

**HOUSE BILL NO. 168**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES SNYDER, Zulkosky, Tarr, Eastman, Spohnholz, Vance, Story, Kurka, Nelson, Tuck

SENATOR Gray-Jackson

Introduced: 4/9/21

Referred: Health and Social Services

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act requiring the Department of Health and Social Services to provide and allow  
2 submission of an electronic application for certain state benefits; and providing for an  
3 effective date."

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

5 \* **Section 1.** AS 47.05.010 is amended to read:

6 **Sec. 47.05.010. Duties of department.** The Department of Health and Social  
7 Services shall

8 (1) administer adult public assistance, the Alaska temporary assistance  
9 program, and all other assistance programs, and receive and spend money made  
10 available to it;

11 (2) adopt regulations necessary for the conduct of its business and for  
12 carrying out federal and state laws granting adult public assistance, temporary cash  
13 assistance, diversion payments, or self-sufficiency services for needy families under  
14 the Alaska temporary assistance program, and other assistance;

1 (3) establish minimum standards for personnel employed by the  
2 department and adopt necessary regulations to maintain those standards;

3 (4) require those bonds and undertakings from persons employed by it  
4 that, in its judgment, are necessary, and pay the premiums on them;

5 (5) cooperate with the federal government in matters of mutual  
6 concern pertaining to adult public assistance, the Alaska temporary assistance  
7 program, and other forms of public assistance;

8 (6) make the reports, in the form and containing the information, that  
9 the federal government from time to time requires;

10 (7) cooperate with the federal government, its agencies, or  
11 instrumentalities in establishing, extending, and strengthening services for the  
12 protection and care of homeless, dependent, and neglected children in danger of  
13 becoming delinquent, and receive and expend funds available to the department by the  
14 federal government, the state, or its political subdivisions for that purpose;

15 (8) cooperate with the federal government in adopting state plans to  
16 make the state eligible for federal matching in appropriate categories of assistance, and  
17 in all matters of mutual concern, including adoption of the methods of administration  
18 that are found by the federal government to be necessary for the efficient operation of  
19 welfare programs;

20 (9) adopt regulations, not inconsistent with law, defining need,  
21 prescribing the conditions of eligibility for assistance, and establishing standards for  
22 determining the amount of assistance that an eligible person is entitled to receive; the  
23 amount of the assistance is sufficient when, added to all other income and resources  
24 available to an individual, it provides the individual with a reasonable subsistence  
25 compatible with health and well-being; an individual who meets the requirements for  
26 eligibility for assistance shall be granted the assistance promptly upon application for  
27 it;

28 (10) grant to a person claiming or receiving assistance and who is  
29 aggrieved because of the department's action or failure to act, reasonable notice and an  
30 opportunity for a fair hearing by the office of administrative hearings (AS 44.64.010),  
31 and the department shall adopt regulations relative to this;

1           (11) enter into reciprocal agreements with other states relative to  
2 public assistance, welfare services, and institutional care that are considered advisable;

3           (12) establish the requirements of residence for public assistance,  
4 welfare services, and institutional care that are considered advisable, subject to the  
5 limitations of other laws of the state, or law or regulation imposed as conditions for  
6 federal financial participation;

7           (13) establish the divisions and local offices that are considered  
8 necessary or expedient to carry out a duty or authority assigned to it and appoint and  
9 employ the assistants and personnel that are necessary to carry on the work of the  
10 divisions and offices, and fix the compensation of the assistants or employees, except  
11 that a person engaged in business as a retail vendor of general merchandise, or a  
12 member of the immediate family of a person who is so engaged, may not serve as an  
13 acting, temporary, or permanent local agent of the department, unless the  
14 commissioner of health and social services certifies in writing to the governor, with  
15 relation to a particular community, that no other qualified person is available in the  
16 community to serve as local welfare agent; for the purposes of this paragraph, a  
17 "member of the immediate family" includes a spouse, child, parent, brother, sister,  
18 parent-in-law, brother-in-law, or sister-in-law;

19           (14) provide education and health-related services and referrals  
20 designed to reduce the number of out-of-wedlock pregnancies and the number of  
21 induced pregnancy terminations in the state;

22           (15) investigate reports of abuse, neglect, or misappropriation of  
23 property by certified nurse aides in facilities licensed by the department under  
24 AS 47.32;

25           (16) establish state policy relating to and administer federal programs  
26 subject to state control as provided under 42 U.S.C. 3001 - 3058ee (Older Americans  
27 Act of 1965), as amended, and related federal regulations;

28           (17) administer the older Alaskans service grants under AS 47.65.010 -  
29 47.65.050 and the adult day care and family respite care grants under AS 47.65.100;

30           (18) actively seek to recruit quality foster parents and adoptive parents  
31 when a shortage of quality foster parents or adoptive parents exists;

1                   **(19) establish an electronic application process for all assistance**  
 2                   **programs administered by the department and allow an applicant to submit**  
 3                   **either a written or an electronic application; in this paragraph, "electronic**  
 4                   **application" means an application for benefits or renewal of benefits, whether**  
 5                   **the department exclusively administers the benefits or administers the benefits in**  
 6                   **coordination with another state agency or federal agency, electronically**  
 7                   **completed and submitted through the department's Internet website.**

8 \* **Sec. 2.** AS 47.08.150(b) is amended to read:

9                   (b) A needy person suffering from a chronic or an acute medical condition  
 10                   who is eligible for general relief assistance under AS 47.25.120 and is not eligible for  
 11                   the medical assistance program under AS 47.07 may apply for assistance under this  
 12                   section. The department shall make a determination of eligibility based on a general  
 13                   relief assistance application. The requirements of AS 47.08.020 - 47.08.140 do not  
 14                   apply to assistance sought under this section, except that, notwithstanding (c) of this  
 15                   section, neither reimbursement nor assistance may be paid by the department for  
 16                   services that are listed in AS 47.08.050 as those services are defined in AS 47.08.140.  
 17                   **The department shall establish an electronic application for assistance under this**  
 18                   **section. The department shall allow an applicant to complete and submit a secure**  
 19                   **electronic application for assistance through the department's Internet website.**

20 \* **Sec. 3.** AS 47.25.001(a) is amended to read:

21                   (a) The department shall  
 22                               (1) implement and administer a program to assist in providing day care  
 23                               for the children of low and moderate income families according to the requirements of  
 24                               AS 47.25.001 - 47.25.095;  
 25                               (2) establish standards of eligibility for day care benefits;  
 26                               (3) contract for the care of children of eligible families;  
 27                               (4) establish procedures to periodically review the needs of families  
 28                               receiving day care benefits;  
 29                               (5) provide notification to the local government body of the request for  
 30                               a contract with a day care facility;  
 31                               **(6) establish an electronic application for assistance and allow an**

1        **applicant to submit an application in electronic format or in other formats**  
 2        **required by state and federal law.**

3        \* **Sec. 4.** AS 47.25.071(e) is amended to read:

4                (e) An application for a grant under this section shall be made in **a format**  
 5        [THE FORM] established by the department. **The department shall establish an**  
 6        **electronic application for a grant and allow an applicant to submit an application**  
 7        **in electronic format or in other formats required by state and federal law.**

8        \* **Sec. 5.** AS 47.25.095 is amended by adding a new paragraph to read:

9                (7) "electronic application" means an application for benefits or  
 10        renewal of benefits electronically completed and submitted through the department's  
 11        Internet website.

12        \* **Sec. 6.** AS 47.25.150 is amended to read:

13                **Sec. 47.25.150. Application for assistance.** A person requesting assistance  
 14        shall apply for it, either personally or through another person, **in a format and**  
 15        **manner prescribed in** [UPON FORMS FURNISHED AND UNDER] regulations  
 16        adopted by the department. **Regulations adopted under this section must establish**  
 17        **an electronic application for assistance and allow an applicant to submit an**  
 18        **application in electronic format or in other formats required by state and federal**  
 19        **law. In this section, "electronic application" means an application for benefits or**  
 20        **renewal of benefits, whether the department exclusively administers the benefits**  
 21        **or administers the benefits in coordination with another state agency or federal**  
 22        **agency, electronically completed and submitted through the department's**  
 23        **Internet website.**

24        \* **Sec. 7.** AS 47.25.440 is amended to read:

25                **Sec. 47.25.440. Application for assistance.** A person requesting assistance  
 26        shall apply for it, either personally or through another, **in a format and manner**  
 27        **prescribed in** [UPON FORMS FURNISHED AND UNDER] regulations adopted by  
 28        the department. **Regulations adopted under this section must establish an**  
 29        **electronic application for assistance and allow an applicant to submit an**  
 30        **application in electronic format or in other formats required by state and federal**  
 31        **law. In this section, "electronic application" means an application for benefits or**

1 renewal of benefits, whether the department exclusively administers the benefits  
 2 or administers the benefits in coordination with another state agency or federal  
 3 agency, electronically completed and submitted through the department's  
 4 Internet website.

5 \* **Sec. 8.** AS 47.25.622 is amended to read:

6 **Sec. 47.25.622. Duties.** The Department of Health and Social Services shall

7 (1) administer the Alaska affordable heating program provided under  
 8 AS 47.25.621;

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

11 (3) coordinate payments among other heating assistance programs to  
 12 avoid duplication of payments;

13 (4) establish an electronic application for the Alaska affordable  
 14 heating program and allow an applicant to submit an application in electronic  
 15 format or in other formats required by state and federal law; in this paragraph,  
 16 "electronic application" means an application for benefits or renewal of benefits,  
 17 whether the department exclusively administers the benefits or administers the  
 18 benefits in coordination with another state agency or federal agency,  
 19 electronically completed and submitted through the department's Internet  
 20 website.

21 \* **Sec. 9.** AS 47.25.980(a) is amended to read:

22 (a) The department shall

23 (1) adopt regulations necessary to carry out the food stamp program;

24 (2) cooperate with the federal government and do all things necessary  
 25 to continue state eligibility under the food stamp program;

26 (3) comply with the requirements of 7 U.S.C. 2011 - 2036 (Food  
 27 Stamp Program);

28 (4) establish an electronic application for the food stamp program  
 29 and allow an applicant to submit an application in electronic format or in other  
 30 formats required by state and federal law; in this paragraph, "electronic  
 31 application" means an application for benefits or renewal of benefits, whether

1 the department exclusively administers the benefits or administers the benefits in  
 2 coordination with another state agency or federal agency, electronically  
 3 completed and submitted through the department's Internet website.

4 \* **Sec. 10.** AS 47.27.020(a) is amended to read:

5 (a) An applicant under the Alaska temporary assistance program shall  
 6 complete an application in writing, or by electronic means, and in a **format** [FORM]  
 7 specified in regulations adopted by the department. Regulations adopted under this  
 8 subsection must establish an electronic application for the program and allow an  
 9 applicant to submit an application in electronic format or in other formats  
 10 required by state and federal law. The applicant must be a pregnant woman or an  
 11 individual who has physical custody of the dependent child or children. The  
 12 application must be complete and must provide all of the information about the family  
 13 and the child or children that is requested by the department. The applicant shall  
 14 provide all supporting documentation for verification that the department determines  
 15 to be necessary to establish eligibility. In this subsection, "electronic application"  
 16 means an application for benefits or renewal of benefits, whether the department  
 17 exclusively administers the benefits or administers the benefits in coordination  
 18 with another state agency or federal agency, electronically completed and  
 19 submitted through the department's Internet website.

20 \* **Sec. 11.** AS 47.45.302(a) is amended to read:

21 (a) An individual is eligible for a cash assistance benefit under the program if  
 22 the individual

23 (1) is 65 years of age or older;

24 (2) is a resident of the state;

25 (3) is a citizen of the United States or a qualified alien under 8 U.S.C.  
 26 1613 and 1641;

27 (4) has a household income that does not exceed 175 percent of the  
 28 annual federal poverty line for Alaska, as determined by the United States Department  
 29 of Health and Human Services and revised under 42 U.S.C. 9902(2);

30 (5) has not received a longevity bonus payment under AS 47.45.010 -  
 31 47.45.160 for the same period; and

1 (6) applies in the format prescribed by the department; the department  
 2 may use an abbreviated form for an individual who received a payment under an  
 3 assistance program for seniors that paid \$120 a month and was administered by the  
 4 department on or before July 29, 2007; **the department shall establish an electronic**  
 5 **application for a cash assistance benefit and allow an applicant to submit an**  
 6 **application in electronic format or in other formats required by state and federal**  
 7 **law; in this paragraph, "electronic application" means an application for benefits**  
 8 **or renewal of benefits, whether the department exclusively administers the**  
 9 **benefits or administers the benefits in coordination with another state agency or**  
 10 **federal agency, electronically completed and submitted through the department's**  
 11 **Internet website.**

12 \* **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to  
 13 read:

14 TRANSITION: REGULATIONS. The Department of Health and Social Services may  
 15 adopt regulations necessary to implement the changes made by this Act. The regulations take  
 16 effect under AS 44.62 (Administrative Procedure Act), but not before July 1, 2022.

17 \* **Sec. 13.** Section 12 of this Act takes effect immediately under AS 01.10.070(c).

18 \* **Sec. 14.** Except as provided in sec. 13 of this Act, this Act takes effect July 1, 2022.