

**HOUSE BILL NO. 308**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES NELSON, Buch, Salmon, Kerttula**

**Introduced: 1/15/08**

**Referred: Community and Regional Affairs, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act establishing a state heating assistance program in addition to the federal**  
2 **heating assistance program."**

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

4 **\* Section 1.** AS 47 is amended by adding new sections to read:

5 **Article 3A. Alaska Heating Assistance Program.**

6 **Sec. 47.25.621. Alaska heating assistance program.** (a) The Alaska heating  
7 assistance program is established in the Department of Health and Social Services to  
8 provide expanded eligibility for Alaska residents for home heating assistance, to the  
9 extent funds are appropriated by the legislature for that purpose.

10 (b) The heating assistance program established under this section is in addition  
11 to the federal low-income heating and energy assistance provided under 42 U.S.C.  
12 8621 - 8629 (Low-Income Home Energy Assistance Act of 1981), as amended, and  
13 implementing regulations.

14 **Sec. 47.25.622. Duties.** The department shall

1 (1) administer the Alaska heating assistance program provided under  
2 AS 47.25.621;

3 (2) adopt regulations under AS 44.62 (Administrative Procedure Act)  
4 to carry out the purpose of the program;

5 (3) coordinate payments among other heating assistance programs to  
6 avoid duplication of payments.

7 **Sec. 47.25.623. Eligibility.** An individual is eligible for home heating  
8 assistance payments under the Alaska home heating assistance program if the  
9 individual

10 (1) is a resident of the state;

11 (2) is physically present and resides in a home in the state when the  
12 home heating costs are incurred;

13 (3) has gross household income above 150 percent but that does not  
14 exceed 175 percent of the federal poverty guideline for Alaska set by the United States  
15 Department of Health and Human Services and revised under AS 42 U.S.C. 9902(2);

16 (4) meets other eligibility requirements specified in regulations  
17 adopted under AS 47.25.622.

18 **Sec. 47.25.624. Appeal rights.** An individual who receives a determination  
19 from the department that denies, limits, or modifies home heating payments under  
20 AS 47.25.621 - 47.25.625, other than a determination based on insufficient funding of  
21 the program, may request a hearing before the department under regulations adopted  
22 by the department.

23 **Sec. 47.25.625. Ability to recover or recoup improper home heating**  
24 **assistance payments.** An individual is liable to the department for the value of  
25 assistance improperly paid under AS 47.25.623 if the improper payment was based on  
26 inaccurate or incomplete information provided by the individual. In a civil action  
27 brought by the state to recover from the individual the value of the assistance  
28 improperly paid, the state may recover from the individual the costs of investigation  
29 and prosecution of the civil action, including attorney fees as determined under court  
30 rules.