

**CS FOR HOUSE BILL NO. 308(CRA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 3/12/08

Referred: Finance

Sponsor(s): REPRESENTATIVES NELSON, Buch, Salmon, Kerttula

**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. Powers and duties.** (a) 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 (b) The department may develop a regional Alaska heating assistance program  
8 for the administration of AS 47.25.621 - 47.25.625 to provide home heating assistance  
9 in a uniform and cost-effective manner in a region of this state if an Alaska Native  
10 organization is authorized to implement a federally approved tribal family assistance  
11 plan that includes that region and has been awarded an Alaska Native family  
12 assistance grant for a program that includes that region for the applicable fiscal year  
13 under AS 47.27.200.

14 (c) The department may award contracts to implement a program developed  
15 under (b) of this section. A contract authorized for delivery of home heating assistance  
16 under a regional Alaska heating assistance program under (b) - (g) of this section is  
17 exempt from the competitive bid requirements of AS 36.30 (State Procurement Code).  
18 Subject to appropriation, a contract under this section must be in an amount that  
19 represents a fair and equitable share of the money appropriated for the Alaska heating  
20 assistance program under AS 47.25.621 - 47.25.625 to serve the state residents  
21 specified in (b) of this section. The authority provided under (b) - (g) of this section to  
22 contract is in addition to the authority to contract in AS 47.05.015 or other law.

23 (d) The department may award a contract under this section only to an  
24 organization that

25 (1) has been awarded an Alaska Native family assistance grant under  
26 AS 47.27.200 for a program that includes that region;

27 (2) agrees to administer home heating assistance under AS 47.25.621 -  
28 47.25.625 to state residents in the region; and

29 (3) agrees to implement an appeals process as described in (f) of this  
30 section.

31 (e) Records pertaining to recipients of home heating assistance under a

1 contract awarded under (b) - (g) of this section have the same confidential protections  
2 as are provided to recipients of assistance from Alaska Native family assistance grants  
3 under AS 47.27.200.

4 (f) Notwithstanding AS 47.25.624, an organization that receives a contract  
5 under (b) - (g) of this section shall provide an appeals process to applicants for or  
6 recipients of home heating assistance covered by the contract awarded under (b) - (g)  
7 of this section. The appeals process must be the same as the method available under  
8 AS 47.25.624, except that the decision reached shall be considered a recommended  
9 decision to the department. Within 30 days after receiving a recommended decision,  
10 the department shall review the recommended decision and issue a decision accepting  
11 or rejecting the recommended decision. If the department rejects the recommended  
12 decision, the department shall independently review the record and issue its final  
13 decision. The final decision of the department on the matter is appealable to the courts  
14 of this state.

15 (g) If the department establishes a regional Alaska heating assistance program  
16 and awards a contract to provide home heating assistance under (b) - (g) of this  
17 section, a person applying for home heating assistance under AS 47.25.621 -  
18 47.25.625 in the region of the state covered by the regional home heating assistance  
19 program may obtain home heating assistance from the department only through the  
20 organization designated by the department to serve the region.

21 **Sec. 47.25.623. Eligibility.** An individual is eligible for home heating  
22 assistance payments under the Alaska home heating assistance program if the  
23 individual

24 (1) is a resident of the state;

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

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

30 (4) meets other eligibility requirements specified in regulations  
31 adopted under AS 47.25.622.

1           **Sec. 47.25.624. Appeal rights.** Except as provided in AS 47.25.622(f), an  
2 individual who receives a determination from the department that denies, limits, or  
3 modifies home heating payments under AS 47.25.621 - 47.25.625, other than a  
4 determination based on insufficient funding of the program, may request a hearing  
5 before the department under regulations adopted by the department.

6           **Sec. 47.25.625. Ability to recover or recoup improper home heating**  
7 **assistance payments.** An individual is liable to the department for the value of  
8 assistance improperly paid under AS 47.25.623 if the improper payment was based on  
9 inaccurate or incomplete information provided by the individual. In a civil action  
10 brought by the state to recover from the individual the value of the assistance  
11 improperly paid, the state may recover from the individual the costs of investigation  
12 and prosecution of the civil action, including attorney fees as determined under court  
13 rules.