 **family assistance program** under this section, the agency shall send written  
17 notification by certified mail to the obligor and the obligee of the obligor's accruing  
18 liability and that the obligor shall make child support payments to the agency. The  
19 notice required under this subsection must be in clear, concise, and easily readable  
20 language. The notice may accompany other communications by the agency.

21 \* **Sec. 8.** AS 25.27.120(d) is amended to read:

22 (d) If the agency fails to comply with (c) of this section, interest does not  
23 accrue on the liability to the state **or an Alaska Native family assistance program**  
24 unless a support order or medical support order, as applicable, has been entered.

25 \* **Sec. 9.** AS 25.27.130(a) is amended to read:

26 (a) If the obligor is liable to the state **or an Alaska Native family assistance**  
27 **program** under AS 25.27.120(a) or (b), the state is subrogated to the rights of the  
28 obligee to

- 29 (1) bring an action in the superior court seeking an order of support;  
30 (2) proceed under AS 25.27.160 - 25.27.270 to establish a duty of

31 support; or

1 (3) enforce by execution, in accordance with AS 25.27.230 - 25.27.270,  
2 or otherwise, a support order entered in favor of the obligee.

3 \* **Sec. 10.** AS 25.27.130(c) is amended to read:

4 (c) The recovery of any amount for which the obligor is liable that exceeds the  
5 total assistance granted under AS 47.07 and AS 47.27 **or under an Alaska Native**  
6 **family assistance program** shall be paid to the obligee.

7 \* **Sec. 11.** AS 25.27.130(d) is amended to read:

8 (d) Except as provided in (f) of this section, if the obligee is not receiving  
9 assistance under AS 47.07 or AS 47.27 **or under an Alaska Native family assistance**  
10 **program** at the time the state recovers money in an action under this section, the  
11 recovery of any amount for which the obligor is liable shall be distributed to the  
12 obligee for support payments, including medical support payments, that have become  
13 due and unpaid since the termination of assistance under AS 47.07, [OR] AS 47.27,  
14 **or an Alaska Native family assistance program** under a support order in favor of the  
15 obligee.

16 \* **Sec. 12.** AS 25.27.130(e) is amended to read:

17 (e) After payment to the obligee under (d) of this section, the state may retain  
18 an amount not to exceed the total unreimbursed assistance paid on behalf of the  
19 obligee under AS 47.07, [OR] AS 47.27, **or an Alaska Native family assistance**  
20 **program**.

21 \* **Sec. 13.** AS 25.27.140(a) is amended to read:

22 (a) If a [NO] support order has **not** been entered, the agency may establish  
23 paternity and a duty of support **using** [UTILIZING] the procedures prescribed in  
24 AS 25.27.160 - 25.27.220 and may enforce a duty of support **using** [UTILIZING] the  
25 procedure prescribed in AS 25.27.230 - 25.27.270. Action under this subsection may  
26 be undertaken upon application of an obligee, or at the agency's own discretion if the  
27 obligor is liable to the state **or an Alaska Native family assistance program** under  
28 AS 25.27.120(a) or (b).

29 \* **Sec. 14.** AS 25.27.165(a) is amended to read:

30 (a) Upon application from a mother, custodian, putative father, or legal  
31 custodian of a child, or from a state **or an Alaska Native family assistance program**,

1 the agency may institute administrative proceedings to determine the paternity of a  
2 child born out of wedlock.

3 \* **Sec. 15.** AS 25.27.165(i) is amended to read:

4 (i) The agency may recover any costs it pays for genetic tests required by this  
5 section from the putative father unless the testing establishes that the individual is not  
6 the father, except that costs may not be recovered from a person who is a recipient of  
7 assistance under AS 47.27 (Alaska temporary assistance program) **or an Alaska**  
8 **Native family assistance program.**

9 \* **Sec. 16.** AS 25.27.170(e) is amended to read:

10 (e) The hearing officer shall consider the following in making a determination  
11 under (d) of this section:

12 (1) the needs of the alleged obligee, disregarding the income or assets  
13 of the custodian of the alleged obligee;

14 (2) the amount of the alleged obligor's liability to the state **or an**  
15 **Alaska Native family assistance program** under AS 25.27.120 if any;

16 (3) the intent of the legislature that children be supported as much as  
17 possible by their natural parents;

18 (4) the ability of the alleged obligor to pay.

19 \* **Sec. 17.** AS 25.27.180(b) is amended to read:

20 (b) Liability to the state **or an Alaska Native family assistance program**  
21 under AS 25.27.120 is limited to the amount for which the obligor is found to be  
22 responsible under (a) of this section.

23 \* **Sec. 18.** AS 25.27.255(a) is amended to read:

24 (a) The agency shall pay to the obligee all money recovered by the agency  
25 from the obligor under an income withholding order except for court costs and money  
26 assigned to the agency **or an Alaska Native family assistance program** under  
27 AS 25.27.120 - 25.27.130 **or AS 47.27.040.** However, if there is more than one  
28 income withholding order under this chapter against an obligor, the agency shall  
29 allocate amounts available for withholding in a manner that gives priority to current  
30 support up to the limits imposed under 15 U.S.C. 1673(b) (sec. 303(b), Consumer  
31 Credit Protection Act). Notwithstanding the priority given to current support, the

1 agency shall establish procedures for allocation of support among obligees so that in  
 2 no case will the allocation result in a withholding order for one obligee not being  
 3 implemented.

4 \* **Sec. 19.** AS 36.30.850(b) is amended by adding a new paragraph to read:

5 (42) contracts awarded under AS 47.27.072 for state public assistance  
 6 provided under a regional public assistance program.

7 \* **Sec. 20.** AS 47.27.005 is amended to read:

8 **Sec. 47.27.005. Duties of the department.** The department shall

9 (1) administer the Alaska temporary assistance program by providing  
 10 assistance with basic living expenses and self-sufficiency services to needy children  
 11 and their families under this chapter **and, if appropriate, by establishing regional**  
 12 **public assistance programs to provide effectively for varying conditions in regions**  
 13 **of the state designated by the department;**

14 (2) establish, by regulation, program standards that will provide  
 15 incentives to work, incentives for financial planning, and opportunities to develop  
 16 self-sufficiency while providing assistance with basic living expenses;

17 (3) prepare, submit to the federal government, and amend, if necessary,  
 18 a state plan designed to **ensure** [ASSURE] that federal money is available to the state  
 19 for the operation of the program set out in this chapter to provide assistance for basic  
 20 living expenses and self-sufficiency services to needy children and their families  
 21 consistent with the state objectives identified in (2) of this **subsection** [SECTION];

22 (4) adopt methods of program administration to ensure consistency with  
 23 the federal requirements under a successor federal program that replaces the aid to  
 24 families with dependent children program;

25 (5) make reports **regarding the program** to the federal government as  
 26 required under **federal law** [ANY SUCCESSOR FEDERAL PROGRAM THAT  
 27 REPLACES THE AID TO FAMILIES WITH DEPENDENT CHILDREN  
 28 PROGRAM], in the form and containing the information required, and comply with  
 29 the provisions that the federal government determines are necessary to ensure correct  
 30 and verifiable information on the program;

31 (6) provide to the legislature an annual executive summary of the

1 information required to be reported to the federal government under (5) of this  
2 **subsection** [SECTION];

3 (7) conduct studies and research in order to evaluate and monitor the  
4 effectiveness of the state program; and

5 (8) adopt regulations and take action to implement, interpret, and  
6 administer the provisions of this chapter.

7 \* **Sec. 21.** AS 47.27.005 is amended by adding a new subsection to read:

8 (b) In implementing its duties under (a) of this section, the department may  
9 adopt program standards that vary by region in the state in order to incorporate the  
10 standards of an Alaska Native family assistance plan into a regional plan. The  
11 program standards adopted under this subsection need not contain all of the  
12 requirements of this chapter if they meet the standards set out in AS 47.27.072 and  
13 contain the program elements set out in AS 47.27.071.

14 \* **Sec. 22.** AS 47.27.040 is amended by adding new subsections to read:

15 (d) A participant in an Alaska Native family assistance program shall assign  
16 to the Alaska Native family assistance program, unless the program has elected to  
17 require assignment to the state under AS 47.27.071(f), all rights to ongoing child  
18 support that accrues after the effective date of the assignment for the support of the  
19 individuals in the family for whom assistance is provided, but not to exceed the total  
20 amount of assistance paid by the Alaska Native family assistance program to the  
21 family. The assignment takes effect when information required under (f) of this  
22 section is provided to the child support enforcement agency of the Department of  
23 Revenue, following the determination of eligibility. Except with respect to any unpaid  
24 support that accrued under the assignment, the assignment terminates when the family  
25 ceases to participate in the Alaska Native family assistance program. All assignments  
26 to an Alaska Native family assistance program of unpaid child support obligations  
27 transfer to the state upon the termination of an Alaska Native family assistance  
28 program.

29 (e) An Alaska Native family assistance program participant shall cooperate  
30 with the child support enforcement agency of the Department of Revenue in the  
31 manner described in (b) of this section in establishing paternity or establishing,

1 modifying, or enforcing a child support order requiring the payment of support by the  
2 noncustodial parent for a dependent child for whom assistance is received. The child  
3 support enforcement agency shall inform the Alaska Native family assistance program  
4 if it determines that the participant is not in good faith compliance with the  
5 requirements of (b) of this section. The Alaska Native family assistance program shall  
6 determine whether the participant has good cause for refusing to cooperate.

7 (f) An Alaska Native family assistance program that receives assignments of  
8 ongoing child support must provide public assistance information concerning those  
9 assignments to the child support enforcement agency of the Department of Revenue  
10 in a timely manner in order to establish a valid assignment. The information must be  
11 provided by electronic means and in a format acceptable to the child support  
12 enforcement agency. For the purposes of this subsection, "timely manner" means  
13 within the time constraints established for child support agency distributions under  
14 federal law.

15 \* **Sec. 23.** AS 47.27 is amended by adding new sections to read:

16 **Sec. 47.27.071. Alaska Native family assistance grants.** (a) Notwithstanding  
17 a contrary provision of this chapter and in addition to grants awarded under  
18 AS 47.27.050, the department may award and administer Alaska Native family  
19 assistance grants in accordance with this section to Alaska Native organizations that  
20 meet the requirements of AS 47.27.070. Only an organization that received approval  
21 for, and has agreed to operate, a federally approved tribal family assistance plan in this  
22 state is eligible to receive a grant under this section. An organization that receives a  
23 grant under this section shall operate the plan approved under this section on a state  
24 fiscal year basis.

25 (b) If an organization intends to apply for a grant under this section, the  
26 organization shall first submit to the department a letter of intent along with a copy  
27 of the proposed federal tribal family assistance plan that will be submitted to the  
28 federal government for approval. The organization shall make its submission to the  
29 department at least six months before the proposed effective date of the federal tribal  
30 family assistance plan. The department shall review the submission and notify the  
31 organization of significant deficiencies that would make the organization ineligible to

1 be considered for an Alaska Native family assistance grant even if federal approval is  
2 received without significant changes to the federal tribal family assistance plan and  
3 federal grant money is awarded for implementation of that plan. The organization may  
4 make a supplemental submission to the department to resolve deficiencies noted by the  
5 department. If, after departmental review and supplemental revision, an organization's  
6 plan remains eligible for consideration for a grant award under this section, the  
7 department shall notify the organization that the organization may submit a proposal  
8 for a grant award after the organization has received notice of federal approval of the  
9 federal tribal family assistance plan and the pending award of federal grant money.  
10 The commissioner may waive the time deadline specified in this subsection if the  
11 commissioner

12 (1) enters into a joint planning agreement between the department and  
13 the organization; or

14 (2) finds good cause and the waiver is in the state's best interest.

15 (c) If the department awards a grant under this section, the grant shall be in  
16 an amount that

17 (1) for the first fiscal year under the plan accepted by the department,  
18 represents a fair and equitable portion of the state appropriations for the state public  
19 assistance program administered under this chapter intended to serve the state residents  
20 who will be served by the plan; and

21 (2) for the second and subsequent state fiscal years under the plan  
22 accepted by the department, represents a fair and equitable portion of state  
23 appropriations made for public assistance programs that is allocated for Alaska Native  
24 family assistance grants to be awarded under this section in order to serve the state  
25 residents who will be served by the plan; if the money is not allocated for these grants,  
26 the amounts shall be made in the same manner as described in (1) of this subsection.

27 (d) For an organization to be eligible to be awarded a grant under this section,  
28 the organization's proposal must include

29 (1) documentation that the organization

30 (A) has received federal approval of its federal tribal family  
31 assistance plan to operate a tribal assistance program in this state; and

1 (B) will receive a grant directly from the federal government to  
2 implement the federal tribal family assistance plan;

3 (2) a plan for operation of the Alaska Native family assistance grant  
4 that meets the requirements of (e) of this section; and

5 (3) if the commissioner determines that a federally approved tribal  
6 family assistance plan would be a cost-effective and efficient means of administering  
7 the program established in this chapter in that region of the state and the needs of state  
8 public assistance recipients receiving assistance under this chapter can be met through  
9 a contract awarded under AS 47.27.072, the organization's agreement to enter into a  
10 contract with the department to provide state public assistance to those eligible state  
11 residents in the region who are not included in the population to be served by the  
12 federally approved tribal family assistance plan.

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

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

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

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

22 (4) provide for administration of the grant money received under this  
23 section to establish a program in accordance with the plan accepted by the department  
24 and in compliance with other requirements of this section; the program must include  
25 the following standards for providing assistance to eligible families:

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

29 (B) amounts for assistance provided from an Alaska Native  
30 family assistance grant to eligible families may not exceed the amounts  
31 specified under AS 47.27.025(b) when combined with assistance provided

1 under the federally approved tribal family assistance grant;

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

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

8 (E) families receiving assistance paid from Alaska Native family  
9 assistance grant money shall comply with the provisions of AS 47.27.040  
10 regarding assignment of support rights and cooperation with the child support  
11 enforcement agency of the Department of Revenue;

12 (F) the organization has an impartial appeals process to allow  
13 for affected families in the region of the state covered by the plan accepted by  
14 the department to have a fair hearing.

15 (f) The department may award a grant under this section only if the department  
16 determines that the proposal, including a plan for operation of the grant, meets the  
17 criteria specified in (d) and (e) of this section and that an award of the grant to the  
18 organization would be in the public interest. The grant agreement must state that the  
19 Alaska Native family assistance program will require all program participants to assign  
20 child support rights to the Alaska Native family assistance program under  
21 AS 47.27.040, unless the Alaska Native organization elects to require participants to  
22 assign those child support rights to the state. The department may not distribute grant  
23 money until a grant agreement between the organization and the department is  
24 executed that meets the requirements of this section.

25 (g) Records pertaining to recipients of assistance from an Alaska Native family  
26 assistance grant awarded under this section are confidential public assistance records  
27 under AS 47.05.020 and regulations adopted under AS 47.05.020. Use and misuse of  
28 these records are subject to the provisions of AS 47.05.030. It is an official purpose  
29 under AS 47.05.020 for an organization receiving a grant under this section and the  
30 department or another agency of the state to exchange information concerning  
31 recipients of assistance under this section if the information requested is for purposes

1 directly connected with the administration of a grant under this section.

2 (h) An organization receiving a grant under this section shall provide to the  
3 department a copy of its quarterly report made under 42 U.S.C. 611. The organization  
4 shall have its financial records audited annually by a certified public accountant  
5 authorized to practice under AS 08.04. The department may prescribe the form and  
6 specify the information required to document compliance with this section.

7 (i) If an organization wishes to terminate its program before the end of the  
8 time period for which the grant was awarded under this section, the organization must  
9 obtain the consent of the department or provide notice to the department 120 days  
10 before the anticipated date of termination. At the end of a grant agreement or by early  
11 termination under this section, the organization shall provide an inventory of property  
12 valued at \$1,000 or over and purchased, in whole or in part, with grant money awarded  
13 under this section. The department shall notify the organization of the required  
14 disposition of the property listed on the inventory.

15 (j) If the department awards a grant under this section, a person applying for  
16 assistance under this chapter who is covered by the federally approved tribal family  
17 assistance plan in that region of the state may obtain assistance from the department  
18 only through the organization designated by the department to serve the region. A  
19 person aggrieved by a decision made by an organization under a grant awarded under  
20 this section may use the appeal procedure specified in AS 47.27.072(e).

21 (k) Notwithstanding (j) of this section, a person applying for assistance under  
22 this chapter in a region of the state that is served by both an Alaska Native family  
23 assistance program and a program administered directly by the department may request  
24 to receive assistance under the program administered directly by the department by  
25 applying to the department under this subsection and in accordance with regulations  
26 adopted under this subsection. The department shall approve the application if the  
27 department finds that the applicant has shown a compelling interest to use the state  
28 program.

29 **Sec. 47.27.072. Regional public assistance programs and contracts.** (a) To  
30 implement AS 47.27.005(b), the department may develop a regional public assistance  
31 program for the administration of this chapter in order to provide state public

1 assistance in a uniform and cost-effective manner in a region of this state if an Alaska  
2 Native organization is authorized to implement a federally approved tribal family  
3 assistance plan that includes that region and has been awarded an Alaska Native family  
4 assistance grant for a program that includes that region for the applicable fiscal year  
5 under AS 47.27.071. The regional public assistance program developed under this  
6 section must be designed to serve eligible state residents in the region covered by the  
7 program who are not already covered by a federally approved tribal family assistance  
8 plan in that region.

9 (b) The department may award contracts to implement a program developed  
10 under (a) of this section. A contract authorized for delivery of state public assistance  
11 under a regional public assistance program under this section is exempt from the  
12 competitive bid requirements of AS 36.30 (State Procurement Code). Subject to  
13 appropriation, a contract under this section must be in an amount that represents a fair  
14 and equitable share of the money appropriated to serve the state residents specified in  
15 (a) of this section. This section provides additional authority to contract to that  
16 available under AS 47.05.015 or other law.

17 (c) The department may award a contract under this section only to an  
18 organization that

19 (1) has been awarded an Alaska Native family assistance grant for a  
20 program that includes that region under AS 47.27.071;

21 (2) agrees to administer state public assistance under this chapter to  
22 state residents in the region who are not served by the Alaska Native family assistance  
23 grant awarded under AS 47.27.071;

24 (3) agrees to provide state public assistance identical to that provided  
25 under the federally approved tribal family assistance plan for which Alaska Native  
26 family assistance grant money has been awarded under AS 47.27.071; and

27 (4) agrees to implement an appeals process as described in (e) of this  
28 section.

29 (d) Records pertaining to recipients of state public assistance under a contract  
30 awarded under this section have the same confidential protections as are provided to  
31 recipients of assistance from Alaska Native family assistance grants under

1 AS 47.27.071.

2 (e) An organization that receives a contract under this section shall provide an  
 3 appeals process to applicants for or recipients of state public assistance covered by the  
 4 contract awarded under this section. The appeals process must be the same as the  
 5 method available under the federally approved tribal family assistance plan, except that  
 6 the decision reached will be considered as a recommended decision to the department.  
 7 Within 30 days after receiving a recommended decision, the department shall review  
 8 the recommended decision and issue a decision accepting or rejecting the  
 9 recommended decision. If the department rejects the recommended decision, the  
 10 department shall independently review the record and issue its final decision. The  
 11 final decision of the department on the matter is appealable to the courts of this state.

12 (f) If the department establishes a regional public assistance program and  
 13 awards a contract to provide state public assistance under this section, a person  
 14 applying for state public assistance under this chapter in the region of the state covered  
 15 by the regional public assistance program may obtain state public assistance from the  
 16 department only through the organization designated by the department to serve the  
 17 region.

18 \* **Sec. 24.** AS 47.27.900 is amended by adding a new paragraph to read:

19 (10) "federally approved tribal family assistance plan" means a plan  
 20 that meets the requirements of 42 U.S.C. 612 and has been approved for financing  
 21 through a tribal family assistance grant directly from the United States Department of  
 22 Health and Human Services.

23 \* **Sec. 25.** The uncodified law of the State of Alaska is amended by adding a new section  
 24 to read:

25 **APPLICABILITY.** This Act does not apply to the provisions of an existing Alaska  
 26 Native family assistance grant agreement in effect on the effective date of this Act until the  
 27 earliest of the following occurs:

- 28 (1) the grant agreement expires;  
 29 (2) the grant agreement is terminated;  
 30 (3) a substantial modification is made to the grant agreement; routine technical  
 31 amendments to an existing Alaska Native family assistance grant agreement in effect on the

1 effective date of this Act do not constitute a substantial modification for purposes of this  
2 paragraph.

3 \* **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section  
4 to read:

5 INSTRUCTION TO REVISOR. Notwithstanding sec. 148(c), ch. 87, SLA 1997, and  
6 secs. 53 - 54, ch. 132, SLA 1998, the new language added by the amendments made to  
7 AS 25.27.120(c), and 25.27.165(a) and (i) by secs. 7, 14, and 15 of this Act shall be retained  
8 if sec. 148(c), ch. 87, SLA 1997, and secs. 53 and 54, ch. 132, SLA 1998, take effect.

9 \* **Sec. 27.** This Act takes effect January 1, 2001.