

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

January 29, 2020

1:49 p.m.

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Chuck Kopp
Representative Harriet Drummond
Representative Louise Stutes
Representative Gabrielle LeDoux
Representative Laddie Shaw
Representative David Eastman

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative Jonathan Kreiss-Tomkins

COMMITTEE CALENDAR

HOUSE BILL NO. 142

"An Act relating to Alaska Native organizations; relating to the village public safety officer program; and relating to the Alaska temporary assistance program."

- MOVED CSHB 142 (JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 142

SHORT TITLE: NATIVE ORGANIZATIONS TANF PROGRAM

SPONSOR(S): REPRESENTATIVE(S) KREISS-TOMKINS

04/22/19	(H)	READ THE FIRST TIME - REFERRALS
04/22/19	(H)	TRB, JUD
04/30/19	(H)	TRB AT 8:00 AM CAPITOL 106
04/30/19	(H)	Heard & Held
04/30/19	(H)	MINUTE (TRB)
05/02/19	(H)	TRB AT 8:00 AM CAPITOL 106
05/02/19	(H)	Moved HB 142 Out of Committee
05/02/19	(H)	MINUTE (TRB)

05/03/19 (H) TRB RPT 4DP 2NR
05/03/19 (H) DP: LINCOLN, ORTIZ, EDGMON, ZULKOSKY
05/03/19 (H) NR: VANCE, TALERICO
05/08/19 (H) JUD AT 1:00 PM GRUENBERG 120
05/08/19 (H) -- MEETING CANCELED --
05/10/19 (H) JUD AT 1:00 PM GRUENBERG 120
05/10/19 (H) Heard & Held
05/10/19 (H) MINUTE(JUD)
01/27/20 (H) JUD AT 1:30 PM GRUENBERG 120
01/27/20 (H) Heard & Held
01/27/20 (H) MINUTE(JUD)
01/29/20 (H) JUD AT 1:30 PM GRUENBERG 120

WITNESS REGISTER

STACIE KRALY

Chief Assistant Attorney General/Statewide Section Supervisor
Human Services Section
Administrative Services Division
Department of Law
Juneau, Alaska

POSITION STATEMENT: Answered questions regarding HB 142.

ACTION NARRATIVE

[1:49:25 PM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:49 p.m. Representatives Claman, Drummond, Stutes, LeDoux, Shaw, and Eastman were present at the call to order. Representative Kopp arrived as the meeting was in progress.

HB 142-NATIVE ORGANIZATIONS TANF PROGRAM

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CHAIR CLAMAN announced that the only order of business would be HOUSE BILL NO. 142, "An Act relating to Alaska Native organizations; relating to the village public safety officer program; and relating to the Alaska temporary assistance program." [Before the committee as a work draft, adopted during the meeting on 1/27/20, was the proposed committee substitute (CS) for HB 142, Version 31-LS0535\G, Marx, 1/23/20.]

CHAIR CLAMAN commented that this was the third hearing of HB 142 before the House Judiciary Standing Committee. There were no

amendments received for HB 142. Chair Claman noted for the committee members that Stacie Kraly, the [Chief Assistant] Attorney General from the Department of Law (DOL), was on the line to answer questions. He noted that Ms. Kraly was responsible for providing advice to the Health and Human [Services] Department (HSS).

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REPRESENTATIVE LEDOUX stated that she would like to get an answer to the question she had asked in the previous House Judiciary Standing Committee meeting on 1/27/20. She wanted an explanation as to why the DOL had been able to identify a problem and work with the HSS to solve it yet would not express a position on HB 142.

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STACIE KRALY, Chief Assistant Attorney General/Statewide Section Supervisor, Human Services Section, Administrative Services Division, Department of Law, explained that the issue regarding the application by The Central Council of the Tlingit and Haida Indian Tribes of Alaska "Tlingit & Haida" for tribal Temporary Assistance for Needy Families (TANF) was identified approximately three years ago. Ms. Kraly worked with Kendri Cesar and other attorneys representing Tlingit & Haida to identify the issue and present some possible solutions. She explained that it was decided Tlingit & Haida would seek a legislative fix to the issue where it is not a non-profit, so it would be eligible for funds without being in technical violation of AS 47.27.070, which read as follows:

Sec. 47.27.070. Alaska native organizations' family assistance programs.

(a) The department may coordinate only with the following Alaska Native organizations, as designated under federal law, in the development of family assistance programs:

- (1) Arctic Slope Native Association;
- (2) Kawerak, Inc.;
- (3) Maniilaq Association;
- (4) Association of Village Council Presidents;
- (5) Tanana Chiefs Conference;
- (6) Cook Inlet Tribal Council;
- (7) Bristol Bay Native Association;
- (8) Aleutian and Pribilof Island Association;
- (9) Chugachmiut;

(10) Tlingit Haida Central Council;
(11) Kodiak Area Native Association;
(12) Copper River Native Association; and
(13) Metlakatla Indian Community of the Annette Islands Reserve; however, the department may cooperate with the Metlakatla Indian Community under this chapter only if the community waives any claim to sovereign immunity with respect to matters involved with the family assistance program.

(b) The department may cooperate with the Alaska Native organizations named in (a) of this section to propose program criteria to the Secretary of the United States Department of Health and Human Services in order to promote programs comparable to the state program in the same area.

(c) Notwithstanding other provisions of this section, the department may coordinate with an Alaskan Native organization under (a) of this section only if, for purposes of this chapter, the Alaska Native organization incorporates a nonprofit entity under state law and the nonprofit entity is active and in good standing, as determined by the Department of Commerce, Community, and Economic Development.

MS. KRALY stated that the position of the DOL is not that they do not support HB 142, but rather that there are several solutions to the problem and the DOL does not have a preference on which solution is chosen. She explained that HB 142 proposes a solution to the problem. She expressed that the DOL's interest is in seeing the problem solved, not presenting a position on which solution is preferred.

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REPRESENTATIVE LEDOUX asked Ms. Kraly whether there were any solution(s) that she thinks might be a better option.

MS. KRALY replied that one of the solutions, which was discussed at the previous committee meeting on 1/27/20, was whether Tlingit & Haida should become a non-profit. She said that as Kendri Cesar had testified, it was decided that this was not an appropriate business decision for Tlingit & Haida. Ms. Kraly presented that another option could be a specific amendment to AS 47.27.070(a)(13), changing it slightly so that it would be specified whether an organization was applying on behalf of a tribal organization or as a non-profit. She reiterated that there are several solutions to the issue and not one is

preferred by the DOL. She stated that what the DOL thinks is necessary is a fix to the technical problem relating to the way AS 47.27.070 is currently drafted.

REPRESENTATIVE LEDOUX expressed that she did not quite understand why, given that the DOL had worked with the bill sponsor to solve the problem, it was not able to say it supports HB 142.

MS. KRALY explained that the DOL does not take a position on several legislative proposals. She added that the DOL does take the position that AS 47.27.070 needs to be amended and HB 142 is a way to amend it that would resolve the issue regarding the technical violation.

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CHAIR CLAMAN asked Ms. Kraly whether it was correct to say that the DOL believes HB 142 solves the problem regarding AS 47.27.070 successfully.

MS. KRALY replied that the DOL does see it as a successful solution.

CHAIR CLAMAN asked whether the DOL would be suggesting any other changes to AS 47.27.070. He stated that Tlingit & Haida had Representative Kreiss-Tomkins present HB 142, and it seems to be its preferred solution to the problem, even if it is not the DOL's preferred solution. He asked whether there was any reason she could see as to why the committee shouldn't approve HB 142 as solving the problem.

MS. KRALY replied that she does not.

CHAIR CLAMAN asked whether the DOL shares Ms. Kraly's opinion recommends the committee move forward with HB 142 or pursue a different solution.

MS. KRALY responded that her understanding is the DOL shares her opinion.

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REPRESENTATIVE EASTMAN asked Ms. Kraly whether she thinks HB 142, as currently written, could open the possibility for organizations other than Tlingit & Haida to take advantage of the change in statute.

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MS. KRALY responded that she does not think it would. She explained that she agreed with Kendri Cesar's analysis that there is a very narrow category of individuals eligible for tribal TANF, and those individuals are limited by federal statute. Therefore, adding additional framework for other individuals to come in would probably require federal legislation.

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CHAIR CLAMAN asked whether there were any further questions regarding HB 142. Hearing none, he requested a motion.

[1:57:16 PM](#)

REPRESENTATIVE KOPP moved to report CSHB 142, Version 31-LS0535\G, Marx, 1/23/20, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 142(JUD) was reported out of the House Judiciary Standing Committee.

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ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:58 p.m.