

SENATE CS FOR HOUSE BILL NO. 168(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 2/4/22

Referred: Finance

Sponsor(s): REPRESENTATIVES SNYDER, Zulkosky, Tarr, Eastman, Spohnholz, Vance, Story, Kurka, Nelson, Tuck

SENATOR Gray-Jackson

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; the electronic application must**
 4 **inform an applicant that a false statement made on the application will be**
 5 **investigated and is punishable under AS 11.56.210; in this paragraph, "electronic**
 6 **application" means an application for benefits or renewal of benefits, whether**
 7 **the department exclusively administers the benefits or administers the benefits in**
 8 **coordination with another state agency or federal agency, electronically**
 9 **completed and submitted through the department's Internet website.**

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

11 (b) A needy person suffering from a chronic or an acute medical condition
 12 who is eligible for general relief assistance under AS 47.25.120 and is not eligible for
 13 the medical assistance program under AS 47.07 may apply for assistance under this
 14 section. The department shall make a determination of eligibility based on a general
 15 relief assistance application. The requirements of AS 47.08.020 - 47.08.140 do not
 16 apply to assistance sought under this section, except that, notwithstanding (c) of this
 17 section, neither reimbursement nor assistance may be paid by the department for
 18 services that are listed in AS 47.08.050 as those services are defined in AS 47.08.140.
 19 **The department shall establish an electronic application for assistance under this**
 20 **section. The department shall allow an applicant to complete and submit a secure**
 21 **electronic application for assistance through the department's Internet website.**
 22 **The electronic application must inform an applicant that a false statement made**
 23 **on the application will be investigated and is punishable under AS 11.56.210.**

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

25 (a) The department shall
 26 (1) implement and administer a program to assist in providing day care
 27 for the children of low and moderate income families according to the requirements of
 28 AS 47.25.001 - 47.25.095;
 29 (2) establish standards of eligibility for day care benefits;
 30 (3) contract for the care of children of eligible families;
 31 (4) establish procedures to periodically review the needs of families

1 receiving day care benefits;

2 (5) provide notification to the local government body of the request for
3 a contract with a day care facility;

4 **(6) establish an electronic application for assistance and allow an**
5 **applicant to submit an application in electronic format or in other formats**
6 **required by state and federal law; the electronic application must inform an**
7 **applicant that a false statement made on the application will be investigated and**
8 **is punishable under AS 11.56.210.**

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

10 (e) An application for a grant under this section shall be made in **a format**
11 **[THE FORM]** established by the department. **The department shall establish an**
12 **electronic application for a grant and allow an applicant to submit an application**
13 **in electronic format or in other formats required by state and federal law. The**
14 **electronic application must inform an applicant that a false statement made on**
15 **the application will be investigated and is punishable under AS 11.56.210.**

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

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

20 * **Sec. 6.** AS 47.25.150 is amended to read:

21 **Sec. 47.25.150. Application for assistance.** A person requesting assistance
22 shall apply for it, either personally or through another person, **in a format and**
23 **manner prescribed in** [UPON FORMS FURNISHED AND UNDER] regulations
24 adopted by the department. **Regulations adopted under this section must establish**
25 **an electronic application for assistance and allow an applicant to submit an**
26 **application in electronic format or in other formats required by state and federal**
27 **law. The electronic application must inform an applicant that a false statement**
28 **made on the application will be investigated and is punishable under**
29 **AS 11.56.210. In this section, "electronic application" means an application for**
30 **benefits or renewal of benefits, whether the department exclusively administers**
31 **the benefits or administers the benefits in coordination with another state agency**

1 or federal agency, electronically completed and submitted through the
 2 department's Internet website.

3 * Sec. 7. AS 47.25.440 is amended to read:

4 **Sec. 47.25.440. Application for assistance.** A person requesting assistance
 5 shall apply for it, either personally or through another, **in a format and manner**
 6 **prescribed in** [UPON FORMS FURNISHED AND UNDER] regulations adopted by
 7 the department. **Regulations adopted under this section must establish an**
 8 **electronic application for assistance and allow an applicant to submit an**
 9 **application in electronic format or in other formats required by state and federal**
 10 **law. The electronic application must inform an applicant that a false statement**
 11 **made on the application will be investigated and is punishable under**
 12 **AS 11.56.210. In this section, "electronic application" means an application for**
 13 **benefits or renewal of benefits, whether the department exclusively administers**
 14 **the benefits or administers the benefits in coordination with another state agency**
 15 **or federal agency, electronically completed and submitted through the**
 16 **department's Internet website.**

17 * Sec. 8. AS 47.25.622 is amended to read:

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

19 (1) administer the Alaska affordable heating program provided under
 20 AS 47.25.621;

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

23 (3) coordinate payments among other heating assistance programs to
 24 avoid duplication of payments;

25 **(4) establish an electronic application for the Alaska affordable**
 26 **heating program and allow an applicant to submit an application in electronic**
 27 **format or in other formats required by state and federal law; the electronic**
 28 **application must inform an applicant that a false statement made on the**
 29 **application will be investigated and is punishable under AS 11.56.210; in this**
 30 **paragraph, "electronic application" means an application for benefits or renewal**
 31 **of benefits, whether the department exclusively administers the benefits or**

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

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

5 (a) The department shall

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

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

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

11 (4) establish an electronic application for the food stamp program
 12 and allow an applicant to submit an application in electronic format or in other
 13 formats required by state and federal law; the electronic application must inform
 14 an applicant that a false statement made on the application will be investigated
 15 and is punishable under AS 11.56.210; in this paragraph, "electronic
 16 application" means an application for benefits or renewal of benefits, whether
 17 the department exclusively administers the benefits or administers the benefits in
 18 coordination with another state agency or federal agency, electronically
 19 completed and submitted through the department's Internet website.

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

21 (a) An applicant under the Alaska temporary assistance program shall
 22 complete an application in writing, or by electronic means, and in a **format** [FORM]
 23 specified **in regulations adopted** by the department. **Regulations adopted under this**
 24 **subsection must establish an electronic application for the program and allow an**
 25 **applicant to submit an application in electronic format or in other formats**
 26 **required by state and federal law.** The applicant must be a pregnant woman or an
 27 individual who has physical custody of the dependent child or children. The
 28 application must be complete and must provide all of the information about the family
 29 and the child or children that is requested by the department. The applicant shall
 30 provide all supporting documentation for verification that the department determines
 31 to be necessary to establish eligibility. **The electronic application must inform an**

1 applicant that a false statement made on the application will be investigated and
 2 is punishable under AS 11.56.210. In this subsection, "electronic application"
 3 means an application for benefits or renewal of benefits, whether the department
 4 exclusively administers the benefits or administers the benefits in coordination
 5 with another state agency or federal agency, electronically completed and
 6 submitted through the department's Internet website.

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

8 (a) An individual is eligible for a cash assistance benefit under the program if
 9 the individual

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

11 (2) is a resident of the state;

12 (3) is a citizen of the United States or a qualified alien under 8 U.S.C.
 13 1613 and 1641;

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

17 (5) has not received a longevity bonus payment under AS 47.45.010 -
 18 47.45.160 for the same period; and

19 (6) applies in the format prescribed by the department; the department
 20 may use an abbreviated form for an individual who received a payment under an
 21 assistance program for seniors that paid \$120 a month and was administered by the
 22 department on or before July 29, 2007; the department shall establish an electronic
 23 application for a cash assistance benefit and allow an applicant to submit an
 24 application in electronic format or in other formats required by state and federal
 25 law; the electronic application must inform an applicant that a false statement
 26 made on the application will be investigated and is punishable under
 27 AS 11.56.210; in this paragraph, "electronic application" means an application
 28 for benefits or renewal of benefits, whether the department exclusively
 29 administers the benefits or administers the benefits in coordination with another
 30 state agency or federal agency, electronically completed and submitted through
 31 the department's Internet website.

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

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

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

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