

SENATE BILL NO. 80

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/18/99

Referred: CRA, HESS, Finance

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 tribal family assistance
4 programs; and providing for an effective date."

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

6 * **Section 1.** FINDINGS AND INTENT. (a) The legislature finds that

7 (1) self-sufficiency for Alaska families is a statewide goal and that achieving
8 self-sufficiency is greatly influenced by local conditions, particularly in rural Alaska with its
9 unique mix of subsistence and cash economies;

10 (2) self-sufficiency efforts are more likely to succeed when local communities
11 in a region of Alaska take responsibility for reducing dependence and when those efforts
12 accurately reflect the social and economic conditions of the region of Alaska;

13 (3) new federal welfare reform law offers Alaska Native non-profit
14 organizations the opportunity to assume responsibility for providing public assistance and self-

1 sufficiency services throughout Alaska; and

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

4 (b) It is the intent of the legislature to provide certain appropriations that would
5 otherwise be used to provide assistance and self-sufficiency services to the recipients living
6 in a public assistance region through an Alaska tribal family assistance grant to the Alaska
7 Native non-profit organizations that are assuming the responsibility for providing the
8 assistance and those services in that region of Alaska. It is further the intent of the legislature
9 that state public assistance plans may be approved on a regional basis in appropriate
10 circumstances and, if approved, may be administered uniformly in the region for all recipients
11 in order to achieve the maximum cost efficiencies and benefits of a regionally designed
12 program.

13 * **Sec. 2.** AS 36.30.850(b) is amended by adding a new paragraph to read:

14 (41) contracts awarded under AS 47.27.072 for state public assistance
15 provided under a regional public assistance plan.

16 * **Sec. 3.** AS 47.27.005 is amended to read:

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

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

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

26 (3) prepare, submit to the federal government, and amend, if necessary,
27 a state plan designed to assure that federal money is available to the state for the
28 operation of the program set out in this chapter to provide assistance for basic living
29 expenses and self-sufficiency services to needy children and their families consistent
30 with the state objectives identified in (2) of this section;

31 (4) adopt methods of program administration to ensure consistency with

1 the federal requirements under any successor federal program that replaces the aid to
2 families with dependent children program;

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

9 (6) provide to the legislature an annual executive summary of the
10 information required to be reported to the federal government under (5) of this section;

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

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

15 * **Sec. 4.** AS 47.27.005 is amended by adding a new subsection to read:

16 (b) In implementing its duties under (a) of this section, the department may
17 adopt program standards that vary by region in the state in order to incorporate the
18 standards of an Alaska tribal family assistance plan into a regional plan. The program
19 standards adopted under this subsection need not contain all of the requirements of this
20 chapter so long as they meet the standards set out in AS 47.27.072 and contain the
21 program elements set out in AS 47.27.071.

22 * **Sec. 5.** AS 47.27 is amended by adding new sections to read:

23 **Sec. 47.27.071. Alaska tribal family assistance grants.** (a) Notwithstanding
24 any contrary provisions of this chapter and in addition to grants awarded under
25 AS 47.27.050, the department may award and administer Alaska tribal family
26 assistance grants in accordance with this section to Alaska Native organizations that
27 meet the requirements of AS 47.27.070. Only organizations that received approval for,
28 and have agreed to operate, a federally approved tribal family assistance plan in this
29 state are eligible to receive a grant under this section. An organization that receives
30 a grant under this section must operate the plan approved under this section on a state
31 fiscal year basis.

1 (b) If an organization intends to apply for a grant under this section, the
2 organization first must submit to the department a letter of intent along with a copy
3 of the proposed federal tribal family assistance plan that will be submitted to the
4 federal government for approval. The organization must make its submission to the
5 department at least eight months before the proposed effective date of the federal tribal
6 family assistance plan. The department shall review the submission and notify the
7 organization of any significant deficiencies that would make the organization ineligible
8 to be considered for an Alaska tribal family assistance grant even if federal approval
9 is received without significant changes to the federal tribal family assistance plan and
10 federal grant money is awarded for implementation of that plan. The organization may
11 make a supplemental submission to the department to resolve any deficiencies noted
12 by the department. If, after departmental review and any supplemental revision, an
13 organization's plan remains eligible for consideration for a grant award under this
14 section, the department shall notify the organization that the organization may submit
15 a proposal for a grant award after the organization has received notice of federal
16 approval of the federal tribal family assistance plan and the pending award of federal
17 grant money. The commissioner may waive the time deadline specified in this
18 subsection if the commissioner

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

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

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

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

28 (2) for the second and following state fiscal years under the plan
29 accepted by the department, represents a fair and equitable portion of state
30 appropriations made for public assistance programs that is allocated for Alaska tribal
31 family assistance grants to be awarded under this section in order to serve the state

1 residents who will be served by the plan; if the money is not allocated for these grants,
2 the amounts shall be made in the same manner as described in (1) of this subsection.

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

5 (1) documentation that the organization

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

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

10 (2) a plan for operation of the Alaska tribal family assistance grant that
11 meets the requirements of (e) of this section; and

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

20 (e) An organization's plan for operation of the Alaska tribal family assistance
21 grant must

22 (1) be designed to facilitate self-sufficiency of assistance recipients
23 within the region specified in the federally approved tribal family assistance plan by
24 addressing the conditions specific to the region of the state;

25 (2) provide for a reasonable pattern of service delivery from all
26 providers serving the region of the state;

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

29 (4) provide for administration of the grant money received under this
30 section to establish a program in accordance with the plan accepted by the department
31 and in compliance with other requirements of this section; the program must include

1 the following standards for providing assistance to eligible families:

2 (A) only families with at least one dependent child or a woman
3 in the last trimester of pregnancy are eligible for assistance paid from Alaska
4 tribal family assistance grant money;

5 (B) amounts for assistance provided from Alaska tribal family
6 assistance grant money to eligible families may not exceed the amounts
7 specified under AS 47.27.025(b), when combined with assistance provided
8 under the federally approved tribal family assistance grant;

9 (C) to remain eligible for assistance paid from the Alaska tribal
10 family assistance grant money, any minor parent of a dependent child must
11 meet the requirements of AS 47.27.027;

12 (D) families receiving assistance paid from Alaska tribal family
13 assistance grant money must comply with the provisions of AS 47.27.035(a)
14 regarding participation in work activities;

15 (E) families receiving assistance paid from Alaska tribal family
16 assistance grant money must comply with the provisions of AS 47.27.040
17 regarding assignment of support rights and cooperation with the child support
18 enforcement agency of the Department of Revenue;

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

22 (f) The department may award a grant under this section only if the department
23 determines that the proposal, including a plan for operation of the grant, meets the
24 criteria specified in (d) and (e) of this section and the department determines that an
25 award of the grant to the organization would be in the public interest. The department
26 may not distribute grant money until a grant agreement between the organization and
27 the department is executed that meets the requirements of this section.

28 (g) Records pertaining to recipients of assistance from an Alaska tribal family
29 assistance grant awarded under this section are confidential public assistance records
30 under AS 47.05.020 and the regulations adopted under it. Use and misuse of these
31 records are subject to the provisions of AS 47.05.030. It is an official purpose under

1 AS 47.05.020 for an organization receiving a grant under this section and the
2 department or another agency of the state to exchange information concerning
3 recipients of assistance under this section so long as the information requested is for
4 purposes directly connected with the administration of a grant under this section.

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

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

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

24 **Sec. 47.27.072. Regional public assistance plans, programs, and contracts.**

25 (a) Notwithstanding any contrary provisions of this chapter, the department may
26 develop a regional public assistance plan and implement a regional program for the
27 administration of this chapter in order to provide state public assistance in a uniform
28 and cost-effective manner in a region of this state. The department may develop a
29 regional public assistance plan only if an Alaska Native organization is authorized to
30 implement a federally approved tribal family assistance plan in the region and has been
31 awarded an Alaska tribal family assistance grant for a program in that region for the

1 applicable fiscal year under AS 47.27.071. The regional public assistance plan under
2 this section must be designed to serve eligible state residents in the region who are not
3 covered by a federally approved tribal family assistance program in that region.

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

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

13 (1) has been awarded an Alaska tribal family assistance grant for a
14 program in that region under AS 47.27.071;

15 (2) agrees to administer state public assistance under this chapter to
16 other state residents in the region who are not served by the Alaska tribal family
17 assistance grant awarded under AS 47.27.071;

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

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

23 (d) Records pertaining to recipients of state public assistance under a contract
24 awarded under this section have the same confidential protections as are provided to
25 recipients of assistance from Alaska tribal family assistance grants under
26 AS 47.27.071.

27 (e) An organization that receives a contract under this section shall provide an
28 appeals process to applicants for or recipients of state public assistance covered by the
29 contract awarded under this section. The appeals process must be the same as the
30 method available under the federally approved tribal family assistance plan, except that
31 the decision reached will be considered as a recommended decision to the department.

1 Within 30 days after receiving a recommended decision, the department shall review
2 the recommended decision and issue a decision accepting or rejecting the
3 recommended decision. If the department rejects the recommended decision, the
4 department shall independently review the record and issue its final decision. The
5 final decision of the department on the matter is appealable to the court of this state.

6 (f) If the department establishes a regional public assistance plan and awards
7 a contract to provide state public assistance under this section, a person applying for
8 state public assistance under this chapter in the region of the state covered by the
9 regional public assistance plan may obtain state public assistance from the department
10 only through the organization designated by the department to serve the region.

11 * **Sec. 6.** AS 47.27.900 is amended by adding a new paragraph to read:

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

16 * **Sec. 7.** APPLICABILITY. (a) This Act does not apply to the provisions of an existing
17 Alaska tribal family assistance grant agreement in effect on the effective date of this Act until
18 the earliest of the following occurs:

- 19 (1) the Alaska tribal family assistance grant agreement expires;
20 (2) the Alaska tribal family assistance grant agreement is terminated;
21 (3) a substantial modification is made to the Alaska tribal family assistance
22 grant agreement.

23 (b) Routine technical amendments to an existing Alaska tribal family assistance grant
24 agreement in effect on the effective date of this Act do not constitute a substantial
25 modification for purposes of (a) of this section.

26 * **Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).