

SB

2006

(File 1)

RE TCN: 60373 SCHEDULED FOR:02/19/96 13:30 TO 15:30
 SPONSOR: SENATE COMMUNITY & REGIONAL AFFAIRS PURPOSE: PUBLIC HEARING

MESSAGE TEXT: BACK ON-LINE WAS DEAD WHEN TEST FINISHED

02/19/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
 13:39:16 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC
 TCN:60373 SCHEDULED FOR:02/19/96 13:30 TO 15:30 FOR:ANC
 PUBLIC HEARING SENATE COMMUNITY & REGIONAL AFFAIRS
 LOCATION:ANCHORAGE
 SB 206 RANDY BLACK TESTIFY
 SB 206 GLENDA STRAUBE CHILD SERVICES TESTIFY

02/19/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
 13:37:49 PARTICIPANT LIST (ALL PARTICIPANTS) BY:FBX
 TCN:60373 SCHEDULED FOR:02/19/96 13:30 TO 15:30 FOR:FBX
 PUBLIC HEARING SENATE COMMUNITY & REGIONAL AFFAIRS
 LOCATION:FAIRBANKS
 S3 206 MR. DON SHIRCEL TCC TESTIFY

**** PARTICIPATING SITES ****

| | | | |
|----------------|------------------|----------------|--|
| ANC ANCHORAGE | 716 W 4TH, #200 | LOCATION STAFF | SB 206 = On-Line 1/31/96 |
| BET BETHEL | 301 WILLOW ST. | LOCATION STAFF | |
| COR CORDOVA | 705 2ND STREET | LOCATION STAFF | |
| DLJ DILLINGHAM | KANGIQUAQ BLDG | LOCATION STAFF | |
| FBX FAIRBANKS | 119 N CUSHMAN ST | LOCATION STAFF | |
| GLN GLENNALLEN | COMMUNITY LIB. | LOCATION STAFF | |
| HOM HOMER | 126 W PIONEER #4 | LOCATION STAFF | |
| JNU JUNEAU | CAPITOL | LOCATION STAFF | |
| KEN KENAI LIO | 145 MAIN ST LOOP | LOCATION STAFF | |
| KOD KODIAK | 112 MILL BAY RD. | LOCATION STAFF | |
| KOT KOTZEBUE | 333 FRONT STREET | LOCATION STAFF | |
| KTN KETCHIKAN | 352 FRONT STREET | LOCATION STAFF | |
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| TOK TOK | MP 1314 AK. HWY | LOCATION STAFF | |

**** VOLUNTEER & OFFNET SITES ****

| | | | |
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| BAR WAI WAINWRIGHT | NSB TELE CENTER | VERNA PHILLIPS | (907)763-2457 |
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Mr. Myron in Bethel to testify

Myron Nameng

**ENATE COMMITTEE REF RT
First Committee of Referral**

DATE: 1/8/96

FURTHER: HESS
Judiciary, Finance

Date of 5-Day Notice: 1/25/96
(in accordance with Uniform Rule 23)

DATE TURNED
INTO OFFICE: _____

The Community & Regional Affairs Committee considered SENATE BILL NO. 206

"An Act relating to welfare reform."

and recommends:

- be replaced with _____ CS SB 206 (CRA)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
- same title
 - new title
- House Bill:
- same title
 - technical title
 - new: SCR# _____

| SIGNING <u>DO</u> PASS | DP | OTHER RECOMMENDATIONS | NR | DNP | AM |
|-----------------------------|----|--------------------------|----|-----|----|
| | | <i>Roll & Hill</i> | ✓ | | |
| | | <i>Paul & Steddy</i> | ✓ | | |
| | | <i>Tom Hoff</i> | ✓ | | |
| | | <i>Tom Kelly</i> | ✓ | | |
| CHAIR: <i>John Ferguson</i> | | | ✓ | | |

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
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PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

| Department | Date | Zero | Fiscal |
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APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

Fiscal Notes to SB 206

| | Zero | Fiscal |
|---|------|--------|
| Department of Law, Civil Division | | |
| | X | |
| Department of Health & Social Services | | |
| AFDC | | X |
| PFD Hold Harmless | | X |
| Public Assistance Administration | | X |
| DFYS Central Office | | X |
| Medicaid | X | |
| Community Health/EMS | | X |
| Department of Commerce & Economic Development | | |
| Banking, Securities & Corporations | | X |
| Insurance | | X |
| Occupational Licensing | | X |
| Department of Administration | | |
| Personnel | X | |
| Department of Fish & Game | | |
| Administrative Services | X | |
| Department of Community & Regional Affairs | X | |
| Department of Revenue | | |
| Child Support Enforcement | | X |
| Department of Labor | | |
| Wage & Hour | X | |
| Labor Standards & Safety | | X |
| Occupational Safety & Health | | X |
| Department of Education | | |
| Teacher Certification | | X |
| Department of Environmental Conservation | X | |
| Department of Public Safety | | |
| Alaska State Troopers | X | |
| Motor Vehicles | | X |

SENATE COMMUNITY & REGIONAL AFFAIRS

SENATE BILL 206: WELFARE REFORM

New Materials for 3/25/96 Meeting

- Committee Substitute for Senate Bill 206 (CRA)

Suggested committee substitute with the following changes:

- (1) defines "qualified entity" under Sec. 47.27.050 as municipalities, other political subdivisions of the state, nonprofit corporations under AS 10.20, or combinations of these
 - (2) Omits Sec. 47.27.070 "Coordination with Alaska Native Organizations with Tribal Family Assistance Programs" (NOTE: the deletion of this section does not prohibit the state from cooperating or coordinating with the organizations or the federal government. Until more information is available about the type of programs considered comparable, how the federal block grants will be administered, and what the funding mechanisms will be, it does not seem prudent to place mandates on the states concerning these matter.
 - (3) On Page 33, line 35, changes "local governments" to "municipalities" for consistency.
- 3/22/96 memorandum from Legal Services describing potential legal problems with and needs for clarification to Senate Bill 206.
 - 2/22/96 memorandum to Department of Health & Social Services requesting clarifications and answers regarding Senate Bill 206
 - 3/12/96 memorandum from Department of Health & Social Services responding to the committee's request for information

9-GS2006C ✓
Lauterbach
3/22/96

CS FOR SENATE BILL NO. 206(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to welfare reform by establishing the Alaska family
2 independence program; repealing the aid to families with dependent children and
3 job opportunity and basic skills programs; relating to an exemption to the
4 Alaska Wage and Hour Act for certain work activities of the Alaska family
5 independence program; authorizing qualified entities to contract with the state
6 to administer all or part of the Alaska family independence program; relating
7 to the duty to support children of minor parents; relating to certain licenses
8 and applications for a license for persons who are not in substantial compliance
9 with orders, judgments, or payment schedules for child support; relating to an
10 exemption to the state procurement code for certain services for the general
11 relief program and Alaska family independence program; relating to eligibility
12 for day care benefits administered by the Department of Community and

1 Regional Affairs; authorizing the Department of Health and Social Services to
2 operate a public assistance program consistent with the Alaska family
3 independence program under federal waivers and providing certain immunity
4 from liability for activities of that program; amending Rule 90.3, Alaska Rules
5 of Civil Procedure; and providing for an effective date."

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

7 * Section 1. PURPOSE. The purpose of this Act is to

8 (1) establish the Alaska family independence program;

9 (2) encourage the well-being of Alaska's children by maintaining a safety net
10 for children living in poverty in this state by providing assistance to meet the basic needs of
11 Alaska's children and their families;

12 (3) set limits on benefits and establish incentives to encourage public assistance
13 recipients to become self-sufficient;

14 (4) develop job opportunities and promote work as the best means to achieve
15 family self-sufficiency;

16 (5) prevent dependency by diverting eligible families receiving assistance to
17 work and self-sufficiency;

18 (6) integrate service delivery by collocating access to job training and
19 placement services with family assistance offices;

20 (7) increase the effectiveness of the child support collection program to assist
21 in family self-sufficiency and meet federal program requirements;

22 (8) require coordination between state agencies, local communities, businesses,
23 and the federal government to develop a program that will move Alaska families to self-
24 sufficiency; and

25 (9) enable the state to develop and maintain a family independence program
26 that meets the requirements for federal financing.

27 * Sec. 2. AS 47 is amended by adding a new chapter to read:

28 CHAPTER 27. ALASKA FAMILY INDEPENDENCE PROGRAM.

29 Sec. 47.27.005. DUTIES OF THE DEPARTMENT. The department shall

1 (1) administer the Alaska family independence program by providing
2 assistance with basic living expenses and self-sufficiency services to needy children
3 and their families under this chapter;

4 (2) establish, by regulation, program standards that will provide
5 incentives to work, incentives for financial planning, and opportunities to develop self-
6 sufficiency while providing assistance with basic living expenses;

7 (3) provide education and health related services and referrals to reduce
8 the number of out-of-wedlock births in the state;

9 (4) prepare, submit to the federal government, and amend, if necessary,
10 a state plan designed to assure that federal money is available to the state for the
11 operation of the program set out in this chapter to provide assistance for basic living
12 expenses and self-sufficiency services to needy children and their families consistent
13 with state objectives;

14 (5) adopt methods of program administration to assure consistency with
15 the federal requirements under the federal Temporary Assistance for Needy Families
16 program or any successor federal law to the aid to families with dependent children
17 program;

18 (6) make reports to the federal government as required under the
19 Temporary Assistance for Needy Families program, in the form and containing the
20 information required, and comply with the provisions that the federal government
21 determines are necessary to ensure correct and verifiable information on the program;

22 (7) conduct studies and research in order to evaluate and monitor the
23 effectiveness of the state program; and

24 (8) adopt regulations and take action to implement, interpret, and
25 administer the provisions of this chapter.

26 Sec. 47.27.010. ELIGIBLE FAMILIES. (a) The following families may apply
27 for assistance under the Alaska family independence program:

28 (1) a single parent who has the physical custody of one or more
29 dependent children;

30 (2) a caretaker of one or more dependent children who is a relative to
31 at least the fifth degree;

- 1 (3) a woman in the last trimester of pregnancy; or
2 (4) a two-parent family with physical custody of one or more dependent
3 children.

4 (b) The department may limit the eligibility of two-parent families or may
5 adjust the assistance and service provided to two-parent families, taking into
6 consideration the seasonal nature of the economy and the availability of work in this
7 state.

8 Sec. 47.27.015. DISQUALIFYING CONDITIONS. (a) A family is not
9 eligible for assistance under the Alaska family independence program if the family
10 includes an adult who

11 (1) has received benefits under the Alaska family independence
12 program, or a program of another state financed by a federal block grant for the
13 Temporary Assistance for Needy Families program, for a total of 60 months as the
14 caretaker or spouse of a caretaker of a dependent child or as a pregnant woman, unless
15 disqualification would impose an unreasonable hardship on the family as determined
16 by the department in regulation; or

17 (2) is determined to be fleeing to avoid prosecution, custody, or
18 confinement after conviction, in this or another jurisdiction, for a crime that is
19 classified as a felony under AS 11 or the laws of the jurisdiction where the criminal
20 activity was committed.

21 (b) A family is not eligible for assistance under this chapter for a period of
22 up to 120 months if the adult applicant is determined to have fraudulently
23 misrepresented the applicant's residence in order to receive assistance in more than one
24 state under a program financed under a federal block grant for the Temporary
25 Assistance for Needy Families program.

26 (c) The department may determine that a family is ineligible for up to six
27 months if the family's demonstrated need for assistance is due to a refusal of or
28 voluntary separation from suitable employment by the adult applicant, or a custodial
29 parent or caretaker, without good cause.

30 Sec. 47.27.020. APPLICATION AND REQUIREMENTS FOR ASSISTANCE.

31 (a) An applicant for assistance under the Alaska family independence program shall

1 complete an application in writing, or by electronic means, and in a form specified by
2 the department. The applicant must be a pregnant woman or an individual who has
3 physical custody of the dependent child or children. The application must be complete
4 and must provide all of the information about the family and the child or children that
5 is requested by the department. The applicant shall provide all supporting
6 documentation for verification that the department determines to be necessary to
7 establish eligibility.

8 (b) On the application, each applicant shall attest to whether the family, at any
9 time, has received assistance from another state program that was established under a
10 federal block grant for Temporary Assistance for Needy Families and whether the
11 family has ever been disqualified from receiving assistance under a Temporary
12 Assistance for Needy Families program for the period for which the application has
13 been submitted.

14 (c) An applicant shall agree to cooperate with the department to establish a
15 family self-sufficiency plan and to participate in work activities if assigned by the
16 department.

17 (d) An applicant shall acknowledge the assignment of support rights as
18 required by AS 47.27.040 and shall agree to cooperate with the child support
19 enforcement agency of the Department of Revenue in establishing paternity or
20 establishing, modifying, or enforcing a child support order requiring the payment of
21 support by the noncustodial parent for any dependent child for whom Alaska family
22 independence program assistance is received. The applicant shall agree to report all
23 child support payments received directly by the family, during or for a period for
24 which the family is receiving assistance under this chapter, to the department within
25 15 days after receipt of those payments.

26 (e) An applicant shall update the information requested in the application at
27 regular intervals as established by the department in regulation. The department may
28 conduct reviews of an application and audit the information provided as necessary to
29 determine eligibility.

30 Sec. 47.27.025. FAMILY ASSISTANCE. () The department shall provide
31 assistance for basic living expenses to families that establish eligibility based on a

1 determination of need that considers the family's available income, assets, and other
2 resources, as established by the department in regulation. Each dependent child in the
3 family is eligible for assistance under this chapter, and assistance received as a
4 dependent child will not count against eligibility for assistance under this chapter as
5 a caretaker or spouse of a caretaker of a dependent child or as a pregnant woman.

6 (b) The amounts of assistance for basic living expenses may not exceed the
7 following:

8 (1) for a dependent child living with a nonneedy relative caretaker,
9 \$452 per month, plus \$102 for each additional child;

10 (2) for a dependent child living with at least one needy parent or
11 relative caretaker, \$821 per month, plus \$102 for each additional child; or

12 (3) for a family consisting solely of an eligible pregnant woman, \$514
13 per month.

14 (c) The department shall provide additional assistance as work-related services
15 or referrals to eligible families. Work-related services and referrals may include one
16 or more of the following:

17 (1) job readiness assessments;

18 (2) employment testing and counseling;

19 (3) job readiness training;

20 (4) job referral and job search;

21 (5) education and vocational training;

22 (6) community service work assignments;

23 (7) child care assistance;

24 (8) family planning services; and

25 (9) other services to facilitate the transition to work.

26 Sec. 47.27.026. DIVERSION PAYMENTS. (a) The department may offer
27 a lump-sum diversion payment in place of ongoing assistance and services to an
28 applicant who applies for assistance under AS 47.27.020 if the applicant is job ready
29 and is determined to need only short-term financial assistance to meet critical needs
30 in order to secure employment and support for the applicant's family. The department
31 shall set standards and conditions for diversion payments by regulation.

1 (b) The department may pay diversion benefits to an applicant's family only
2 if that family appears to be eligible for benefits and to include a job ready individual
3 based on the information provided to the department in the application completed
4 under AS 47.27.020. The department may offer to an applicant with the potential to
5 participate in the diversion program a choice between

6 (1) having the Alaska family independence program application
7 processed under AS 47.27.020 and the regulations adopted by the department; or

8 (2) having the Alaska family independence program application denied
9 and applying for diversion project benefits under this section.

10 (c) The amount of the diversion payment must be sufficient to meet the
11 family's immediate needs as determined by the department and the participant. A
12 diversion payment may not exceed the amount the family would be eligible to receive
13 in the first two months of eligibility under AS 47.27.020 if the family did not elect to
14 receive a diversion payment.

15 (d) As a condition of a family receiving a diversion payment under this
16 section, the participant must sign an agreement that

17 (1) specifies the amount of the diversion payment and the needs it is
18 intended to cover;

19 (2) provides that, during the three-month period beginning with the
20 month in which the diversion payment was received, child support collected on behalf
21 of a child whose needs were considered in determining the diversion payment shall be
22 paid to the family; and

23 (3) provides that if the family reapplies for Alaska family independence
24 program assistance under AS 47.27.020 during the three months beginning with the
25 month in which the family received a diversion payment, the diversion payment shall
26 be treated as unearned income, prorated over the three-month period, and deducted
27 from any Alaska family independence program benefit the family may be eligible for
28 under the new application.

29 (e) A family that receives a diversion payment may not receive another
30 diversion payment before the 12th month following the month in which it last received
31 a diversion payment.

1 (f) To the extent that this section is inconsistent with AS 25.27.120 or
2 25.27.130, or with another provision of this chapter, this section governs.

3 Sec. 47.27.027. ASSISTANCE TO MINORS. (a) If an applicant under
4 AS 47.27.020 is not married, is under the age of 18 and has not been previously
5 emancipated under AS 09.55.590, the applicant must

6 (1) live in a home maintained by the applicant's parent, legal guardian,
7 or other adult relative, unless the applicant establishes that there is good cause, as
8 established by the department in regulation, to waive this requirement; if the
9 department waives this requirement, the applicant must live in an adult supervised,
10 supportive living environment;

11 (2) agree that assistance for basic living expenses on behalf of the
12 applicant's family may be paid to the applicant's parent, legal guardian, or other adult
13 relative, or, if applicable, to the adult head of the adult supervised, supportive living
14 environment in which the applicant resides; and

15 (3) maintain attendance in a secondary school or other equivalent
16 training program until the applicant achieves a high school diploma or the equivalent.

17 Sec. 47.27.030. FAMILY SELF-SUFFICIENCY PLAN. (a) A participant in
18 the Alaska family independence program shall cooperate with the department, or its
19 designee, to develop and sign a family self-sufficiency plan that includes

20 (1) the steps the family will take towards the self-sufficiency of the
21 family;

22 (2) the employment related services the department will provide to
23 assist the family to attain self-sufficiency;

24 (3) specific benchmarks to indicate the steps toward successful
25 completion of the family plan;

26 (4) a statement that the family may be subject to benefit reductions or
27 other sanctions if the family fails to comply with the family plan; and

28 (5) a statement that describes the necessary conditions and the steps
29 that must be taken to renegotiate the terms of the family plan.

30 (b) The family self-sufficiency plan will set a time period for the achievement
31 of self-sufficiency from assistance under the Alaska family independence program.

1 That time period may not provide for any more than a total of 60 months of assistance
2 under the Alaska family independence program.

3 (c) The department may establish in regulation the circumstances in which a
4 family may be exempt from the requirement that the family have a self-sufficiency
5 plan under this section.

6 Sec. 47.27.035. PARTICIPATION IN WORK ACTIVITIES. (a) An Alaska
7 family independence program participant shall participate in work activities upon
8 assignment by the department or its designee in order for the family to continue to
9 receive assistance or services from the department under the Alaska family
10 independence program, unless the participant is exempt from the work participation
11 requirements under one or more of the exemptions set out in (b) or (c) of this section
12 and any regulations adopted by the department.

13 (b) A parent or caretaker with a dependent child of up to 12 months of age
14 may be exempt from work participation requirements for up to 12 months, as
15 established in the family self-sufficiency plan.

16 (c) A parent or caretaker may be exempt from work participation requirements
17 in the family self-sufficiency plan if

18 (1) the parent or caretaker is providing home care for a child with a
19 developmental disability or a related, disabled person who requires 24-hour care;

20 (2) the parent or caretaker establishes an inability to participate for
21 medical reasons supported by documentation from a physician or other licensed
22 medical professional;

23 (3) the participation would impose an unreasonable hardship on the
24 family; or

25 (4) there is a dependent child in the home that has not yet attained six
26 years of age and the parent or caretaker demonstrates an inability to obtain needed
27 child care because appropriate child care is not available.

28 (d) A participant in work activities under this section is not a state employee
29 for purposes of AS 39.25 (State Personnel Act).

30 (e) A participant in work activities under this section is not considered an
31 employee of the state or other public employer for purposes of AS 23.40.070 -

1 23.40.260 (Public Employment Relations Act) nor shall any provision of a collective
2 bargaining agreement entered into under the Public Employment Relations Act be
3 construed to interfere with participation in the work activities authorized under this
4 section.

5 Sec. 47.27.040. ASSIGNMENT OF SUPPORT RIGHTS; COOPERATION
6 WITH CHILD SUPPORT ENFORCEMENT AGENCY. (a) An Alaska family
7 independence program applicant is considered to have assigned to the state, through
8 the child support enforcement agency of the Department of Revenue, all rights to
9 accrued and continuing child support, from all sources, that is due for the support of
10 any individuals in the family for whom support is sought. The assignment takes effect
11 upon a determination that the applicant's family is eligible for assistance under this
12 chapter. Except with respect to the amount of any unpaid support obligation accrued
13 under the assignment, the assignment terminates when the family ceases to be a
14 participant in the Alaska family independence program.

15 (b) An Alaska family independence program participant shall cooperate with
16 the child support enforcement agency of the Department of Revenue in establishing
17 paternity or establishing, modifying, or enforcing a child support order requiring the
18 payment of support by the noncustodial parent for a dependent child for whom Alaska
19 family independence program assistance is received unless the participant establishes
20 good cause for refusing to cooperate.

21 (c) The department may distribute to an Alaska family independence program
22 participant up to \$50 per month from a monthly child support payment received by the
23 child support enforcement agency for the support of a child for whom Alaska family
24 independence program assistance is paid.

25 Sec. 47.27.045. ALIENATION AND ATTACHMENT. Assistance granted
26 under this chapter is inalienable by assignment or transfer and is exempt from
27 garnishment, levy, or execution as is provided in AS 09.38.

28 Sec. 47.27.050. GRANTS AND CONTRACTS FOR SERVICES. (a) The
29 department may contract with or award grants to qualified entities in the state to
30 administer an Alaska family independence program or a distinct part of the Alaska
31 family independence program. The department may establish standards for the

1 administration of services under the grant or contract, including fees to be charged to
2 applicants for or recipients of those services.

3 (b) Contracts authorized under this section are to be administered in
4 accordance with AS 47.05.015. Grants authorized under this section are to be awarded
5 using requirements, established in regulation, that are substantially similar to those set
6 out in AS 47.05.015 for contracts.

7 (c) This section may not be construed to expand the powers of a municipality.

8 (d) In this section, "qualified entities" means municipalities, other political
9 subdivisions of the state, nonprofit corporations formed under AS 10.20, or
10 combinations of these.

11 Sec. 47.27.055. AGENCY COLLABORATION. (a) The department shall
12 coordinate with other state agencies that provide assistance, benefits, or services to
13 applicants that are eligible for and to participants in the Alaska family independence
14 program in order to facilitate the application for and delivery of assistance, benefits,
15 or services to promote family self-sufficiency. Subject to appropriations, state agencies
16 may colocate their facilities and operations in order to improve service delivery.

17 (b) The department may provide information received under this chapter to
18 other state agencies in order to facilitate the delivery of services. Information received
19 from an applicant for or participant in the Alaska family independence program shall
20 be treated as confidential by all state agencies that share the information under this
21 section and is not open to public inspection. Misuse of public assistance lists or
22 information is punishable as provided in AS 47.05.030.

23 (c) Departments in the executive branch shall cooperate in fulfilling the
24 purposes of this chapter, including, subject to appropriations, the establishment of
25 temporary positions that will provide job opportunities for families participating in the
26 Alaska family independence program. Temporary positions established for this
27 purpose are in the exempt service under AS 39.25.110. An individual participating in
28 the Alaska family independence program who holds a temporary position established
29 for purposes of this subsection is not a public employee for purposes of
30 AS 23.40.070 - 23.40.260.

31 Sec. 47.27.060. JOB DEVELOPMENT. The department may establish

1 cooperative agreements with the Department of Labor, Department of Community and
2 Regional Affairs, Department of Education, and Department of Commerce and
3 Economic Development, and with other public or private sector organizations for the
4 purpose of developing job, training, and educational opportunities for families eligible
5 for assistance under this chapter.

6 Sec. 47.27.065. FEDERAL-STATE COOPERATION. (a) In the
7 administration of this chapter, the department shall cooperate with the secretary of the
8 United States Department of Health and Human Services and shall take actions
9 necessary to comply with the requirements of federal law to obtain public assistance
10 block grants. The department shall make reports in the form and containing the
11 information required to the secretary of the United States Department of Health and
12 Human Services. The department may cooperate with federal agencies charged with
13 the administration of the federal public assistance block grants.

14 (b) Notwithstanding any other provisions of this chapter, and if the conditions
15 in this subsection are met, the department may implement modifications to the Alaska
16 family independence program that are not directly authorized in this chapter, or that
17 may be contrary to a provision of this chapter, by providing notification to the
18 legislature and by adopting regulations. A program modification implemented under
19 this subsection is repealed two years after the date on which the modification took
20 effect unless its implementation is achieved by statutory changes. A program
21 modification under this subsection may be implemented only if

22 (1) states are authorized by the secretary of the United States
23 Department of Health and Human Services to undertake the program;

24 (2) the governor approves the implementation in writing;

25 (3) the commissioner determines that the implementation of the
26 program modification will result in the receipt of additional federal money to carry out
27 the purposes of this chapter and will produce a net monetary gain to the state; and

28 (4) the program modification will not require general fund expenditures,
29 other than the outlay of money received from the federal government for the program.

30 Sec. 47.27.075. EMERGENCY ACCOUNT ESTABLISHED. (a) There is
31 established within the general fund the Alaska family independence program

1 emergency account. The account consists of appropriations from any appropriate
2 source of money, including lapsing money that was appropriated for the Alaska family
3 independence program but was not expended or obligated in the fiscal year for which
4 it was appropriated.

5 (b) The account shall be administered by the commissioner, and shall be used
6 to provide assistance authorized under this chapter upon a determination by the
7 commissioner that the current year's appropriation is not sufficient to pay for the
8 Alaska family independence program due to an unanticipated increase in the number
9 of eligible families. Money appropriated to the account does not lapse under
10 AS 37.25.010.

11 (c) By December 15 of each year, the commissioner shall report to the
12 governor and the legislature on the use of money from the Alaska family independence
13 program emergency account during the preceding fiscal year.

14 Sec. 47.27.080. APPEALS; DISPUTE RESOLUTION. (a) An applicant or
15 participant who receives a determination from the department that denies, limits, or
16 modifies the assistance or services provided under this chapter may request a hearing
17 before the department or a representative of the department appointed for that purpose.
18 If a representative is appointed, the representative shall conduct the hearing under the
19 regulations adopted by the department. The appeal is not subject to AS 44.62.330 -
20 44.62.630.

21 (b) The department may require an applicant or participant to participate in an
22 informal dispute resolution process before a formal hearing. The department may
23 adopt regulations establishing the informal dispute resolution process.

24 Sec. 47.27.085. SANCTIONS; RECOVERY OF COSTS. (a) An Alaska
25 family independence program applicant or participant who makes a false statement or
26 misrepresentation knowing it is false, or who knowingly fails to disclose a material
27 fact, in order to obtain or increase assistance or services under this chapter is ineligible
28 to receive assistance under this chapter for a period of not less than one nor more than
29 12 months, as determined by the department, unless a disqualification set out at
30 AS 47.27.015(b) applies. An Alaska family independence program applicant or
31 participant who is determined ineligible for a third or subsequent time under this

1 subsection may be permanently disqualified from receiving assistance or services under
2 this chapter.

3 (b) An Alaska family independence program applicant or participant who,
4 without good cause, fails to comply with a condition of the family self-sufficiency plan
5 or who fails to participate in work activities required as a part of the Alaska family
6 independence program is subject to a reduction in assistance and services as
7 determined under regulations adopted by the department.

8 (c) An Alaska family independence program applicant or participant who,
9 without good cause, fails to cooperate with establishment of paternity or the
10 establishment, modification, or enforcement of a support order for a child for whom
11 assistance is received is subject to a reduction or limitation in assistance or services
12 for the term of noncooperation as required by federal law and as specified in
13 regulations adopted by the department.

14 (d) An Alaska family independence program applicant or participant who
15 receives assistance or services when not entitled to them under this chapter because
16 the information provided by the applicant or participant was inaccurate or incomplete
17 is liable to the department for the value of the assistance and services improperly
18 provided to the applicant or participant.

19 (e) In a civil action brought by the state to recover the value of assistance or
20 services improperly provided under this chapter, the state may recover costs of
21 investigation and prosecution of the civil action, including attorney fees as determined
22 under court rules.

23 Sec. 47.27.090. DEFINITIONS. In this chapter,

24 (1) "assistance for basic living expenses" means assistance provided
25 under the Alaska family independence program that may include cash, vouchers, or
26 third-party vendor payments;

27 (2) "child care assistance" means payments made by the Department
28 of Health and Social Services or the Department of Community and Regional Affairs
29 to Alaska family independence program participant families or to providers for the care
30 of children of the participant families;

31 (3) "child support" includes court-ordered or administratively ordered

1 child support, medical support, and spousal support;

2 (4) "child support enforcement agency" means the child support
3 enforcement agency in the Department of Revenue;

4 (5) "commissioner" means the commissioner of health and social
5 services;

6 (6) "department" means the Department of Health and Social Services;

7 (7) "dependent child" means an individual who

8 (A) has not attained

9 (i) 18 years of age; or

10 (ii) 19 years of age and is a full-time student in a
11 secondary school or in the equivalent level of vocational or technical
12 training; and

13 (B) is not an applicant under AS 47.27.020;

14 (8) "self-sufficiency services" means job related services, community
15 service work referrals, child care assistance, and other services determined by the
16 department in regulation to promote family self-sufficiency; and

17 (9) "work activities" includes job readiness assessments, on-the-job
18 training, education and vocational training, job sampling, job search requirements,
19 subsidized and unsubsidized work, and community work service.

20 * Sec. 3. AS 15.07.055(a) is amended to read:

21 (a) The following agencies are designated voter registration agencies:

22 (1) the Department of Public Safety, division of motor vehicles;

23 (2) divisions of the Department of Health and Social Services that
24 provide public assistance through the food stamp program, Medicaid program, Special
25 Supplemental Food Program for Women, Infants, and Children (WIC), and Alaska
26 family independence program [AID TO FAMILIES WITH DEPENDENT
27 CHILDREN (AFDC) PROGRAM];

28 (3) the division of the Department of Community and Regional Affairs
29 that is responsible for municipal and regional assistance programs; and

30 (4) all recruitment offices of the armed forces of the United States
31 located in Alaska.

1 * Sec. 4. AS 23.10.055 is amended by adding a new paragraph to read:

2 (14) an individual engaged in activities for a nonprofit religious,
3 charitable, civic, cemetery, recreational, or educational organization where the
4 employer-employee relationship does not, in fact, exist, and where services are
5 rendered to the organization under a work activity requirement of AS 47.27 (Alaska
6 family independence program).

7 * Sec. 5. AS 25.20.050(f) is amended to read:

8 (f) If the child support enforcement agency is a party in an action in which
9 paternity is contested, the agency shall request the court to order the tests and
10 procedures described in (e) of this section. The agency may recover the costs of tests
11 as a cost of the action, except that costs may not be recovered from a person who is
12 a recipient of assistance [AID] under AS 47.27 (Alaska family independence
13 program) [AS 47.25.310 - 47.25.420 (AID TO FAMILIES WITH DEPENDENT
14 CHILDREN)].

15 * Sec. 6. AS 25.27.040(a) is amended to read:

16 (a) The agency may appear on behalf of minor children or their mother or
17 legal custodian or the state and initiate efforts to have the paternity of children born
18 out of wedlock determined by the court. When the agency is a party to a court action
19 in which paternity is contested, it shall request and pay for genetic testing and
20 procedures under AS 25.20.050(f). The agency may recover the costs of the tests as
21 a cost of the court action, except that costs may not be recovered from a person who
22 is a recipient of assistance [AID] under AS 47.27 (Alaska family independence
23 program) [AS 47.25.310 - 47.25.420 (AID TO FAMILIES WITH DEPENDENT
24 CHILDREN)].

25 * Sec. 7. AS 25.27.060 is amended by adding new subsections to read:

26 (e) If the child's parents are both unmarried minors who have not had the
27 disabilities of minority removed under AS 09.55.590, an order of child support issued
28 by a court or agency shall be based on the

29 (1) percentages of physical custody exercised by the child's parents; a
30 minor parent's custody of the child shall be imputed to the parents of the minor parent,
31 regardless of where the minor parent lives, except that

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(A) if the minor parent and child live with a parent of the noncustodial minor parent, the minor parent's custody of the child shall be imputed to the parent of the noncustodial minor parent; and

(B) a minor parent's custody of a child may not be imputed to the parents of the minor parent if the minor parent and child do not live with a parent of the minor parent because

(i) neither parent will allow the minor and child to live in the residence of the minor's parent; or

(ii) the physical or emotional health or safety of the minor parent or the minor's child would be jeopardized if the minor and the minor's child lived in the same residence with the minor's parent; and

(2) incomes of the child's grandparents and parents.

(f) To the extent that (e) of this section applies,

(1) the child's grandparents are considered to have a duty to support the child and are subject to statutes, regulations, and court rules relating to support of the child; and

(2) a grandparent who is determined under applicable agency regulations and court rules to be the obligor for purposes of paying child support on behalf of a grandchild is subject to all statutes, regulations, and court rules applicable to child support obligors.

(g) An order of support against a child's grandparent under (e) of this section and a grandparent's duty to support a child under (f) of this section is terminated, without the need for obtaining a modification of a child support order, when one of the child's parents reaches the age of majority or has the disabilities of minority removed under AS 09.55.590, whichever occurs earlier. However, to the extent that a grandparent may have accrued arrearages, the grandparent remains an obligor subject to this chapter.

* Sec. 8. AS 25.27.065(b) is amended to read:

(b) When the right to receive child support has been assigned to a governmental entity, an agreement under (a) of this section that has not been adopted

1 as an administrative order of the agency is not effective during a period when the
2 obligee is receiving assistance under AS 47.07 or AS 47.27 [AS 47.25.310 -
3 47.25.420].

4 * Sec. 9. AS 25.27.120(a) is amended to read:

5 (a) An obligor is liable to the state in the amount of assistance granted under
6 AS 47.07 and AS 47.27 [AS 47.25.310 - 47.25.420] to a child to whom the obligor
7 owes a duty of support except that, if a support order has been entered, the liability
8 of the obligor for assistance granted under AS 47.27 [AS 47.25.310 - 47.25.420] may
9 not exceed the amount of support provided for in the support order, and, if a medical
10 order of support has been entered, the liability of the obligor for assistance granted
11 under AS 47.07 may not exceed the amount of support provided for in the medical
12 order of support.

13 * Sec. 10. AS 25.27.125(b) is amended to read:

14 (b) The annual estimated balance in the account maintained by the
15 commissioner of administration under AS 37.05.142 may be used by the legislature to
16 make appropriations to the Department of Health and Social Services to carry out the
17 purposes of AS 47.10.230 - 47.10.260 and AS 47.27 [AS 47.25.310 - 47.25.420].

18 * Sec. 11. AS 25.27.130(c) is amended to read:

19 (c) The recovery of any amount for which the obligor is liable that exceeds the
20 total assistance granted under AS 47.07 and AS 47.27 [AS 47.25.310 - 47.25.420] shall
21 be paid to the obligee.

22 * Sec. 12. AS 25.27.130(d) is amended to read:

23 (d) Except as provided in (f) of this section, if the obligee is not receiving
24 assistance under AS 47.07 or AS 47.27 [AS 47.25.310 - 47.25.420] at the time the
25 state recovers money in an action under this section, the recovery of any amount for
26 which the obligor is liable shall be distributed to the obligee for support payments,
27 including medical support payments, that have become due and unpaid since the
28 termination of assistance under AS 47.07 or AS 47.27 [AS 47.25.310 - 47.25.420]
29 under a support order in favor of the obligee.

30 * Sec. 13. AS 25.27.130(e) is amended to read:

31 (e) After payment to the obligee under (d) of this section, the state may retain

1 an amount not to exceed the total unreimbursed assistance paid on behalf of the
2 obligee under AS 47.07 or AS 47.27 [AS 47.25.310 - 47.25.420].

3 * Sec. 14. AS 25.27.130(f) is amended to read:

4 (f) Notwithstanding (d) of this section, the state shall, if required under federal
5 law or regulations, distribute amounts recovered through offset of the obligor's federal
6 tax refund as past due support with first distribution to the state for unpaid support
7 assigned to the state under AS 47.07.025 and AS 47.27.040 [AS 47.25.345].

8 * Sec. 15. AS 25.27.165(i) is amended to read:

9 (i) The agency may recover any costs it pays for genetic tests required by this
10 section, except that costs may not be recovered from a person who is a recipient of
11 assistance [AID] under AS 47.27 (Alaska family independence program)
12 [AS 47.25.310 - 47.25.420 (AID TO FAMILIES WITH DEPENDENT CHILDREN)].

13 * Sec. 16. AS 25.27 is amended by adding new sections to read:

14 Sec. 25.27.244. ADVERSE ACTION AGAINST DELINQUENT OBLIGOR'S
15 OCCUPATIONAL LICENSE. (a) The agency shall compile and maintain a list of
16 obligors who are not in substantial compliance with a support order or payment
17 schedule negotiated under (g)(1) of this section. The list must include the names,
18 social security numbers, dates of birth, and last known addresses of the obligors. The
19 list shall be updated by the agency on a monthly basis.

20 (b) The agency shall, on a monthly basis, provide a copy of the list to each
21 licensing entity through a computer readable magnetic medium. A licensing entity
22 subject to this section shall implement procedures to accept and process the list.
23 Notwithstanding any other law to the contrary, a licensing entity may not issue or
24 renew a license for a person on the list except as provided in this section.

25 (c) Promptly after receiving an application from an applicant and before
26 issuing or renewing a license, a licensing entity shall determine whether the applicant
27 is on the most recent list provided by the agency. If the applicant is on the list, the
28 licensing entity shall immediately serve notice under (e) of this section of the licensing
29 entity's intent to withhold issuance or renewal of the license. The notice shall be
30 considered given when delivered personally to the applicant or deposited in the United
31 States mail addressed to the applicant's last known mailing address on file with the

1 licensing entity.

2 (d) A licensing entity shall issue a temporary license valid for a period of 150
3 days to an applicant whose name is on the list if the applicant is otherwise eligible for
4 a license. The temporary license may not be extended. Only one temporary license
5 may be issued during a regular license term and its validity shall coincide with the first
6 150 days of that license term. A license for the full or remainder of the license term
7 may be issued or renewed only upon compliance with this section. If a license or
8 application is denied under this section, money paid by the applicant or licensee shall
9 be refunded by the licensing entity after retention of the temporary license fee, if any.

10 (e) Notices for use under (c) of this section shall be developed by each
11 licensing entity under guidelines provided by the agency and are subject to approval
12 by the agency. The notice must include the address and telephone number of the
13 agency and shall emphasize the necessity of obtaining a release from the agency as a
14 condition for the issuance or renewal of a license. The notice must inform an
15 applicant whose license is governed by (d) of this section that the licensing entity shall
16 issue a temporary license for 150 calendar days under (d) of this section if the
17 applicant is otherwise eligible and that, upon expiration of that time period, the license
18 will be denied unless the licensing entity has received a release from the agency. The
19 agency shall also develop a form that the applicant may use to request a review by the
20 agency. A copy of this form shall be included with each notice sent under (c) of this
21 section.

22 (f) The agency shall establish review procedures consistent with this section
23 to allow an applicant to have the underlying arrearages and relevant defenses
24 investigated, to provide an applicant information on the process of obtaining a
25 modification of a support order, or to provide an applicant assistance in the
26 establishment of a payment schedule on arrearages if the circumstances warrant.

27 (g) If the applicant wishes to challenge being included on the list, the applicant
28 shall submit to the agency a written request for review within 30 days after receiving
29 the notice under (c) of this section by using the form developed under (e) of this
30 section. Within 30 days after receiving a written request for review, the agency shall
31 inform the applicant in writing of the agency's findings. The agency shall immediately

1 send a release to the appropriate licensing entity and the applicant if any of the
2 following conditions is met:

3 (1) the applicant is found to be in substantial compliance with each
4 support order applicable to the applicant or has negotiated an agreement with the
5 agency for a payment schedule on arrearages and is in substantial compliance with the
6 negotiated agreement; if the applicant fails to be in substantial compliance with an
7 agreement negotiated under this paragraph, the agency shall send to the appropriate
8 licensing entity a revocation of any release previously sent to the entity for that
9 applicant;

10 (2) the applicant has submitted a timely request for review to the
11 agency, but the agency will be unable to complete the review and send notice of
12 findings to the applicant in sufficient time for the applicant to file a timely request for
13 judicial relief within the 150-day period during which the applicant's temporary license
14 is valid under (d) of this section; this paragraph applies only if the delay in completing
15 the review process is not the result of the applicant's failure to act in a reasonable,
16 timely, and diligent manner upon receiving notice from the licensing entity that the
17 applicant's name is on the list;

18 (3) the applicant has, within 30 days after receiving the agency's
19 findings following a request for review under (2) of this subsection, filed and served
20 a request for judicial relief under this section, but a resolution of that relief will not
21 be made within the 150-day period of the temporary license under (d) of this section;
22 this paragraph applies only if the delay in completing the judicial relief process is not
23 the result of the applicant's failure to act in a reasonable, timely, and diligent manner
24 upon receiving the agency's notice of findings; or

25 (4) the applicant has obtained a judicial finding of substantial
26 compliance.

27 (h) An applicant is required to act with diligence in responding to notices from
28 the licensing entity and the agency with the recognition that the temporary license
29 granted under (d) of this section will lapse after 150 days and that the agency and,
30 where appropriate, the court must have time to act within that 150-day period. An
31 applicant's delay in acting, without good cause, that directly results in the inability of

1 the agency to complete a review of the applicant's request or the court to hear the
2 request for judicial relief within the required period does not constitute the diligence
3 required under this section that would justify the issuance of a release.

4 (i) Except as otherwise provided in this section, the agency may not issue a
5 release if the applicant is not in substantial compliance with the order for support or
6 is not in substantial compliance with an agreement negotiated under (g)(1) of this
7 section. The agency shall notify the applicant in writing that the applicant may request
8 any or all of the following: (1) judicial relief from the agency's decision not to issue
9 a release or the agency's decision to revoke a release under (g)(1) of this section; (2)
10 a judicial determination of substantial compliance; (3) a modification of the support
11 order. The notice must also contain the name and address of the court in which the
12 applicant may file the request for relief and inform the applicant that the applicant's
13 name shall remain on the list if the applicant does not request judicial relief within 30
14 days after receiving the notice. The applicant shall comply with all statutes and rules
15 of court implementing this section. This section does not limit an applicant's authority
16 under other law to request an order to show cause or notice of motion to modify a
17 support order or to fix a payment schedule on arrearages accruing under a support
18 order or to obtain a court finding of substantial compliance with a support order.

19 (j) A request for judicial relief from the agency's decision must state the
20 grounds on which relief is requested and the judicial action shall be limited to those
21 stated grounds. Judicial relief under this subsection is not an appeal, and shall be
22 governed by court rules adopted to implement this section. Unless otherwise provided
23 by court rule, the court shall hold an evidentiary hearing within 20 calendar days after
24 the filing of service on the opposing party. The court's decision shall be limited to a
25 determination of each of the following issues:

26 (1) whether there is a support order or a payment schedule on
27 arrearages;

28 (2) whether the petitioner is the obligor covered by the support order;
29 and

30 (3) whether the obligor is in substantial compliance with the support
31 order or payment schedule.

1 (k) If the court finds that the obligor is in substantial compliance with the
2 support order or payment schedule, the agency shall immediately send a release under
3 (g) of this section to the appropriate licensing entity and the applicant.

4 (l) When the obligor is in substantial compliance with a support order or
5 payment schedule, the agency shall mail to the applicant and the appropriate licensing
6 entity a release stating that the applicant is in substantial compliance. The receipt of
7 a release shall serve to notify the applicant and the licensing entity that, for the
8 purposes of this section, the applicant is in substantial compliance with the support
9 order or payment schedule unless the agency, under (a) of this section, certifies
10 subsequent to the issuance of a release that the applicant is once again not in
11 substantial compliance with a support order or payment schedule.

12 (m) The agency may enter into interagency agreements with the state agencies
13 that have responsibility for the administration of licensing entities as necessary to
14 implement this section to the extent that it is cost effective to implement the
15 interagency agreements. The agreements shall provide for the receipt by the other
16 state agencies and licensing entities of federal money to cover that portion of costs
17 allowable in federal law and regulation and incurred by the state agencies and licensing
18 entities in implementing this section.

19 (n) Notwithstanding any other provision of law, the licensing entities subject
20 to this section shall assess a fee for issuance of a temporary license under this section.
21 The licensing entity shall set the amount of the fee so that the fees collected under this
22 section, to the extent reasonable, cover the costs of implementing and administering
23 this section.

24 (o) The process described in (g) of this section is the sole administrative
25 remedy for contesting the issuance to the applicant of a temporary license or the denial
26 of a license under this section. The procedures specified in AS 44.62.330 - 44.62.630
27 do not apply to the denial or failure to issue or renew a license under this section.

28 (p) The agency and licensing entities, as appropriate, shall adopt regulations
29 necessary to implement this section.

30 (q) In this section,

31 (1) "applicant" means a person applying for issuance or renewal of a

1 license;

2 (2) "license"

3 (A) means, except as provided in (B) of this paragraph, a
4 license, certificate, permit, registration, or other authorization that, at the time
5 of issuance, will be valid for more than 150 days and that may be acquired
6 from a state agency to perform an occupation, including the following:

7 (i) license relating to boxing or wrestling under
8 AS 05.10;

9 (ii) authorization to perform an occupation regulated
10 under AS 08;

11 (iii) teacher certificate under AS 14.20;

12 (iv) authorization under AS 18.08 to perform emergency
13 medical services;

14 (v) asbestos worker certification under AS 18.31;

15 (vi) boiler operator's license under AS 18.60.395;

16 (vii) certificate of fitness under AS 18.62;

17 (viii) hazardous painting certification under AS 18.63;

18 (ix) security guard license under AS 18.65.400 -
19 18.65.490;

20 (x) license relating to insurance under AS 21.27;

21 (xi) employment agency permit under AS 23.15.330 -
22 23.15.520;

23 (xii) registration as a broker-dealer, agent, or investment
24 adviser under AS 45.55.030;

25 (xiii) certification as a pesticide applicator under
26 AS 46.03.320;

27 (xiv) certification as a storage tank worker or contractor
28 under AS 46.03.375; and

29 (xv) certification as a water and wastewater works
30 operator under AS 46.30;

31 (B) Does not include

1 (i) a vessel license issued under AS 16.05.490 or
2 16.05.530;

3 (ii) a commercial fishing license under AS 16.05.480,
4 including a crew member fishing license;

5 (iii) an entry permit or interim-use permit issued under
6 AS 16.43;

7 (iv) a license issued under AS 47.35;

8 (v) a business license issued under AS 43.70; or

9 (vi) a driver's license issued under AS 28.15;

10 (3) "licensee" means a person holding a license or applying to renew
11 a license;

12 (4) "licensing entity" means the state agency that issues or renews a
13 license; in the case of a license issued or renewed by the Department of Commerce
14 and Economic Development after an applicant's qualifications are determined by
15 another agency, "licensing entity" means the department;

16 (5) "list" means the list of obligors compiled and maintained under (a)
17 of this section;

18 (6) "substantial compliance with a support order or payment schedule"
19 means that, with respect to a support order or a negotiated payment schedule under (g)
20 of this section, whichever is applicable, the obligor has no more than \$2,500 past due
21 and has cumulatively paid an amount equal to or greater than the amount due for eight
22 months during the past 12 months; with respect to a support order or payment schedule
23 that has been in effect for less than one year, "substantial compliance" means that the
24 obligor has no more than \$2,500 past due and has cumulatively paid an amount equal
25 to or greater than 67 percent of the amount due during the period the support order or
26 payment schedule has been in effect

27 Sec. 25.27.246. ADVERSE ACTION AGAINST DELINQUENT OBLIGOR'S
28 DRIVER'S LICENSE. (a) The agency shall compile and maintain a list of obligors
29 who have a driver's license and are not in substantial compliance with a support order
30 or payment schedule negotiated under (f)(1) of this section. The list must include the
31 names, social security numbers, dates of birth, and last known addresses of the

1 obligors. The list shall be updated by the agency on a monthly basis.

2 (b) The agency shall serve notice under (d) of this section to each person on
3 the list that the person's driver's license will be suspended in 150 days, and will not
4 be reissued or renewed the next time it is applied for if the person's name is on the
5 list at the time of the subsequent application, unless the licensee receives a release
6 from the agency. The notice shall be considered given when delivered personally to
7 the obligor or deposited in the United States mail addressed to the obligor's last known
8 mailing address on file with the agency.

9 (c) If the licensee fails to obtain a release during the 150-day period following
10 notice under (b) and (d) of this section, the agency shall notify the department that the
11 licensee's driver's license should be suspended and further renewals or applications
12 should be denied until the agency sends the department a release for the licensee.
13 Upon receiving the agency's notice under this subsection, the department shall suspend
14 the licensee's driver's license and may not issue or renew a driver's license for the
15 licensee until the department receives a release to do so from the agency. If a license
16 is suspended or an application is denied under this section, money paid by the
17 applicant or licensee may not be refunded by the department.

18 (d) The notice under (b) of this section must include the address and telephone
19 number of the agency and shall emphasize the necessity of obtaining a release from
20 the agency as a condition for avoiding suspension or denial of the person's driver's
21 license. The notice must also inform the licensee that, if a license is suspended or an
22 application is denied under this section, money paid by the licensee will not be
23 refunded by the department. The agency shall also develop a form that the licensee
24 may use to request a review by the agency. A copy of this form shall be included
25 with each notice sent under (b) of this section.

26 (e) The agency shall establish review procedures consistent with this section
27 to allow a licensee to have the underlying arrearages and relevant defenses
28 investigated, to provide a licensee with information on the process of obtaining a
29 modification of a support order, or to provide a licensee with assistance in the
30 establishment of a payment schedule on arrearages if the circumstances warrant.

31 (f) If a licensee wishes to challenge being included on the list, the licensee

1 shall submit to the agency a written request for review within 30 days after the notice
2 under (b) of this section was personally delivered or postmarked by using the form
3 developed under (d) of this section. Within 30 days after receiving a written request
4 for review, the agency shall inform the licensee in writing of the agency's findings.
5 The agency shall immediately send a release to the department and the licensee if any
6 of the following conditions is met:

7 (1) the licensee is found to be in substantial compliance with each
8 support order applicable to the licensee or has negotiated an agreement with the agency
9 for a payment schedule on arrearages and is in substantial compliance with the
10 negotiated agreement; if the licensee fails to be in substantial compliance with an
11 agreement negotiated under this paragraph, the agency shall send to the department a
12 revocation of any release previously sent to the entity for that licensee;

13 (2) the licensee has submitted a timely request for review to the
14 agency, but the agency will be unable to complete the review and send notice of
15 findings to the licensee in sufficient time for the licensee to file a timely request for
16 judicial relief within the 150-day period before the licensee's license will be suspended
17 under (c) of this section; this paragraph applies only if the delay in completing the
18 review process is not the result of the licensee's failure to act in a reasonable, timely,
19 and diligent manner upon receiving notice from the agency that the licensee's driver's
20 license will be suspended in 150 days;

21 (3) the licensee has, within 30 days after receiving the agency's
22 findings following a request for review under (2) of this subsection, filed and served
23 a request for judicial relief under this section, but a resolution of that relief will not
24 be made within the 150-day period before license suspension under (c) of this section;
25 this paragraph applies only if the delay in completing the judicial relief process is not
26 the result of the licensee's failure to act in a reasonable, timely, and diligent manner
27 upon receiving the agency's notice of findings; or

28 (4) the licensee has obtained a judicial finding of substantial
29 compliance.

30 (g) A licensee is required to act with diligence in responding to notices from
31 the agency with the recognition that the person's driver's license will be suspended

1 after 150 days or that a subsequent license will not be issued and that the agency and,
2 where appropriate, the court must have time to act within that 150-day period or before
3 the subsequent license is needed, as applicable. A licensee's delay in acting, without
4 good cause, that directly results in the inability of the agency to complete a review of
5 the licensee's request or the court to hear the request for judicial relief within the
6 required period does not constitute the diligence required under this section that would
7 justify the issuance of a release.

8 (h) Except as otherwise provided in this section, the agency may not issue a
9 release if the applicant is not in substantial compliance with the order for support or
10 is not in substantial compliance with an agreement negotiated under (f)(1) of this
11 section. The agency shall notify the licensee in writing that the licensee may request
12 any or all of the following: (1) judicial relief from the agency's decision not to issue
13 a release or the agency's decision to revoke a release under (f)(1) of this section; (2)
14 a judicial determination of substantial compliance; (3) a modification of the support
15 order. The notice must also contain the name and address of the court in which the
16 licensee may file the request for relief and inform the licensee that the licensee's name
17 shall remain on the list if the licensee does not request judicial relief within 30 days
18 after receiving the notice. The licensee shall comply with all statutes and rules of
19 court implementing this section. This section does not limit a licensee's authority
20 under other law to request an order to show cause or notice of motion to modify a
21 support order or to fix a payment schedule on arrearages accruing under a support
22 order or to obtain a court finding of substantial compliance with a support order.

23 (i) A request for judicial relief from the agency's decision must state the
24 grounds on which relief is requested and the judicial action shall be limited to those
25 stated grounds. Judicial relief under this subsection is not an appeal and shall be
26 governed by court rules adopted to implement this section. Unless otherwise provided
27 by court rule, the court shall hold an evidentiary hearing within 20 calendar days after
28 the filing of service on the opposing party. The court's decision shall be limited to a
29 determination of each of the following issues:

30 (1) whether there is a support order or a payment schedule on
31 arrearages;

1 (2) whether the petitioner is the obligor covered by the support order;
2 and

3 (3) whether the obligor is in substantial compliance with the support
4 order or payment schedule.

5 (j) If the court finds that the obligor is in substantial compliance with the
6 support order or payment schedule, the agency shall immediately send a release under
7 (f) of this section to the department and the licensee.

8 (k) When the obligor is in substantial compliance with a support order or
9 payment schedule, the agency shall mail to the applicant and the department a release
10 stating that the licensee is in substantial compliance. The receipt of a release shall
11 serve to notify the licensee and the department that, for the purposes of this section,
12 the applicant is in substantial compliance with the support order or payment schedule
13 unless the agency, under (a) of this section, certifies subsequent to the issuance of a
14 release that the licensee is once again not in substantial compliance with a support
15 order or payment schedule.

16 (l) The process described in (f) of this section is the sole administrative
17 remedy for contesting the suspension or the denial of a driver's license under this
18 section. The procedures specified in AS 28 or AS 44.62.330 - 44.62.630 do not apply
19 to the suspension or failure to issue or renew a license under this section.

20 (m) The agency and department, as appropriate, shall adopt regulations
21 necessary to implement this section.

22 (n) In this section,

23 (1) "department" means the Department of Public Safety;

24 (2) "driver's license" or "license" means a driver's license, as defined
25 in AS 28.40.100;

26 (3) "licensee" means a person holding or requesting a driver's license;

27 (4) "list" means the list of obligors compiled and maintained under (a)
28 of this section;

29 (5) "substantial compliance with a support order or payment schedule"
30 means that, with respect to a support order or a negotiated payment schedule under (f)
31 of this section, whichever is applicable, the obligor has no more than \$2,500 past due

1 and has cumulatively paid an amount equal to or greater than the amount due for eight
2 months during the past 12 months; with respect to a support order or payment schedule
3 that has been in effect for less than one year, "substantial compliance" means that the
4 obligor has no more than \$2,500 past due and has cumulatively paid an amount equal
5 to or greater than 67 percent of the amount due during the period the support order or
6 payment schedule has been in effect.

7 * Sec. 17. AS 36.30.850(b)(11) is amended to read:

8 (11) agreements with providers of services under AS 44.47.250;
9 AS 47.07; AS 47.08; AS 47.10; AS 47.17; AS 47.24; AS 47.25.130(b); and AS 47.27
10 [AS 47.25.195 AND 47.25.310];

11 * Sec. 18. AS 39.25.110 is amended by adding a new paragraph to read:

12 (31) a participant in the Alaska family independence program under
13 AS 47.27 who holds a temporary position with the state in order to obtain job training
14 or experience.

15 * Sec. 19. AS 44.19.626(a) is amended to read:

16 (a) As the lead state planning and coordinating entity, the Alaska Human
17 Resource Investment Council has responsibility, to the extent authorized by federal and
18 state law, for planning and coordinating federal, state, and local efforts in human
19 resource programs in this state related to employment training, including the work
20 activities of the Alaska family independence program under AS 47.27.

21 * Sec. 20. AS 44.29.020(a) is amended to read:

22 (a) The Department of Health and Social Services shall administer the state
23 programs of public health and social services, including

- 24 (1) maternal and child health services;
25 (2) preventive medical services;
26 (3) public health nursing services;
27 (4) nutrition services;
28 (5) health education;
29 (6) laboratories;
30 (7) mental health treatment and diagnosis;
31 (8) management of state institutions, except for adult penal institutions;

1 (9) medical facilities;

2 (10) adult public assistance;

3 (11) Alaska family independence program [AID TO FAMILIES
4 WITH DEPENDENT CHILDREN];

5 (12) child welfare services;

6 (13) general relief; and

7 (14) licensing and supervision of child care facilities.

8 * Sec. 21. AS 44.47.280 is amended to read:

9 Sec. 44.47.280. ELIGIBILITY OF FAMILIES FOR BENEFITS. The
10 department shall determine the eligibility of families for day care benefits on the basis
11 of the following factors:

12 (1) [NET] income of the family, including salary, alimony, child
13 support, retirement benefits, social security, and any other source of income;

14 (2) number of children in the family;

15 (3) whether there is one parent or guardian solely responsible for the
16 care of the family;

17 (4) [REPEALED

18 (5)] other factors found relevant by the department.

19 * Sec. 22. AS 47.05.010(1) is amended to read:

20 (1) administer adult public assistance, the Alaska family independence
21 program [AID TO FAMILIES WITH DEPENDENT CHILDREN], and all other
22 assistance programs, and receive and spend money [FUNDS] made available to it;

23 * Sec. 23. AS 47.05.010(2) is amended to read:

24 (2) adopt regulations necessary for the conduct of its business and for
25 carrying out federal and state laws granting adult public assistance, temporary
26 assistance for needy families under the Alaska family independence program [AID
27 TO FAMILIES WITH DEPENDENT CHILDREN], and other assistance;

28 * Sec. 24. AS 47.05.010(5) is amended to read:

29 (5) cooperate with the federal government in matters of mutual concern
30 pertaining to adult public assistance, the Alaska family independence program [AID
31 TO FAMILIES WITH DEPENDENT CHILDREN], and other forms of public

1 assistance;

2 * Sec. 25. AS 47.05.030 is amended to read:

3 Sec. 47.05.030. MISUSE OF PUBLIC ASSISTANCE LISTS AND
4 RECORDS. Except for purposes directly connected with the administration of general
5 assistance, adult public assistance, the day care assistance program authorized under
6 AS 44.47.250 - 44.47.310, or the Alaska family independence program [AID TO
7 FAMILIES WITH DEPENDENT CHILDREN], and in accordance with the regulations
8 of the department, a person may not solicit, disclose, receive, make use of, or
9 authorize, knowingly permit, participate in, or acquiesce in the use of, a list of or
10 names of, or information concerning, persons applying for or receiving the assistance
11 directly or indirectly derived from the records, papers, files, or communications of the
12 department or subdivisions or agencies of the department, or acquired in the course of
13 the performance of official duties.

14 * Sec. 26. AS 47.05.080(a) is amended to read:

15 (a) Benefit overpayments collected by the department in administering
16 programs under AS 47.25.120 - 47.25.300 (general relief), [AS 47.25.310 - 47.25.420
17 (AID TO FAMILIES WITH DEPENDENT CHILDREN).] AS 47.25.430 - 47.25.615
18 (adult public assistance), [AND] AS 47.25.975 - 47.25.990 (food stamps), and
19 AS 47.27 (Alaska family independence program) shall be remitted to the Department
20 of Revenue under AS 37.10.050(a).

21 * Sec. 27. AS 47.07.020(b)(1) is amended to read:

22 (1) persons eligible for but not receiving assistance under any plan of
23 the state approved under 42 U.S.C. 601 - 615 (Title IV-A, Social Security Act,
24 Temporary Assistance for Needy Families), [AID TO FAMILIES WITH
25 DEPENDENT CHILDREN) OR] 42 U.S.C. 1381 - 1383c (Title XVI, Social Security
26 Act, Supplemental Security Income), or a federal program designated as the
27 successor to the aid to families with dependent children program;

28 * Sec. 28. AS 47.07.020(b)(7) is amended to read:

29 (7) persons under age 21 who are receiving active treatment in a
30 psychiatric hospital and who are financially eligible as determined by the standards of
31 42 U.S.C. 601 - 615 (Title IV-A, Social Security Act, Temporary Assistance for

1 Needy Families) or a federal program designated as the successor to the aid to
2 families with dependent children program [AID TO FAMILIES WITH
3 DEPENDENT CHILDREN)];

4 * Sec. 29. AS 47.07.035(26) is amended to read:

5 (26) individuals under age 21 who are not eligible for benefits under
6 the federal Temporary Assistance for Needy Families [AID TO FAMILIES WITH
7 DEPENDENT CHILDREN] program, or a federal program designated as the
8 successor to the aid to families with dependent children program, because they are
9 not deprived of one or more of their natural or adoptive parents;

10 * Sec. 30. AS 47.25.130(b) is amended to read:

11 (b) The department may enter into contracts or [COMPETITIVELY
12 AWARDED] group service agreements with providers or municipalities, and may
13 require needy persons under AS 47.25.120 - 47.25.300 to obtain services from these
14 designated providers. The department may establish by regulation program
15 standards designed to meet local circumstances for services provided under
16 contracts or group service agreements entered into under this subsection.

17 * Sec. 31. AS 47.25.310, 47.25.320, 47.25.330, 47.25.340, 47.25.345, 47.25.350, 47.25.360,
18 47.25.365, 47.25.370, 47.25.380, 47.25.395, 47.25.400, 47.25.410, 47.25.420, 47.25.421,
19 47.25.423, 47.25.425, 47.25.427, and 47.25.429 are repealed.

20 * Sec. 32. COURT RULE CHANGE. (a) AS 25.27.060(e) - (g), added by sec. 7 of this
21 Act, have the effect of amending Alaska Rule of Civil Procedure 90.3 by requiring
22 consideration of the income of the grandparents of a child when determining a child support
23 obligation under certain circumstances and by providing that a child's grandparents are
24 obligated to support the child under certain circumstances.

25 (b) Under art. IV, sec. 15, Constitution of the State of Alaska, AS 25.27.060(e) - (g),
26 added by sec. 7 of this Act, and this section may become law with the affirmative vote of a
27 majority of the membership of each house because the court rule being amended is not a rule
28 governing practice or procedure.

29 * Sec. 33. REPORT. (a) In furtherance of the public policy of increasing child support
30 enforcement and collections, on or before January 1, 1999, the child support enforcement
31 agency shall make a report to the governor based on data collected by the licensing entities

1 and the agency in a format prescribed by the agency. The report must contain

2 (1) the number of delinquent obligors on the lists maintained by the agency
3 under AS 25.27.244 - 25.27.246, enacted by sec. 16 of this Act;

4 (2) the number of delinquent obligors who also were applicants or licensees
5 subject to AS 25.27.244 - 25.27.246, enacted by sec. 16 of this Act;

6 (3) the number of new licenses and renewals that were delayed or denied and
7 temporary licenses issued subject to AS 25.27.244 and the number of new licenses and
8 renewals granted following receipt by licensing entities of releases under AS 25.27.244 by
9 July 1, 1998;

10 (4) the number of licenses under AS 28.15 that were suspended under
11 AS 25.27.246 and the number of licenses under AS 28.15 that were reinstated following
12 receipt by the Department of Public Safety of releases under AS 25.27.246 by July 1, 1998;
13 and

14 (5) the costs incurred in the implementation and enforcement of AS 25.27.244
15 - 25.27.246, enacted by sec. 16 of this Act.

16 (b) A licensing entity receiving an inquiry from the agency under (a) of this section
17 shall cooperate with the agency. When queried as to the licensed status of an applicant who
18 has had a license denied or suspended under AS 25.27.244 or 25.27.246 or has been granted
19 a temporary license under AS 25.27.244, the licensing entity shall respond only that the
20 license was denied or suspended or that the temporary license was issued.

21 * Sec. 34. WAIVER OF AID TO FAMILIES WITH DEPENDENT CHILDREN
22 PROGRAM REQUIREMENTS. (a) If the federal aid to families with dependent children
23 program has not been repealed by October 1, 1996, the Department of Health and Social
24 Services may implement changes to the aid to families with dependent children program,
25 notwithstanding the provisions of AS 47.25.310 - 47.25.429, that are consistent with the
26 Alaska family independence program, established in sec. 2 of this Act, by operating waiver
27 projects with the approval of the federal government. All waiver projects must be within the
28 scope of the program set out at sec. 2 of this Act and must be designed to promote family
29 self-sufficiency.

30 (b) If the federal aid to families with dependent children program has not been
31 repealed by October 1, 1996, the Department of Health and Social Services shall report to the

1 governor its recommendation for changes in its statutory authority that are needed to address
2 conflicting legal authority to operate the waiver projects.

3 * Sec. 35. COOPERATION. State agencies designated by the governor shall cooperate
4 with the Department of Health and Social Services to the extent necessary to implement
5 waivers under sec. 34 of this Act.

6 * Sec. 36. IMMUNITY FROM LIABILITY. (a) The Department of Health and Social
7 Services, and its employees, agents, and grantees, are not liable for civil damages as a result
8 of an act or omission in the implementation, operation, or administration of an authorized
9 waiver project under sec. 34 of this Act.

10 (b) The provisions of (a) of this section do not preclude liability for civil damages as
11 a result of recklessness or intentional misconduct.

12 (c) The provisions of (b) of this section do not constitute a waiver or limitation of
13 sovereign or other immunity.

14 * Sec. 37. REGULATIONS FOR WAIVER PROGRAMS. The Department of Health and
15 Social Services may adopt regulations necessary to implement sec. 34 of this Act. The
16 regulations adopted by the department may include

17 (1) eligibility criteria for waiver projects that differ from eligibility
18 requirements in AS 47.25.310 - 47.25.429 and the regulations adopted under those statutes;

19 (2) exemptions from requiring participation in the projects because of
20 exceptional circumstances;

21 (3) provisions for financial or nonfinancial sanctions for applicants who fail
22 to cooperate with project requirements or a provision of a plan; and

23 (4) additional program standards and procedures to implement or interpret sec.
24 2 of this Act in order to promote family self-sufficiency.

25 * Sec. 38. TRANSITION. (a) The Department of Health and Social Services, the
26 Department of Revenue, child support enforcement agency, and any department that issues a
27 license affected by sec. 16 of this Act may proceed to adopt regulations necessary to
28 implement this Act. Regulations to implement a provision of this Act take effect under
29 AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant
30 provision of this Act.

31 (b) Regulations adopted by the Department of Health and Social Services under the

1 authority of AS 47.25.310 - 47.25.420 before the effective date of secs. 2 and 37 of this Act
2 remain in effect, and may be implemented and enforced to the extent that the regulations are
3 not inconsistent with AS 47.27, until the department has made regulation changes under
4 AS 44.62 (Administrative Procedure Act) to conform to this Act.

5 (c) An application for assistance filed under AS 47.25 remains effective as an
6 application for the Alaska family independence program following the effective dates of
7 secs. 2 and 37 of this Act and until the Department of Health and Social Services requires a
8 new application with the development of the family self-sufficiency plan; new applications
9 shall be required no later than one year following the effective date of sec. 2 of this Act.

10 (d) Litigation, hearings, investigations, collection actions, and other proceedings
11 pending under a law amended or repealed by this Act continue in effect and may be
12 completed by the Department of Health and Social Services notwithstanding the repeal or
13 amendment under the Act.

14 * Sec. 39. Section 38(a) of this Act takes effect immediately under AS 01.10.070(c).

15 * Sec. 40. Sections 1 - 6, 8 - 15, and 17 - 31 of this Act take effect October 1, 1996,
16 except that if the federal law providing for the aid to families with dependent children
17 program has not been repealed by that date, those sections take effect on the first day after
18 October 1, 1996, that the repeal of the federal aid to families with dependent children program
19 is effective. The commissioner of health and social services shall notify the revisor of statutes
20 and the lieutenant governor of the effective date of the repeal of the federal law providing for
21 the aid to families with dependent children program.

22 * Sec. 41. Sections 7, 16, 32 - 37, and 38(b) - (d) of this Act take effect October 1, 1996.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
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MEMORANDUM

March 22 1996

SUBJECT: Sectional Analysis of CSSB 206(CRA), a bill relating to welfare reform and other matters. (Work Order No. 9-GS2006\C)

TO: Senator John Torgerson
Attn: Deb Davidson

FROM: Terri Lauterbach
Legislative Counsel

Enclosed is the CS you requested for SB 206. You have also requested that I send to you a description of potential legal problems or needs for clarification that remain in the CS. That is the purpose of the rest of this memo.

DISCUSSION

Section 1. The section states the purposes behind the entire bill. I would advise separation (or repetition) of the purposes of the AFIP in a codified section of law because of the use of the phrase "consistent with state objectives" in AS 47.27.005(4) and use of the phrase "purposes of this chapter" in AS 47.27.055(c). The "state objectives" and purposes of the chapter need to be stated in order to guide the state agencies' actions under AS 47.27.005(4) and AS 47.27.055(c). (Alternative: AS 47.27.005(4) and AS 47.27.055(c) could refer to the objectives stated in AS 47.27.005(2) if those are the intended objectives.)

Section 2. This section enacts what is called the "Alaska Family Independence Program (AFIP)", which is intended to replace the current AFDC program.

Sec. 47.27.005 sets out the duties of the Department of Health and Social Services. The department is given broad authority to establish program standards to meet state goals and to ensure consistency with federal requirements under any federal program that is a successor to the current AFDC program. A clarification is needed in AS 47.27.005(3) which directs the department to "provide education and health-related services and referrals to reduce the number of out-of-wedlock births in the state." Unless this duty is limited to AFIP applicants and recipients, it could be argued that this duty is beyond the scope of the bill title and beyond the constitutional requirement to limit the bill to a single subject. Also, as mentioned above under the discussion of sec. 1 of the bill, AS 47.27.005(4) should be clarified by adding a reference or description of the "state objectives" that the state plan must

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be "consistent" with. There should also be consistency in the references to whatever federal program succeeds AFDC. For instance AS 47.27.005(3) refers to TANF or any successor federal law, but AS 47.27.005(6) and several other places in the bill refer only to TANF. The TANF does not exist yet, and, by the time the federal government does pass a welfare reform measure, it may very well have a different name. The bill should either be rewritten so that it doesn't refer specifically to TANF or there should be a definition of "TANF" that includes a reference to "any other federal program designated by the federal government as the successor to the aid to families with dependent children program (AFDC)." See secs. 27-29 of this bill for similar phrasing.

Sec. 47.27.010. This section establishes basic statutory eligibility requirements for AFIP assistance. With regard to subsection (a), the eligibility of foster children is unclear. As I understand, AFDC currently does cover at least some foster children. Subsection (a) appears to require only under paragraph (2) that the dependent child be related to an adult in the household, but I'm not sure that was intentional. Paragraphs (1) and (4) may need clarification as to whether the children must be related to the "parents" in the household, or to at least one of the parents, unless, of course, these paragraphs were meant to allow for foster children to be eligible under the AFIP program.

Subsection (b) has potential legal problems that may be solvable through clarifying amendments. It allows the department to "limit the eligibility of two-parent families" and "adjust the assistance and service provided to two-parent families." The "limits" and "adjustments" are supposed to take into consideration "the seasonal nature of the economy and the availability of work in this state." According to the DHSS Fiscal Note Summary and Explanation (1/5/96), (hereinafter referred to as the "DHSS fiscal note") the Administration "plans to use this authority to reduce payments to families that include two able-bodied parents by 50 percent during the months of July, August, and September when work is available." This proposed plan of the Administration does not require inclusion of the phrase "limit the eligibility of two-parent families." The plan only proposes that there be an adjustment of the assistance levels. Deletion of the phrase "limit the eligibility of two-parent families" would help avoid the potential legal problem posed by giving the department this authority without sufficient legislative guidelines. At the very least, it should be clarified in statute what kinds of findings must be made by the department before it may "limit" the eligibility of two-parent families. Limiting the eligibility of the family could be construed by this Administration or future Administrations to allow total withdrawal of benefits without any consideration of whether seasonal jobs are available to particular recipients and whether particular participants are qualified for them. The phrase "adjust the assistance and service" also needs clarifying. While the Administration plans to adjust downward, the statute would also allow upward "adjustments." As in connection with the phrase "limit the eligibility," there should also be a statutory clarification of the findings that must be made by the department before the assistance to two-parent families can be "adjusted." It should also be clarified whether this "adjustment" is intended by the legislature to be for the whole category of two-parent families or only when the department determines for a particular family that work is available and an adult in the family is

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qualified to perform it. Without these clarifications, there is a high potential for litigation challenging the department's authority.

Even with the clarifications suggested above, there will remain a potential legal problem with this subsection - denial of equal protection. The department will need to be able to justify applying these limits and adjustments only to two-parent families. Presumably, extra work is also available to one-parent families during certain seasons of the year. Evidence as to the availability or unavailability of child care may bear on this issue. Perhaps the differential treatment can be justified. This memo merely points out that some justification must be made.

Sec. 47.27.015. This section sets out conditions under which a family will be disqualified from receiving AFIP assistance. They include a 60-month cumulative time limit for adults, with an exception for situations where disqualification "would impose an unreasonable hardship on the family" as determined by the department. Other disqualifying factors are fleeing to avoid prosecution or custody for a felony, up to 10 years of disqualification for misrepresentation of residence in order to receive benefits from more than one state, and up to six months of disqualification if the family's need is due to refusal of an adult in the family to work at suitable employment without good cause. In order to avoid a potential legal challenge to possibly unequal application of these provisions, subsections (b) and (c) should be clarified as to the factors that should be used by the department in deciding how much of a penalty to impose within the 10-year and six-month maximums allowed.

Sec. 47.27.020. Subsection (d) pertains to child support and paternity establishment. The first sentence is redundant with AS 47.27.040 except that it fails to repeat the "good cause" exception found in AS 47.27.040(b). Clarification is needed here. Either the redundancy should be eliminated or the "good cause" exception should be added to AS 47.27.020(d).

Sec. 47.27.025. Subsection (a) provides that "assistance for basic living expenses" will be provided to eligible families. Under the definition in AS 47.27.090, the department is allowed to give this assistance in the form of cash, vouchers, or vendor payments. The statute is not clear on the circumstances under which the different forms of assistance will be granted. This should be clarified with some legislative direction. This section also states that "each dependent child in the family is eligible for assistance." However, AS 47.27.015(a)(1), discussed above, disqualifies families that contain an adult who has received 60 months of assistance, so I'm not sure what this phrase in AS 47.27.025(a) is intended to mean. Dependent children in a family that includes an adult who received 60 months of assistance will not receive assistance even if the adult's period of assistance involved different children, unless the department applies the "hardship" exception in AS 47.27.015(a)(1).

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Subsection (c) provides that the department may provide additional assistance as work-related services or referrals to eligible families. While the term "self-sufficiency services" is a term defined in AS 47.27.090, that is not the term used here. The list of work-related services in this subsection appears to be a combination of the defined terms "self-sufficiency services" and "work activities." If the term "self-sufficiency services" is not used, its definition should be eliminated in AS 47.27.090.

This section takes effect October 1, 1996, according to sec. 40 of the bill. However, the DHSS fiscal note states that the revised standards for determining eligibility and setting a new earned income disregard will be implemented beginning January 1, 1997. The bill or the fiscal note should be amended so that the dates are the same.

Sec. 47.27.026. This section provides the option of "diversion payments" as one-time cash outlays to help families stay off of continuing assistance by meeting some specific short-term needs. In subsection (c), there is a reference to "AS 47.27.020" which I am not sure is correct. I think a more accurate reference would be "AS 47.27.025" where the assistance amounts are set out. This subsection should also be clarified as to whether the maximum diversion payment is related only to what the family would have received for "basic living expenses" or if it also includes the value of assistance the family would have received in work-related services under AS 47.27.025(c), such as child care assistance.

Subsection (f) needs clarification. It says that AS 47.27.026 supersedes AS 25.27.120 and 25.27.130 if there's inconsistency. My guess is that this is merely supposed to implement subsection (d)(2) under which the family gets to keep child support payments. However, litigation might be required before you could be sure whether it might also be construed to mean that a child support obligor is not liable to the state for the value of a diversion payment made to his or her impoverished family because it was not "regular" AFIP assistance. It would be wise to ward off that litigation by clarifying this subsection. Distinguishing between the aspects of AS 25.27.120 and 25.27.130 that relate to the state's right of subrogation and the state's right to sue a child support obligee for the assistance would probably do the trick.

Sec. 47.27.027 requires minors to live with adults and attend secondary school in order to receive assistance under AS 47.27.020. There is no reference to assistance under AS 47.27.026 (diversion payments). It is not clear whether the lack of a reference to AS 47.27.026 means that a minor can receive a diversion payment without living with an adult or going to secondary school or if the intent is that minors are not eligible for diversion payments. If the latter is the case, then AS 47.27.026 should say so. The secondary school requirement applies regardless of whether the minor is mentally capable of secondary school or not. You might wish to review whether this is appropriate.

Sec. 47.27.030 requires "AFIP participants" to cooperate in developing a family self-sufficiency plan. It is not clear whether this requirement applies to families that receive a diversion payment under AS 47.27.026, and, because of the use of the term "family," it is also not clear whether this requirement applies to assistance to minors under AS 47.27.027

or to pregnant women who do not have other dependent children. Subsection (a)(2) refers to "employment-related services." This term is not defined. Does it mean "self-sufficiency services?" It should be clarified.

Subsection (c) allows the department to exempt families from the plan requirement, but it does not give any legislative guidelines for this exemption power. To avoid potential legal challenges concerning whether this is excessive delegation of legislative power, some statutory guidelines should be added here.

Sec. 47.27.035. This section allows the department to assign "AFIP participants" to work activities. The section is not restricted to adults. If it is meant to be restricted to adults, it should say so. Subsections (b) and (c) contain statutory exemptions from this work requirement. Subsection (a) also seems to allow the department to adopt other exemptions under regulations. This is another place where there may be insufficient statutory guidance for the department's regulations, opening the department to potential litigation of that issue.

Subsection (c) provides that AFIP recipients assigned to work activities are not public employees for purposes of AS 23.40.070 - 23.40.260 (Public Employment Relations Act) and stipulates that collective bargaining contracts under the PERA may not be construed to interfere with participation in work activities under this section. This looks like an attempt to make issues relating to "workfare" participation nonnegotiable under PERA. If that is correct, an appropriate reference needs to be added at AS 23.40.075. In addition, the wording of this subsection and the reference added at AS 23.40.075 should be clarified. Is a bargaining unit only prohibited from trying to bargain over whether any "workfare" participants can be assigned to perform duties in any particular agency or in any particular job classes? Or is a bargaining unit also prohibited from trying to contract to avoid losing state positions because some duties are taken over by "workfare" participants? The ambiguous phrase in this subsection is "interfere with participation in the work activities authorized under this section."

Sec. 47.27.040. Subsection (b) contains a "good cause" exception relating to cooperation in establishing paternity and collecting child support. As noted above, AS 47.27.020(d) also contains a cooperation requirement but lacks this "good cause" exception. One of these provisions needs to be amended so that there is no conflict between the two provisions.

Subsection (c) allow DHSS to distribute up to \$50 of child support to the AFIP family. However, there are no legislative guidelines for the department's discretion. To ensure fair implementation and give policy guidance, there should be some indication of the circumstances under which DHSS is required to distribute child support to the family and under what circumstances the distribution will be \$10 or \$30 or the full \$50. Otherwise, this subsection is a likely candidate for clarification through litigation.

Sec. 47.27.050. This section should be clarified as to whether the grants and contracts it authorizes are exempt from the competitive bid requirements of the AS 36.30 (state procurement code). The references to AS 47.05.015, which is a section that does

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exempt contracts authorized under AS 47.05.015 from the competitive bid requirements of the state procurement code, may not be sufficient to expand the procurement code exemption to cover grants and contracts authorized under AS 47.27.050 (because they are not authorized under AS 47.05.015). For clarity and to avoid future litigation, AS 47.27.050 should have its own procurement code exemption rather than relying on the one in AS 47.05.015 and it should be mentioned in AS 36.30.850(b).

Sec. 47.27.055. Subsection (b) should include a reference to AS 09.25.110 - 09.25.125 because that is the usual practice in provisions limiting public inspection of records.

Sec. 47.27.065. Subsection (a) should be amended so that it is not limited to obtaining "block grants." We do not, at this time, know if block grants will be what the federal government offers. Even if block grants are eventually available, the department should probably have the flexibility to seek other money or resources, too. A better phrase would be "money or other resources available from the federal government for implementation of this chapter."

Subsection (b) would allow amendment of the AFIP program by adoption of regulations contrary to the law governing the program. While there are some stipulations attached, I'm not sure they are sufficient to make this provision constitutional. The power to enact laws is the prerogative of the legislature. While the legislature may enact a law that allows a department to adopt regulations that further define or make more specific that law, it is highly questionable whether the legislature may give up its constitutional power to enact laws by allowing regulations to be contrary to the laws it enacts.

Sec. 47.27.075. This section points out a terminology conflict relating to the use of the "AFIP" acronym throughout the bill. While I am fairly sure that money in the emergency account established under this section is intended to include use for diversion payments under Sec. 47.27.026, the provisions of Sec. 47.27.026 itself refer to diversion payments as if they are separate from AFIP assistance. See, for instance, Sec. 47.27.026(b) which says the family can either have an AFIP application processed or it can apply for a diversion payment after its AFIP application is denied.

Assuming passage of this legislation, my guess is that AS 47.27 will consistently be thought of as the AFIP. So, the best course of action for clarifying the relationship between the AFIP and diversion payments would probably be to clarify the use of terms in AS 47.27.026, so that diversion payments are part of the AFIP program, just a different form of assistance.

It is important that some clarification be made, not only because of the emergency account language, but because of other sections of Alaska Statutes that will have references to the AFIP. It needs to be clear, for instance, whether diversion payments are recoverable from a person who is delinquent in child support payments or if the child support obligor is only responsible for the value of ongoing AFIP assistance.

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Sec. 47.27.085. This is another situation where it needs to be clear whether a person who receives a diversion payment under AS 47.27.026 is an "AFIP applicant or participant" or whether diversion payments are separate from the AFIP program.

This is also another section that gives the department flexibility without legislative guidance. Subsection (a) allows the department to impose from one to 12 months of ineligibility without stating the factors the department should use in determining the extent of a sanction in any particular case. Subsection (b) allows a "reduction" in assistance and services for failure to comply with a self-sufficiency plan without limiting the amount of potential reduction or describing the factors the department must consider when determining the amount of the reduction in any particular case. Subsection (c) allows a "reduction or limitation" in assistance for failure to cooperate in paternity and child support procedures without placing a limit on the amount of reduction or limitation (is a limitation different from a reduction?) and without describing the factors that must be considered by the department when determining the amount of the reduction or limitation that will be imposed in any particular case.

Sec. 47.27.090. Paragraph (1) defines "assistance for basic living expenses" as assistance provided "under the AFIP." This is another place where it needs to be clear whether diversion payments under AS 47.27.026 are a form of assistance "under the AFIP" or something else.

Paragraph (7) defines "dependent child." It does not limit the definition to unemancipated children. Is this intentional? Can an AFIP include a child whose disabilities of minority have been removed under AS 09.55.590 but who later moves back into the family home?

Paragraph (8) defines the term "self-sufficiency services." As noted in other parts of this memo, this term is not consistently used in the AFIP program. Other terms used are "work-related services" in Sec. 47.27.020(c) and "employment-related services" in Sec. 47.27.030(a)(2). At best, these inconsistencies are confusing. At worst, they imply a difference that will have to be litigated to clarify. It would probably be better to clarify the bill itself so that the policy choices are clearly established as to what services the department is authorized or directed to offer.

Section 17. This section may make the bill unconstitutional because of a violation of the single subject rule by including a provision relating to the general relief program. In order to satisfy the single-subject requirement, it is the opinion of this office that the bill must be restricted either to (A) statutes relating to children (AFIP, child support, day care) or (B) public assistance (in which case the general relief provision of sec. 17 could be included but the child support provisions in secs. 7 and 16 and the day care change in sec. 21 would have to be excluded because they affect people who are not receiving public assistance).

Sections 27 - 29. These sections make conforming amendments to Medicaid laws to add references to the new AFIP program and to whatever federal program succeeds AFDC on the federal level. These conforming amendments are made in paragraphs (1), (7), and (26)

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of AS 47.07.020(b). It appears to me that paragraphs (5), (8), and (9) of AS 47.07.020(b) should have the same types of amendments made to them, and it is probably a drafting oversight that they are not included in the bill.

Section 30. This is another section related to the general relief program. Its inclusion probably makes the bill violate the single-subject rule. Please see discussion under **Section 17** above.

Section 34. This section is the "fall-back" plan if AFDC is still the applicable federal law on October 1, 1996. It allows (but does not direct) DHSS to pursue waivers to operate welfare reform "within the scope" of the AFIP provisions in sec. 2 of the bill. The legislature may wish to clarify what "within the scope" means and whether the waivers sought must be for statewide programs or can be limited geographically. (It is my understanding of current waiver procedures that even a "statewide" waiver program must have control groups of AFDC recipients to which the new provisions would not apply so that the effect of the changes can be assessed. Whether the federal implementation of the waiver process will change to allow truly "statewide" programs under a waiver remains to be seen.)

Sections 35 - 41. No comments at this time, except to repeat that the October 1, 1996, effective date in sec. 40 does not match all of the implementation dates in the DHSS fiscal note.

Please let me know if this memo prompts additional questions on which I can be of assistance.

TML:klb:lmb:pl
96-216.klb

Enclosure

Alaska State Legislature

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Community & Regional Affairs

Committee Vice-Chair
Labor & Commerce

Committee Membership
Legislative Council



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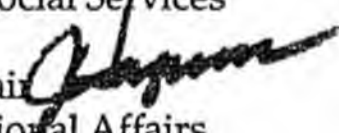
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Senator John Torgerson

MEMORANDUM

February 22, 1996

TO: Elmer Lindstrom, Special Assistant
Department of Health and Social Services

FROM: Senator John Torgerson, Chair 
Senate Community and Regional Affairs

RE: Senate Bill 206, Welfare Reform: Points for Clarification

There have been several issues and questions raised regarding Senate Bill 206 and what it actually does. Listed below are the general concerns expressed, followed by specific issues. Please provide information on the department's perception of how these issues are addressed by the bill.

The Alaska Family Independence Program will replace AFDC and the current JOBS program. SB 206 allows the state to contract with or award grants to municipalities or other entities to administer the program or part of the program. It also has provisions for contracting with Native organizations.

The bill is based on the assumption that there will be a change in federal law. This change presumably would provide block grants to states to use for their individual programs. If this change is made, no waiver application will be needed to institute the AFIP. If there is no federal change, then the AFIP will be a demonstration program providing a federal waiver is obtained.

One of the main concerns of this legislation is the possibility of 13 separate programs being administered throughout the state. This would seem to invite a large duplication of services with an unnecessarily high

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administrative cost. Additionally, there is no explanation of how local governments or other entities would administer or participate in the program, or how the "information sharing" provisions of the bill would be implemented.

One of the problems identified with the current program is that the current program doesn't benefit rural areas. If this is true, wouldn't non-Natives living in rural Alaska benefit better from the Native program and wouldn't Natives living in urban areas benefit better from the state program? Is there a way that this could be accomplished without implementing yet another program?

The bill lists criteria for eligibility of parents and guidelines for disqualification. How will children whose parents are disqualified be dealt with?

Local Governments

How will this bill affect local nonprofits and local governments? The bill seems to list the following as possible components that local governments could administer:

- provide assistance with basic living expenses (approving client purchases and paying the vendor)
- determine eligibility following state guidelines
- establish, with client, a family self-sufficiency plan (work plan, education plan, child care, etc.)
- assign work activities as part of a self-sufficiency plan
- provide work-related services or referrals such as community service work assignments, employment testing/counseling, job readiness assessments and training, job referral and search, educational/vocational training, child care assistance, family planning services, other services facilitating the return to work.

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- determine eligibility for lump-sum diversion payment (for those who are ready for work and just need help until they've been on the job a while)

Assuming that Title 29 is amended to give municipalities this power, realistically, can they administer the program and how can they do it? The department said that the purpose of the bill is to allow the flexibility for involvement by local governments. They assume there would have to be local interest first in administering the program before it was contracted out. Understanding that, it is still uncertain how the local governments could actually participate. Would the amendment to Title 29 be broad enough to cover the authorization for contracting with local governments for General Relief Assistance, which SB 206 authorizes?

What type of assurances will the local government receive that if they take over the program, the funding will be consistent and not decreased down the road with the expectation that the local governments will pick up the slack? How will "community" be defined under this bill? What is the definition of "qualified entities" found on page 10, line 19 of the bill?

Contracting Procedures

Will there be competition in the contracting procedures between local governments, Native organizations and nonprofits to administer the state's portion of the program? In those instances, who will decide the recipient of the contract, and on what basis?

What will the length of the contracts be (is there a chance that administrators will change each year, causing additional costs for set-up, dissolution, etc. of agencies)?

Native Organizations

Under the federal program changes, it is our understanding that the state would receive a block grant. Would the state then be required to funnel

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part of it through to the 12 native corporations for administration of their programs?

Would the state portion of federal funds be reduced by the portion that goes to Natives? Section 412(a)(1)(A) "In General," seems to indicate that the federal funds would be reduced. If this is true, why would the state then grant part of its share to promote comparable programs especially when this grant would not be subject to state AFIP regulations?

The 12 Native corporations are authorized by federal law to apply for programs. If they choose to apply there will be an agreement between the state/feds/Natives on a "comparable program." Will the state actually have a say in what constitutes a comparable program? Can the state at least require the Native Corporations to operate their program along the same guidelines as the state's? What does the state envision as a comparable program?

Will the Native organizations be able to set up 12 different programs or will there be one program that the feds will approve and the 12 corps can administer that program if they choose?

How many Native organizations within each of the 12 corporations would be eligible to contract the administration of the program with either the state, or the Native corporation receiving the federal block grant?

Who would administer the program to Natives in large communities, or non-Natives in the small communities--would there be 2 programs everywhere?

If the state contracts with the Natives to provide services to non-Natives, will the Natives administer two different programs, or will the non-Natives be served by the Native program and the State match forwarded to the corporation? Will tribal corporations have the same powers/authorities as nonprofits or other contracted entities who might wish to administer the state's portion of the program?

Will Natives in urban areas be able to choose between the state program and the Native program? Who would cover a two-parent family where

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one parent is Native and non-Native? Would the "head of household" or "primary wage earner" rule apply?

What are the numbers of individuals/families served, dollars spent and percentage of state coverage that goes to Natives versus non-Natives?

JOBS Program

Under the current JOBS program, there are apparently three basic components (these seem similar to the "basic living expenses" and part of the "self-sufficiency" plan).

- **Supportive Services:** The client presents a list of what they need (for example, gloves) and a list of where the items can be obtained for what price. The department pays the vendor directly for these services.
- **Tuition Assistance:** The client identifies specific educational needs, and where the classes or education can be obtained. The department pays the educational entity directly.
- **Adult Basic Education:** Provides reading and math skills to at least the 8th grade level. Prefer to bring it up to high school (GED). Also provides "basic life skills", such as the responsibility of a job, coping in the workforce, dealing with the community, etc. This is the program that is contracted out to educational complexes (9th Star Enterprises in Anchorage is an example)

Considering the questions listed under the Local Government category, could all three components be contracted to local governments? That is could local governments be the ones to approve and pay the vendors for the supportive services and/or tuition assistance, or contract with an educational entity to provide Adult Basic Education?

Currently, all 12 Native corporations are providing these services to Natives through 11 programs. Does SB 206 continue in this manner?

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Revocation of Licenses

Regarding revocation of drivers licenses: How many states are currently doing this? Are there any statistics on its effectiveness?

Regarding revocation of occupational licenses: How many states are currently doing this? Are there any statistics on its effectiveness?

Considering the current Alaska caseload, how many cases would be affected by the revocation of drivers licenses? How many would be affected by the revocation of occupational licenses?

Administration Costs

The Native organizations testifying at the meeting of February 19 listed various administration costs used by them for on-site, off-site, and flow-through programs. Please provide the administrative costs for each of the 12 organizations. Will the 12 organizations have the ability to pass the administration of their program on to the individual nonprofit village corporations, thereby possibly increasing administrative costs and allowing increased variations of the programs?

For comparison purposes, please estimate what the department envisions as the state's administrative costs.

For the state, as well as entities that may contract to administer parts of the program, what can be done to minimize administrative costs associated with databases, monitoring, reporting requirements, etc.?

Please contact Deb Davidson of my staff with any questions or additional direction you may need regarding your response.

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

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DIVISION OF PUBLIC ASSISTANCE
March 12, 1996

The Honorable John Torgerson
Senator
State Capitol
Rm 427
Juneau, AK 99811

Dear Senator Torgerson,

In your memorandum dated February 22, 1996, you asked for clarification on a number of points about Senate Bill 206, Governor Knowles' welfare reform legislation. I appreciate the attention you have given this essential legislation.

As you pointed out in your memorandum, the bill is designed to position Alaska to effect the comprehensive program redesign that will be necessary when the Congress and the Clinton Administration act to change the current AFDC and JOBS programs to a federal block grant program and makes the states responsible for designing their own family assistance programs.

At this time, there continue to be strong indications that compromise federal block grant legislation will be enacted before the November elections. Senate Bill 206 and its companion measure House Bill 400 are the only bills before the Legislature that authorize the sweeping changes that will be needed under federal block grants.

Your memorandum broke out several areas of general concern, and the organization of this response generally corresponds to the organization of your query.

Local Governments

As you point out, SB 206 includes language that authorizes DHSS to contract with or award grants to municipalities to administer AFIP (the Alaska Family Independence Program, which replaces the existing AFDC and JOBS programs). This language authorizes grants or contracts to administer a comprehensive AFIP program or a distinct part of the program.

Much of the impetus for including this provision was a near-universal expression of interest in local administration by participants in the community forums we conducted across Alaska last summer and fall. Many of the participants in the community forums told us that they believed that local governments and community non-profit organizations

could do a better job, more effectively and less expensively than the state, of helping welfare families achieve economic self-sufficiency. We recently sent you a copy of our Report on the Welfare Reform Community Meetings.

In Alaska, the AFDC and JOBS programs have historically been exclusively state-administered, with the exception of the Native-operated JOBS programs that started-up in 1989. Current federal law allows city/county administration of AFDC and JOBS but Alaska, lacking a statewide city/county system, has never entertained such an approach. Thirty-two states currently run city- or county-administered systems.

The impending block grant legislation would eliminate the current federal restrictions on locally administered systems. One intention of the Governor's legislation is to allow interested communities to assume some of the responsibility for working with these low-income families, particularly in the area of individual case management.

At this time, the principal activities we foresee local governments undertaking are the provision of work-related services and referrals (in compliance with the self-sufficiency plan that would be developed with the local case manager), and assignment and monitoring of compliance with work activities. For example, last week I met with administrators from the Homer Alternative School. They were very interested in providing case management services for teen parents on AFDC that attended their school. This idea makes great sense. Since the school is more closely involved in the teen's life, a larger role for the school system would be advantageous for us, for the school and most importantly for the teen.

We do not envision local governments taking over responsibility for eligibility determination or the issuance of assistance for basic living expenses, at least in the near future; DHSS handles these functions very efficiently now. Nor do we envision local governments providing the diversion payments, since these payments are inextricably tied to the eligibility determination process. Nonetheless, we wish to leave open the possibility of local governments taking over the entire program in their community if at some future point they present a viable proposal to do so.

Whether local governments could realistically assume administration of AFIP activities depends on many factors, not least of which will be their ability to create efficient operating plans. As you know, the fiscal notes attached to the bill, and the Governor's budget as a whole, hold spending for these programs close to current year levels. Given level funding and the Department's responsibility to assure equitable efforts throughout the state, we will be disinclined to entertain any proposal for local administration that does not provide a set of services that are on par with what DHSS would provide if we retained administrative responsibility.

As you noted, nothing in this legislation or in the Administration's plans would impose any mandate on any municipality to take over any responsibility for the AFIP program.

Numerous administrative details will have to be sorted out between DHSS and any municipality that wishes to enter into an agreement to administer AFIP activities. We need legislation that authorizes us to consider any local approach that promises to help these families integrate into the economic mainstream in their communities.

It will be difficult for DHSS to assure long-term, level funding to local governments. We certainly plan to assure funding in proportion to the work taken over by the local government. Ultimately, budget stability will be required to assure level funding, and re-approval of grants and contracts will be tied to successful performance.

You asked how "community" would be defined under this bill. Please note that the term is used substantively only in the context of "community service work assignments." We do not wish to precisely define the term in this context, since we want a broad range of activities that might benefit "communities" under numerous definitions of the term.

You also asked for a definition of "qualified entities" that could be awarded grants or contracts to administer AFIP activities. We have not yet established a formal definition; we intend to set the basic qualifications by regulation, as authorized in this bill section. We certainly welcome the committee's advice as to appropriate qualifying standards.

Contracting Procedures

We currently procure work-related services under the existing JOBS program authority to award grants and enter into contracts (see AS 47.25.421(c)- copy attached).

Section 17 of SB 206 adds contracts for AFIP services to the list of contract social services that are exempt from competitive bidding requirements. DHSS normally makes the decision on contracts awarded under this provision after surveying several vendors. The exemption under section 17 does not preclude competitive bidding in circumstances where competitive bidding for services is in the state's best interest.

In some instances it will be appropriate to award grants to service providers. We anticipate no significant change in our granting procedures under SB 206. We would continue to award grants under the DHSS grant procedures encoded at 7 AAC Chapter 78. Competition for grants is allowed, though we do not anticipate much competition in Alaska's smaller communities for the kinds of services that will be granted out under Senate Bill 206.

We would most likely follow a general procedure regarding the length of grant awards that sets a two-year standard duration, with a possible one-year extension, subject to sufficient appropriations.

Native Organizations

Under the federal block grant proposal, specified Alaska Native organizations that submitted and secured federal approval of a plan to administer the AFDC replacement program would receive a proportionate share of federal funds directly from the federal government; these funds would not be passed through the State. The amount of funds paid to the Native organizations would be deducted by the federal government from the amount of the block grant paid to the State. The allocation of amounts paid to each qualified Native organization would be based on the number of Native recipients living each region as a proportion of Alaska's historic AFDC population as a whole.

The State does not propose to grant any of its share of the federal block grant to the Native organizations. Rather, the administration believes that in order to assure comparable programs, appropriations of state AFIP funds must be proportionately shared among the state and Native AFIP programs.

You asked whether the federal law would give the State a say in decisions about the comparability of Native-operated programs and the state program. We would have a say: the federal language requires the federal DHHS to establish program comparability criteria "... in consultation with the State of Alaska and such Indian tribes."

With regard to your question about whether the Native organizations could set up 12 separate programs (actually 13 programs, one for each of the 12 ANCSA regions and one for the Metlakatla Indian Community), the federal language would allow separate programs, but would not preclude proposals that created consortia or common program designs. These decisions would be left to the discretion of the Native organizations and the federal government, with the State in a consulting role.

You raised a number of additional questions about the potential complexities of having both state-operated and Native-operated programs. The answers to many of those questions simply do not exist at this time because the federal government has not taken final action.

The authority for Native-operated programs is in the federal proposal largely because Alaska's congressional delegation supported its inclusion. The Knowles Administration worked on the development of the federal language, as did many of Alaska's Native leaders. We stand ready to work with the Native organizations, the federal government, and the congressional delegation to resolve the many details that will have to be sorted out when Native-operated programs are authorized in federal law. Many of the details cannot be addressed until the federal law changes are in place and the federal Department of Health and Human Services issues the enabling regulations. Others cannot be addressed until the various Native organizations come forward with their proposals. The State has neither the authority nor the ability to predict all of the choices that the Native organizations will make in designing their programs.

It is important to note that the provisions in SB 206 regarding Native- programs are specifically tied to the enactment of federal legislation to authorize Native-operated family assistance. Without enabling federal legislation, these provisions would not be applicable.

You requested information about the proportion of program benefits that go to Alaska Natives. We have enclosed materials that show a detailed breakout of benefits by ethnic categories.

JOBS Program

Senate Bill 206 draws a clear distinction between "basic living expenses" and "work-related services or referrals" under AFIP on page 6, lines 1 - 27 of the bill. In general, the work-related services and referrals correspond to the kinds of services provided under the current JOBS program.

JOBS program components are listed in current law at AS 47.25.425(a). A copy of this statute is enclosed. These components include the components you listed in your query as well as some additional activities.

The current JOBS statutes at AS 47.25.421(c) (copy enclosed) include the authority to contract for the provision of JOBS services to several types of entities, including "other public agencies." Thus, under both current law and the language of SB 206, local governments could approve and pay for work-related services. Nothing in either statutory framework precludes such entities from subcontracting for some services, such as contracting with the local school district to provide Adult Basic Education services.

Currently, federal law has established the authority for Native organizations to operate JOBS in each of the 12 ANCSA regions, plus Metlakatla. These JOBS plans are approved by the federal government, which provides federal funding directly to the Native organizations. The State has no authority over the Native JOBS programs, and SB 206 has no impact on the Native JOBS programs.

Revocation of Licenses

Thirty states currently have laws that revoke drivers licenses for failure to pay child support. Twenty-six states have occupational license revocation laws.

Most of these laws are relatively new and do not have a long track record. Maine reports that it collected over \$32 million in child support in just over two years as a result of its occupational/drivers license law. New York collected over \$2 million in the first six months after implementation.

The Child Support Enforcement Division estimates that the drivers license provisions in SB 206 would affect about 3,500 child support cases and the occupational licensing provisions would affect about 5,000 cases. CSED expects that most effected child support obligors would come into compliance with the law during the 150-day "grace period" before they actually lose their occupational and driving privileges.

Administration Costs

We are unable to respond to your question regarding the administrative costs for the Native organizations since none of them have offered a program proposal. Neither the fiscal notes attached to SB 206 nor the FY 97 Governor's budget break out funds for Native-operated programs. Based on our discussions to date with leaders of the native organizations, we have no reason to believe that any of them would propose to implement a Native-operated program in FY 97. The federal government has not yet issued the rules that will be necessary to define administrative costs for purposes of the block grant program. To attempt to estimate or compare their administrative costs at this point would be speculative and premature.

Federal block grant payments would include both benefit costs and administrative costs based on historical levels. Native organizations would continue to receive the federal JOBS program funds they now receive. A Native organization that was federally approved to operate a family assistance program in its region would be eligible for a prorata share of federal funds and benefit funds, but no distinction is made between these two types of funding in the federal law. We would expect the federal DHHS to regulate in this area to establish an equitable allocation of the block grant monies among state and Native-operated programs.

We are committed to keeping administrative costs as low as possible. The ability to handle efficiently large volumes of data for purposes of program operation, planning, monitoring and evaluation, compliance with federal reporting requirements, and exchange of information among state agencies, local organizations, and Native organizations will be essential. We have developed plans to modify our statewide data processing system to meet the many new demands imposed by welfare reform and increase the efficiency and flexibility of our Eligibility Information System.

Conclusion

I want to thank you and the committee for the interest you have shown in this important legislation. You have raised many good questions about Senate Bill 206 and Alaska's welfare reform planning, most of them at the heart of the committee's responsibility for legislative issues that affect local jurisdictions. Some of the answers simply cannot be known until federal reform is enacted and we engage with the communities and the Native organizations to implement the provisions of this bill.

Senator John Torgerson
March 12, 1996
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The Knowles Administration's philosophy on community involvement in welfare reform is embodied in SB 206. The grants to local government and other community organizations are voluntary; we seek the authority for more local control over welfare programs in the communities that want to take on that responsibility. We plan to work with interested communities to develop strategies that will work for all of us and provide a clear track for families to move from welfare dependency to economic self-sufficiency.

We support the Alaska-specific Native set-aside provisions that were included in the federal legislation as a result of the efforts of Congressman Young and Senators Stevens and Murkowski. We look forward to coordinating with interested Native organizations to assure that both state-operated and Native-operated programs operate effectively and efficiently.

Again, thank you for the consideration you have already allowed this legislation. Please contact me at 465-2680 if I can provide any additional information that will help the committee with its deliberations on Senate Bill 206.

Sincerely,



Jim Nordlund
Director of Public Assistance

Enclosures: Native caseload/cost information
AS 47.25.425(a)
AS 47.25.421(c)

cc: Members: Senate Community and Regional Affairs Committee

Article 3. Job Opportunity and Basic Skills Program (JOBS).

| Section | Section |
|---|-------------------------|
| 421. Authorization to implement program | 425. Program components |
| 423. Program participants | 427. Program operation |
| | 429. Definitions |

Cross references. — For legislative findings in connection with the enactment of AS 47.25.421 — 47.25.429, see § 1(b), ch. 128, SLA 1990 in the Temporary and Special Acts.

Legislative history reports. — For legislative letter of intent on ch. 128, SLA

1990 (SCS CSHB 171 (HESS)), which enacted AS 47.25.421 — 47.25.429, see 1990 House Journal 2706.

Collateral references. — 79 Am. Jur. 2d, Welfare Laws, § 10.

81 C.J.S., Social Security and Public Welfare, §§ 116, 119.

Sec. 47.25.421. Authorization to implement program. (a) In order to provide persons receiving aid under AS 47.25.310 — 47.25.420 (Aid to Families with Dependent Children) with incentives, opportunities, and necessary services for employment, training, and participation in the nation's economy and to relieve their dependence on the federal and state social services and welfare system, the department shall administer a program of education, training, and job placement entitled JOBS, Job Opportunity and Basic Skills.

(b) In implementing the program, the department shall

(1) execute on behalf of the state the agreements or contracts with appropriate state and federal agencies that are necessary to enable the state to meet the requirements of federal law;

(2) receive and expend money made available for the program by the state or federal government;

(3) supervise the expenditure of the money and the conduct of the program, ensuring that it complies with state and federal law;

(4) make reports and supply certifications that are required in relation to the program; and

(5) otherwise cooperate with the federal government and its departments and agencies in the administration of the program.

(c) The department may carry out the program directly or through arrangements or under contracts with administrative entities involved with the Job Training Partnership Act (P.L. 97-300), as amended, with state and local education agencies, and with other public agencies or private organizations, including community-based organizations acceptable under federal regulations. The department shall contract for services under the program when feasible and in the state's interest. The department may adopt regulations to govern the operation of the program components that are operated under contract by other entities. Whether the department operates the program di-

rectly or through contract, the department shall coordinate the program with programs operated in the state under the Job Training Partnership Act and with other relevant employment, training, and education programs available in the state, including programs operated by Indian or Native organizations that receive grants from the federal government to operate their programs under 42 U.S.C. 682(i) and programs operated or funded by the State Job Training Coordinating Council in the Department of Community and Regional Affairs through a grant from the Department of Labor. The department shall consult with the Department of Education, the Department of Labor, and the Department of Community and Regional Affairs to promote coordination of the planning and delivery of services under the program with programs operated by those departments.

(d) The department shall adopt regulations setting criteria for determining whether a person is in noncompliance with participation requirements of the program for the purpose of imposing sanctions under the program for nonparticipation and for noncompliance with a participation agreement. The department shall consult with Native organizations that are operating similar programs when developing regulations under this subsection. (§ 6 ch 128 SLA 1990)

Sec. 47.25.423. Program participants. (a) The department shall require participation in the program by persons required to participate under federal law. Except as provided in AS 47.25.425(f), the department may not require participation in the program by the parent or other relative of a child under three years of age if the person personally provides care for the child.

(b) The department may allow applicants for and recipients of aid under AS 47.25.310 — 47.25.420 to volunteer to participate in the program whether or not they are required to participate under (a) of this section.

(c) The department may give priority in the program to the following target populations in the order listed, with further priority in each group being given to persons in families where the dependent child's custodial parent is under the age of 20:

(1) custodial parents under the age of 24 who have not completed high school or its equivalent and are not enrolled in a course of study;

(2) custodial parents under the age of 24 with little or no paid work experience in the 12 months preceding their application under the program;

(3) members of families in which the youngest child who is receiving assistance under AS 47.25.310 — 47.25.420 is within two years of becoming ineligible for assistance because of age;

(4) members of families who received aid to families with dependent children in at least 36 of the 60 months preceding application

under the program established in AS 47.25.421 — 47.25.429. (§ 6 ch 128 SLA 1990)

Sec. 47.25.425. Program components. (a) The department may offer to a participant in the program the following types of services and activities to the extent indicated as appropriate by the initial assessment under AS 47.25.427(a):

(1) educational activities, including high school or equivalent education combined with job training as needed, basic and remedial education to achieve a basic literacy level, education for individuals with limited English proficiency, and career training through post-secondary education;

(2) job skills training;

(3) job readiness activities to help prepare participants for work;

(4) job development and job placement;

(5) job search requirements;

(6) on-the-job training;

(7) a work supplementation program;

(8) work experience; and

(9) other educational, training, or work-related services and activities, including reasonable activities designed to promote and develop entrepreneurial ability and success.

(b) The program components described under (a) of this section must conform to the requirements of federal law so as to ensure the maximum federal financial participation in the costs of the program.

(c) In consultation with the Department of Community and Regional Affairs and the Department of Labor, the department may initiate development of innovative public work programs designed to meet federal requirements related to work activity for a person in a family that receives assistance on behalf of a dependent child who is dependent because of the unemployment of the primary wage earner in a two-parent family.

(d) To further the purposes of the work supplementation program, the department may use the options allowed under federal law to

(1) adjust the levels of the standards of need set by the department under AS 47.25.320(a) to the extent the department considers it to be appropriate: the need standards in effect in areas of the state in which the work supplementation program is in operation may differ from the need standards in effect in other areas: the need standards for categories of recipients may vary among the categories to the extent appropriate on the basis of ability to participate in the work supplementation program;

(2) adjust retrospective budgeting requirements and the amount of earned income to be disregarded to the extent allowed by federal law so as to encourage participation in the work supplementation program and to decrease disincentives for retaining employment; and

(3) supplement jobs in the public and private sectors, as appropriate.

(e) In implementing the program component under which a person may pursue career training through post-secondary education, the department shall

(1) give priority to participation by persons without a post-secondary degree, persons who were in a post-secondary program of training or education but whose participation was interrupted because of family circumstances, persons who have graduated from high school or hold an equivalent diploma, and persons who need retraining because of changes in the labor market;

(2) establish guidelines under which

(A) other sources of educational assistance must be exhausted before program money is used;

(B) the education must be consistent with the person's employment goal, and the employment goal must be consistent with the job market of the state;

(C) the education must take place in the state unless a particular type of training is not available in the state: if out-of-state education is approved, the department shall contract for supportive services for the participant at the location of the education, when feasible;

(D) the maximum annual or total training cost for books, tuition, and associated education fees reimbursable under the program shall be set under regulations of the department;

(3) require full-time student status after the initial six months for each participant and maintenance of a "C" average in graded programs or "passing" grades in pass/fail programs.

(f) In the case of a person who is a custodial parent under the age of 20, has not successfully completed a high school education or its equivalent, and is receiving aid under AS 47.25.310 — 47.25.420, the department may require the person to participate in educational activities directed toward the attainment of a high school diploma or its equivalent to the extent required by federal law. This requirement is applicable to a person who might otherwise be exempt from full-time participation under regulations of the department because the person personally provides care for a child under the age of six. Notwithstanding AS 47.25.423, this requirement is also applicable to a person who might otherwise be exempt from participation because the person personally provides care for a child under the age of three.

(g) In the case of a person who is a custodial parent at least 20 years old but less than 25 years old, has not successfully completed a high school education or its equivalent, is receiving aid under AS 47.25.310 — 47.25.420, had little or no paid work experience in the 12 months preceding the person's application for aid under AS 47.25.310 — 47.25.420, and is not otherwise exempt, the department may require the person to participate in either

COMPARISON OF PUBLIC ASSISTANCE PROGRAMS

| | AFDC | Adult Public Assistance | General Relief | Food Stamps |
|--|--|---|---|--|
| FY95 Cases average monthly | 12,850 | 10,236 | 230 | 15,860 |
| Number of clients avg. monthly | 38,100 | 10,236 | 310 | 47,738 |
| Race Distribution | 51% White 35% Alaska Native 8% African-American 3% Hispanic | 47% White 36% Alaska Native 8% Asian 4% African-American | 68% White 19% Alaska Native 8% African-American | 51% White 35% Alaska Native 7% African-American 3% Hispanic |
| Recipients by Location (District area) | 40% Anchorage 13% Northern 11% Mat-Su 10% Southeast 9% Southwest 8% Kenai 4% Northwest | 39% Anchorage 14% Northern 10% Southeast 9% Southwest 7% Mat-Su 7% Kenai 5% Northwest | 51% Anchorage 26% Northern 11% Southcentral 9% Southeast | 37% Anchorage 14% Northern 11% Southeast 11% Mat-Su 9% Southwest 8% Kenai |
| Expenditure By Category of Service | 75 % single parent 17 % two parent 8% adult not included | 54% Disabled 38% Aged 7% Interim Assistance 1% Blind | 56% burial/ service 40% rent assistance 4% other | 55% FS and AFDC 31% FS only 11% FS and APA 3% FS and Med only |
| Persons by age group | | | | |
| Children 0 - 18 yrs | 24,540 | 0 | 65 | 26,250 |
| Adults 19 - 59 yrs | 13,560 | 5,520 | 226 | 20,280 |
| Adults 60 - older | | 4,716 | 19 | 1,208 |
| Total Expenditures | \$120,987,000 | \$39,253,200 | \$798,300 | \$50,585,000 |
| Federal | \$54,530,600 | \$631,600 | | \$50,585,000 |
| GF | \$54,530,600 | \$36,281,600 | \$798,300 | |
| Other | \$11,925,800 | \$2,340,000 | | |

Note: Percentages do not necessarily add to 100%. Only major representative groups, locations or categories of service are listed.

COMPARISON OF PUBLIC ASSISTANCE PROGRAMS

| | OAA-ALBHH | Energy Assistance | Child Care Assistance | PFD Hold Harmless |
|--|-------------|--|--|---|
| FY95 Cases average monthly | 1,519 | 12,229 per year | | 35,182 per year |
| Number of clients avg. monthly | 1,519 | 33,018 per year | 1,715 | (AP,FS,AP,SSI,MED program cases) |
| Race Distribution | N/A | 60% White 22% Alaska Native 6% African-American 4% Asian | N/A | N/A |
| Recipients by Location (District area) | N/A | 31% Anchorage 18% Rural 16% Fairbanks 13% Mat-Su 12% Kenai 8% Southeast | N/A | N/A |
| Expenditure By Category of Service | 100% aged | 42% employed, or temp unemployed 36% receiving AFDC 22% receiving APA | 57% JOBS Child Care 25% At-Risk Child Care 18% Transitional Child Care | 60% PFDHH for AFDC 15% for Food Stamps 12% for APA 8% for SSI 3% for medicaid |
| Total Expenditures | \$2,264,800 | \$5,403,200 | \$6,497,800 | \$20,009,518 |
| Federal | | \$5,403,200 | \$3,248,900 | |
| GF | \$2,264,800 | | \$3,248,900 | |
| Other | | | | \$20,009,518 |

Note: Percentages do not necessarily add to 100%. Only major representative groups, locations or categories of service are listed.
Several areas of Alaska receive Energy Assistance through tribal organizations funded directly by the federal government.

**Public Assistance Program Caseload Summary
Month July 1995**

| AFDC Program Caseload | AFDC-Basic (Adult-Included) | AFDC-Basic (Adult-Not Inclu) | AFDC-UP | AFDC Total |
|------------------------------|--|---|----------------|-----------------------|
| AFDC Native cases | 2,873 | 376 | 938 | 4,187 |
| AFDC Non-Native cases | 6,588 | 598 | 816 | 8,002 |
| Total AFDC cases | 9,461 | 974 | 1,754 | 12,189 |
| Percent Native AFDC cases | 30.4% | 38.6% | 53.5% | 34.4% |

AFDC Program Expenditure

| | | | | |
|---------------------------------|--------------|------------|--------------|--------------|
| AFDC Native expenditure | \$ 2,374,640 | \$ 191,955 | \$ 789,702 | \$ 3,336,297 |
| AFDC Non-Native expenditure | \$ 5,371,038 | \$ 286,324 | \$ 594,257 | \$ 6,251,619 |
| Total AFDC expenditure | \$ 7,745,678 | \$ 478,279 | \$ 1,363,959 | \$ 9,587,916 |
| Percent Native AFDC expenditure | 30.7% | 40.1% | 56.4% | 34.8% |

Public Assistance Program Caseload Summary
AFDC Program Caseload and expenditure by DPA District office
Month July 1995

| DPA Region | AFDC Cases Non-Native | AFDC Cases Native | AFDC Total | Region's % of Total AFDC | % Native of the Region's AFDC | % Native of the State Total |
|---------------------|--------------------------|----------------------|---------------|-----------------------------|----------------------------------|--------------------------------|
| Anchorage District | 3,944 | 1,071 | 5,015 | 41.1% | 21.4% | 8.8% |
| Northern Region | 1,092 | 452 | 1,544 | 12.7% | 29.3% | 3.7% |
| Mat-Su District | 1,248 | 113 | 1,361 | 11.2% | 8.3% | 0.9% |
| Kenai District | 797 | 99 | 896 | 7.4% | 11.0% | 0.8% |
| SouthEast Region | 624 | 514 | 1,138 | 9.3% | 45.2% | 4.2% |
| SouthWest Region | 14 | 1,028 | 1,042 | 8.5% | 98.7% | 8.4% |
| SouthCentral Region | 272 | 374 | 646 | 5.3% | 57.9% | 3.1% |
| Nome District | 5 | 294 | 299 | 2.5% | 98.3% | 2.4% |
| | 6 | 242 | 248 | 2.0% | 97.6% | 2.0% |
| AFDC Total | 8,002 | 4,187 | 12,189 | 100% | 34.4% | 34.4% |

Public Assistance Program Caseload Summary
AFDC Program Caseload and expenditure by DPA District office

| | AFDC-Basic | AFDC-UP | AFDC Total |
|---------------------------------|--------------|------------|---------------|
| Anchorage | | | |
| AFDC Native cases | 934 | 137 | 1,071 |
| AFDC Non-Native cases | 3,636 | 308 | 3,944 |
| Total AFDC cases | 4,570 | 445 | 5,015 |
| Percent Native AFDC cases | 20.4% | 30.8% | 21.4% |
| AFDC Native expenditure | \$ 783,770 | \$ 121,314 | \$ 905,084 |
| AFDC Non-Native expenditure | \$ 2,913,405 | \$ 250,623 | \$ 3,164,028 |
| Total AFDC expenditure | \$ 3,697,175 | \$ 371,937 | \$ 4,069,112 |
| Percent Native AFDC expenditure | 21.2% | 32.6% | 22.2% |

Northern Region(Fbxs office)

| | | | |
|---------------------------------|--------------|------------|--------------|
| AFDC Native cases | 376 | 76 | 452 |
| AFDC Non-Native cases | 977 | 115 | 1,092 |
| Total AFDC cases | 1,353 | 191 | 1,544 |
| Percent Native AFDC cases | 27.8% | 39.8% | 29.3% |
| AFDC Native expenditure | \$ 304,174 | \$ 61,792 | \$ 365,966 |
| AFDC Non-Native expenditure | \$ 760,997 | \$ 84,291 | \$ 845,288 |
| Total AFDC expenditure | \$ 1,065,171 | \$ 146,083 | \$ 1,211,254 |
| Percent Native AFDC expenditure | 28.6% | 42.3% | 30.2% |

Public Assistance Program Caseload Summary
AFDC Program Caseload and expenditure by DPA District office

| | AFDC-Basic | AFDC-UP | AFDC Total |
|---------------------------------|------------|------------|---------------|
| Mat-Su district | | | |
| AFDC Native cases | 90 | 23 | 113 |
| AFDC Non-Native cases | 1,068 | 180 | 1,248 |
| Total AFDC cases | 1,158 | 203 | 1,361 |
| Percent Native AFDC cases | 7.8% | 11.3% | 8.3% |
| AFDC Native expenditure | \$ 70,665 | \$ 18,872 | \$ 89,537 |
| AFDC Non-Native expenditure | \$ 845,509 | \$ 144,032 | \$ 989,541 |
| Total AFDC expenditure | \$ 916,174 | \$ 162,904 | \$ 1,079,078 |
| Percent Native AFDC expenditure | 7.7% | 11.6% | 8.3% |
| Kenai district | | | |
| AFDC Native cases | 82 | 17 | 99 |
| AFDC Non-Native cases | 694 | 103 | 797 |
| Total AFDC cases | 776 | 120 | 896 |
| Percent Native AFDC cases | 10.6% | 14.2% | 11.0% |
| AFDC Native expenditure | \$ 64,625 | \$ 13,670 | \$ 78,295 |
| AFDC Non-Native expenditure | \$ 525,491 | \$ 83,076 | \$ 608,567 |
| Total AFDC expenditure | \$ 590,116 | \$ 96,746 | \$ 686,862 |
| Percent Native AFDC expenditure | 11.0% | 14.1% | 11.4% |

Public Assistance Program Caseload Summary
AFDC Program Caseload and expenditure by DPA District office

| | AFDC-Basic | AFDC-UP | AFDC Total |
|---------------------------------|------------|------------|---------------|
| SouthEast Region | | | |
| AFDC Native cases | 452 | 62 | 514 |
| AFDC Non-Native cases | 550 | 74 | 624 |
| Total AFDC cases | 1,002 | 136 | 1,138 |
| Percent Native AFDC cases | 45.1% | 45.6% | 45.2% |
| AFDC Native expenditure | \$ 339,411 | \$ 52,433 | \$ 391,844 |
| AFDC Non-Native expenditure | \$ 416,600 | \$ 56,070 | \$ 472,670 |
| Total AFDC expenditure | \$ 756,011 | \$ 108,503 | \$ 864,514 |
| Percent Native AFDC expenditure | 44.9% | 48.3% | 45.3% |

SouthWest Region

| | | | |
|---------------------------------|------------|------------|------------|
| AFDC Native cases | 635 | 393 | 1,028 |
| AFDC Non-Native cases | 11 | 3 | 14 |
| Total AFDC cases | 646 | 396 | 1,042 |
| Percent Native AFDC cases | 98.3% | 99.2% | 98.7% |
| AFDC Native expenditure | \$ 483,753 | \$ 320,814 | \$ 804,567 |
| AFDC Non-Native expenditure | \$ 9,837 | \$ 3,038 | \$ 12,875 |
| Total AFDC expenditure | \$ 493,590 | \$ 323,852 | \$ 817,442 |
| Percent Native AFDC expenditure | 98.0% | 99.1% | 98.4% |

Public Assistance Program Caseload Summary
AFDC Program Caseload and expenditure by DPA District office

| | AFDC-Basic | AFDC-UP | AFDC Total |
|---------------------------------|------------|-----------|------------|
| SouthCentral Region | | | |
| AFDC Native cases | 302 | 72 | 374 |
| AFDC Non-Native cases | 242 | 30 | 272 |
| Total AFDC cases | 544 | 102 | 646 |
| Percent Native AFDC cases | 55.5% | 70.6% | 57.9% |
| AFDC Native expenditure | \$ 225,261 | \$ 59,837 | \$ 285,098 |
| AFDC Non-Native expenditure | \$ 177,684 | \$ 22,237 | \$ 199,921 |
| Total AFDC expenditure | \$ 402,945 | \$ 82,074 | \$ 485,019 |
| Percent Native AFDC expenditure | 55.9% | 72.9% | 58.8% |
| Nome District | | | |
| AFDC Native cases | 207 | 87 | 294 |
| AFDC Non-Native cases | 4 | 1 | 5 |
| Total AFDC cases | 211 | 88 | 299 |
| Percent Native AFDC cases | 98.1% | 98.9% | 98.3% |
| AFDC Native expenditure | \$ 160,903 | \$ 70,863 | \$ 231,766 |
| AFDC Non-Native expenditure | \$ 659 | \$ 965 | \$ 1,624 |
| Total AFDC expenditure | \$ 161,562 | \$ 71,828 | \$ 233,390 |
| Percent Native AFDC expenditure | 99.6% | 98.7% | 99.3% |

Public Assistance Program Caseload Summary
AFDC Program Caseload and expenditure by DPA District office

| | AFDC-Basic | AFDC-UP | AFDC Total |
|---------------------------------|------------|-----------|---------------|
| Kotzebue District | | | |
| AFDC Native cases | 170 | 72 | 242 |
| AFDC Non-Native cases | 5 | 1 | 6 |
| Total AFDC cases | 175 | 73 | 248 |
| Percent Native AFDC cases | 97.1% | 98.6% | 97.6% |
| AFDC Native expenditure | \$ 132,311 | \$ 50,244 | \$ 182,555 |
| AFDC Non-Native expenditure | \$ 2,627 | \$ 1,331 | \$ 3,958 |
| Total AFDC expenditure | \$ 134,938 | \$ 51,575 | \$ 186,513 |
| Percent Native AFDC expenditure | 98.1% | 97.4% | 97.9% |

Questions asked at the January 31, 1996 SCR&A meeting re: SB 206

- What sections of the bill can be enacted this year, regardless of federal reform
- What sections of the bill require a waiver that can be "fast-tracked" and what is the estimated time frame for getting the waivers
- What sections of the bill require a waiver that goes through the normal process and what is the estimated time frame for getting those waivers
- How many food banks are there in Alaska and where are they
- How many programs similar to Beans Cafe are there and where are they
- Provide suggested amendment to Title 29 to allow all municipalities to contract to provide services under this program should they choose to do so.
- Provide a more detailed explanation of how the department thinks the tribal organizations can provide comparable programs with 1/2 the money unless the State gives them some.
- Provide a more detailed explanation of the department's views on how the employment and training programs will work, with special emphasis of their perspective of how local governments and tribal organizations can participate in this.

Brief answers to all but the last questions are contained in the attached response from DH&SS. Personnel from various departments as well as representatives from a few Native organizations will be available at the committee meeting to expand upon these answers

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC ASSISTANCE

P.O. BOX 110640
JUNEAU, ALASKA 99811-0640
PHONE: (907) 465-3347

February 16, 1996

The Honorable John Torgerson
Alaska State Senate
State Capitol, Room 427
Juneau, AK 99801-1182

Dear Senator Torgerson:

This is our response to the following questions your staff conveyed to us yesterday regarding Senate Bill 206, the Knowles Administration welfare reform legislation.

1. *What program changes authorized in SB 206 can be made with neither federal welfare reform legislation nor resort to the federal waiver/demonstration project process?*

Please refer to the enclosed chart, Implementation Requirements in the Absence of Federal Welfare Reform. The chart lists the significant policy provisions of the legislation and the fiscal notes, and indicates which provisions require either federal law changes or federal waiver/demonstration project authority.

2. *Which provisions could be implemented under the Clinton Administration "fast-track" approval process as opposed the normal, more lengthy waiver application process? What are implementation timelines for the various provisions?*

Please refer again to the enclosed chart. Implementation dates that presume federal welfare reform legislation are listed for each provision.

We estimate that a comprehensive implementation of the bill provisions under the normal federal waiver/demonstration project process would add approximately 12 months to the implementation time shown on the chart. A demonstration project involving a shorter list of waiver provisions might require less implementation time.

Senator John Torgerson
February 16, 1996
Page 2

Please see the attached discussion paper, Senate Bill 206/ House Bill 400 and Federal "Fast-Track" Waiver Approval for a discussion of the bill provisions that might be implemented under the federal "fast-track" process, and implementation timelines.

3. Provide information about the community food distribution network.

There are six food banks, located in Anchorage, Palmer, Fairbanks, Kenai, Nome and Juneau, which serve some 200 food distribution networks throughout Alaska. A list of organizations, Food Bank of Alaska's Statewide Network of Non-profit Agencies & Subsidiary Distribution Organizations, is enclosed. Also enclosed is a Statement of Purpose prepared by the Alaska Food Coalition.

4. Recommend statutory language that will authorize all municipalities in Alaska to receive community grants to operate local programs as provided for under section 2 of the Governor's bill.

See the enclosed memorandum dated February 16, 1996, subject: Welfare reform: municipal powers, for proposed amendment language.

5. How can the State and Alaska Native organizations operate comparable Family Assistance programs without the state contributing General Fund money to the Alaska Native programs?

An equitable level of assistance to similarly situated families is essential to program comparability. Both Alaska Native and non-Native families in Alaska had their needs covered in the FY94 or FY95 base AFDC funding levels upon which federal funding and mandatory state matching are likely to be calculated under pending federal block grant legislation. To maintain program comparability, the state would be obliged to distribute a proportionate share of Family Assistance general funds to Native organizations that operate federally approved Family Assistance programs.

Sincerely,



Jim Nordlund
Director

Enclosures

SENATE BILL 206/ HOUSE BILL 460 AND FEDERAL "FAST-TRACK" WAIVER APPROVAL

Background - Waivers and Demonstration Projects

The Aid to Families with Dependent Children (AFDC) program is established in federal law under Title IV-A of the Social Security Act, which sets many of the program requirements that the states must follow in their AFDC programs.

Section 1115 of the Social Security Act authorizes the federal Department of Health and Human Services (DHHS) to grant waivers of specified requirements of Title IV-A to states for experimental purposes, to conduct demonstration projects that test alternative program approaches that promote the basic objectives of the program. Title IV-A sets out the purpose of the AFDC program: the primary objectives are to provide financial support and other services to needy children and their families and to help needy families attain self-support and personal independence.

DHSS requires that demonstration projects be cost-neutral to the federal government and subject to rigorous evaluation. The federal government matches state costs for initial project implementation, but requires states to assume liability for any project operating costs in excess of the cost of operating the program under normal federal rules.

Demonstration projects must be evaluated by an independent contractor. The experimental design must include random assignment of families to experimental and control groups that are drawn from the same geographic areas of the state. Projects may be operated statewide, or in specified political subdivisions. Cases selected for the control group are not covered by the policy waivers and are subject to normal federal program rules.

To apply for waiver/demonstration project authority, states must submit a project proposal through the federal grant application process. Once DHSS receives the application, a negotiation of project details and state and federal commitments occurs prior to project approval.

Fast-Track Application Process

In 1995, the Clinton Administration authorized a "Fast-Track" thirty-day approval process for certain specified types of AFDC demonstration projects. Fast-Track projects continue to require cost neutrality and evaluation. The Fast Track requirements specify minimum experimental and control groups of 1,500 families each.

Waivers are available under the Fast-Track option only for projects that meet the specifications set forth on the DHSS Fast-Track application. Projects that do not meet the Fast-Track criteria may be approved through the normal waiver process.

SB 206/ HB 400 and Fast-Track Waivers

Sections 34 through 37 and section 41 of the Governor's bills authorize implementation of the Alaska Family Independence Program (AFIP) under federal waiver/demonstration project authority if federal welfare reform legislation does not otherwise authorize its implementation by October 1, 1996. Section 39 of the bill allows DHSS to operate AFDC under existing law until the transition to the AFIP provisions is complete.

Please refer to the attached chart, Implementation Requirements in the Absence of Federal Welfare Reform, for a listing of bill provisions and the authority necessary to implement them in the absence of federal legislative change.

Some provisions of SB 206/ HB 400 could be implemented under federal waiver authority, and a subset of those provisions conform to the Fast-Track requirements. Some provisions conform fully, and others would have to be amended to conform. Provisions with potential for Fast-Track approval include:

- Minor parents must live with an adult
- Minor parents required to attend high school or appropriate training
- Minor parent case management
- AFDC paid as wage subsidy
- Work requirements
- Time limit on eligibility

The Governor's bills establish a 60-month time limit on eligibility. Fast-Track approval is available for a demonstration project that establishes a 24-month time limit. Families that reach the 24-month limit without finding employment must either be granted an extension or placed in a job that pays at least as much as AFDC.

Certain other provisions of the Governor's bill are eligible for Fast-Track approval only if the 24-month time limit waiver is also applied for. These include:

- Self-Sufficiency plan
- Earned income disregard increase
- Job quit disqualification
- Child care expansion

Implementation Time Frames

Fast Track approval speeds the waiver application process, but requires all of the other complex implementation processes (data system development, evaluation, creation of dual eligibility systems, public notification) as the normal waiver implementation process. We estimate that Fast Track waivers in three months less than normal waivers. To estimate fast Track implementation dates, add nine months to the implementation dates specified on the attached chart, Implementation Requirements in the Absence of Federal Welfare Reform.

**HOUSE BILL 400/ SENATE BILL 206: THE KNOWLES ADMINISTRATION WELFARE REFORM BILL
IMPLEMENTATION REQUIREMENTS IN THE ABSENCE OF FEDERAL WELFARE REFORM**

| Initiative | Bill Section | Waiver Possible and Necessary | Requires State Law Change | Requires Only State Regs | Implementation Date (w/o waiver) (Add 12 months if done by waiver) | Comments |
|---|--------------|-------------------------------|---------------------------|--------------------------|---|--|
| Food Coalition Grants | 1 | | | X | 10/96 | |
| Pregnancy Prevention Grants | 1 | | | X | 10/96 | |
| 5-Year Time Limit | 2 | X* | X | | 10/96 | * No lifetime limit waiver avail. |
| Payments Adjust for Housing | 2 | | | X* | 1/97 | * May need statutory support |
| 100-Hour Rule | 2 | X | | X | 1/97 | |
| Increase Resource Limit | 2 | X | | X | 1/97 | |
| Vehicle Value Excluded | 2 | X | | X | 1/97 | |
| Child Care Expansion | 2 | X* | | X | 10/96 | * To extend beyond JOBS |
| Diversion Program | 2 | X | X | | 1/97 | |
| AFDC Paid as Wage Subsidy | 2 | X* | X | | 1/97 | * Waiver expands on JOBS authority |
| 2-Parent Benefit Cut | 2 | X* | X | | 10/96 | * Probably necessary |
| 2-Parent Seasonal Adjust | 2 | X* | X | | 1/97 | * Possibly available |
| Earned Income Disregard Increase | 2 | X* | | X | 1/97 | |
| Teen Parent Must Live with Adult | 2 | | X | | 10/96 | |
| Teen parent Must Attend High School | 2 | X | X | | 10/96 | |
| Teen Parent Case Management | 2 | | | | Immed | Already in effect for state JOBS program participants. |
| Self-Sufficiency Plan | 2 | X | X | | 10/96 | |
| Work Requirements | 2 | X | X | | 10/96 | |
| Case Mgmt Grants to Communities | 2 | X | | X* | 7/97 | * JOBS statute supports this |
| Agency Collaboration/Co-location | 2 | | | | Immed | |
| Native-Run Family Assistance/ State Matching Funds | 2 | X* | X | | 7/97 | * Possibly available |
| Emergency Account | 2 | | | | NA | No waiver available |
| Fugitive Felons Ineligible | 2 | | | | NA | No waiver available |
| Ineligibility for Interstate Fraud | 2 | | | | NA | No waiver available |
| Job Quit Disqualification | 2 | X | X | | 10/96 | |

| Initiative | Bill Section | Waiver Possible and Necessary | Requires State Law Change | Requires Only State Regs | Implementation Date (w/o waiver) Add 12 months if done by waiver | Comments |
|------------------------------------|--------------|-------------------------------|---------------------------|--------------------------|---|----------|
| Non-Perm Trainee State Job Classes | 2, 18 | | X | | 7/97 | |
| Wage/Hour Act Amendment | 4 | | X | | 10/96 | |
| Child Support Changes: | | | | | | |
| Grandparent Responsibility | 7, 32 | | X | | 10/96 | |
| Occupational/Driver Licenses | 16, 33 | | X | | 10/96 | |
| General Relief Contracted | 17, 30 | | X | | 01/97 | |
| Expand AHRIC Responsibility | 19 | | | | Immed | |
| Day Care Assistance Amendment | 21 | | X | | | |
| Transition Regulation Authority | 38, 39 | | X | | Immed | |

TONY KNOWLES, GOVERNOR

DEPARTMENT OF EDUCATION
OFFICE OF THE COMMISSIONER

*GOLDBELT PLACE
801 WEST 10TH STREET, SUITE 200
JUNEAU, ALASKA 99801-1804*

*(907) 465-2800
FAX (907) 465-4156*

February 16, 1996

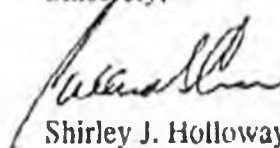
The Honorable John Torgerson
Chair, Community & Regional Affairs Committee
Alaska State Legislature
State Capitol, Room 427
Juneau, AK 99801-1182

Dear Senator Torgerson:

During the Senate Community & Regional Affairs hearing January 31, on SB 206, Welfare Reform, a question was posed concerning the number of food banks there are in Alaska, and whether or not they are volunteer. The Department of Education currently provides USDA commodities to the Food Bank of Alaska who in turn makes those commodities available to 34 distribution sites statewide. The Food Bank of Alaska receives federal administrative money to cover the cost of warehousing and distributing USDA commodities to eligible distribution sites. All distribution sites are non-profit and utilize volunteers to distribute USDA foods to needy households.

I hope this information is helpful to you; however, if you have any further questions, please give me a call.

Sincerely,



Shirley J. Holloway, Ph. D.
Commissioner

cc: Molly L. Wheeler

g:sentorg

FOOD BANK of ALASKA

April - June, 1995

August 1 95

FY 95 Third Quarter Individual and Household Statistics by Agency

| Agency name | status | Apr HH | Apr INDV | May HH | May INDV | Jun HH | Jun INDV | Third Qtr H | Third Qtr I |
|-----------------------------------|--------|--------|----------|--------|----------|--------|----------|-------------|-------------|
| Abbott Loop Community Church | | 12 | 35 | 10 | 34 | 6 | 24 | 28 | 93 |
| Anchorage Senior Center | | 296 | 422 | 247 | 382 | | | 543 | 804 |
| Bethel Community Services | | 89 | 416 | | | | | 89 | 416 |
| Bristol Bay Regional Food Bank | | 18 | 39 | 11 | 26 | 3 | 14 | 32 | 79 |
| Christian Pilots Assn | | 18 | 56 | 17 | 51 | 20 | 63 | 55 | 169 |
| Chugiak Eagle River Food Pantry | | 92 | 303 | 80 | 264 | 81 | 295 | 253 | 862 |
| Copper River Native Association | | | | | | | | 0 | 0 |
| CSS St Francis House | w | 38 | 143 | 26 | 119 | | | 67 | 262 |
| Latno Lions Club | | 94 | 364 | 123 | 424 | 88 | 357 | 305 | 1145 |
| Loussac Manor Resident Council | | 13 | 43 | | | | | 13 | 43 |
| Lutheran Social Services | | 200 | 645 | 194 | 635 | 164 | 528 | 558 | 1808 |
| Mat-Su Alternative School | | 7 | 16 | | | | | 7 | 16 |
| MLK/Shiloh Missionary | | 71 | 256 | 86 | 318 | 71 | 234 | 228 | 808 |
| Nome Community Center | | 38 | 87 | | | | | 38 | 87 |
| North Anchorage Church of God | | 13 | 27 | 13 | 27 | 10 | 21 | 36 | 75 |
| North Slope Borough Dept H and SS | | 12 | 38 | | | 42 | 170 | 54 | 208 |
| Northern Mountain Mission | w | 4 | 8 | 1 | 2 | 1 | 2 | 6 | 12 |
| Palmer Emergency Food and Comm S | | 207 | 700 | 194 | 664 | 191 | 651 | 502 | 2015 |
| S/A Homer | | 103 | 328 | 80 | 240 | 114 | 353 | 297 | 921 |
| S/A Juneau | | 0 | 0 | 4 | 12 | | | 4 | 12 |
| S/A Kake | | | | 6 | 19 | 4 | 9 | 10 | 28 |
| S/A Kenai Peninsula | | 211 | 709 | 203 | 620 | 203 | 644 | 617 | 1973 |
| S/A Kodiak | | 8 | 30 | 13 | 43 | 11 | 45 | 32 | 118 |
| S/A MatSu Valley Corps | | 846 | 1320 | 258 | 999 | | | 1204 | 2319 |
| S/A Petersburg | | 19 | 74 | 12 | 39 | 8 | 31 | 39 | 144 |
| S/A Sitka | | 27 | 88 | 35 | 123 | 21 | 84 | 83 | 295 |
| SEARMC | | 9 | 27 | 14 | 36 | 12 | 32 | 35 | 95 |
| Seward Senior Center | | 22 | 40 | 32 | 78 | 26 | 68 | 80 | 186 |
| Spennard Lions Club | | 30 | 107 | 30 | 109 | | | 60 | 216 |
| Stebbins Food Bank | | 3 | 19 | 5 | 34 | 4 | 24 | 12 | 77 |
| Sterling Area Senior Center | w | | | 18 | 45 | 7 | 24 | 25 | 69 |
| Talkeetna Assembly of God | | 37 | 117 | 49 | 126 | 52 | 145 | 130 | 388 |
| Wales Food Bank | i | | | 9 | 30 | | | 9 | 30 |
| Wasilla Area Seniors | | 136 | 316 | 142 | 341 | 119 | 286 | 397 | 943 |
| | | 2773 | 6772 | 1915 | 5840 | 1258 | 4104 | 5946 | 16716 |

Agencies that withdrew during previous quarters or that have been placed on inactive status are not included.

Food Bank of Alaska's Statewide Network of Non-profit Agencies & Subsidiary Distribution Organizations 1994-1995

Abbott Loop Community Church
 Akeela House, Inc.
 Alaska Baptist Family Center
 Alaska Special Olympics
 Alaska Womens Resource Center—New Dawn
 Alaska Youth and Parent Foundation
 Alaskan Aids Assistance Association
 Alpine Alternatives
 Anchorage Neighborhood Health Center
 Anchorage Senior Center
 ARCA
 AVAIL
 Abused Womens Aid in Crisis
 Bean's Cafe
 Bethel Community Services Inc
 Bootstraps of America
 Bristol Bay Regional Food Bank
 Camp Fire, Inc.—Alaska Council
 Challenge Alaska
 Christian Pilots Association of Alaska
 Chugachmiut
 Chugiak Eagle River Food Pantry
 Chugiak Senior Center
 Church of the Living God
 Cook Inlet Tribal Council ANARC
 Copper River Native Association
 Covenant House Alaska
 Catholic Social Services—St Francis House
 Delta Junction Presbyterian Church
 Dena A Coy
 Dimond Jewel Church of God
 Emergency Assistance & Food Bank of Valdez
 Fellowship in Serving Humanity
 Food Pantry of Wasilla
 Genesis House
 Gospel Outreach of Alaska
 Kings Kids Child Care
 Latino Lions Club
 Lifequest
 Little Beaver Camp
 Loussac Manor Resident Council
 Lutheran Social Services of Alaska
 Martin Luther King, Jr. Foundation
 Mat Su Alternative School
 Mid Valley Seniors, Inc.
 Mountain View Baptist Church
 Native Village of Eyak
 North Anchorage Church of God
 North Slope Borough Department of Health
 and Social Services
 Palmer Emergency Food Bank and Community Services
 Palmer Senior Citizens Center, Inc.
 Parkview Resident Council
 Providence Extended Care Unit
 Quyana House
 Residential Youth Care, Inc.
 Robertson Enterprises, Inc.
 Saakaaya Children's Center
 Salvation Army Adult Rehabilitation Program

Salvation Army Angoon
 Salvation Army Booth Memorial
 Salvation Army Family Social Services
 Salvation Army Hoonah
 Salvation Army Knke
 Salvation Army Kodiak
 Salvation Army Mat Su Valley Corps
 Salvation Army McKinnell Shelter
 Salvation Army Older Alaskans
 Salvation Army Petersburg
 Salvation Army Sitka
 South Central Counseling Annex
 South Central Counseling Continued Care Unit
 SEARHC—CHSD
 Seward Senior Center
 Source, Inc.
 Southside Church of God
 Spenard Lions Club
 St. Benedict's Parish Outreach Program
 St. Christopher's Episcopal Church
 Talkeetna Assembly of God
 Teen Challenge of Alaska
 Touchstone, Inc.
 Volunteers of America (ARCH)
 Wasilla Area Seniors, Inc.
 Wee Care Too Children's Center
 Willow Area Seniors
 YMCA
 YMCA Wee Y World

Fairbanks Community Food Bank Services

Access Alaska
 American Red Cross
 Big Brothers, Big Sisters of Fairbanks
 Breadline
 Camp Discovery—Bingle Lake
 Camp Fire Alaska Council
 Camp LTWA
 Church of the Living Word, Inc.
 Crisis Line
 Deaf Community Services
 Ineput Childrens Center
 Fairbanks Community Mental Health
 Fairbanks Weavers-Spinners Guild
 Fairbanks Youth Center
 Family Focus Fairbanks Native Association
 Far North Christian School
 Far North Missionary Fellowship
 FNA Adolescent Program
 Freedom in Christ/Jubilee School
 Gospel Outreach of Alaska
 Gospel Outreach of Fairbanks
 Head Start Family Center
 Hospice of the Tanana Valley
 Hospitality House
 Immaculate Conception Soup Kitchen
 Interior AIDS Association
 Kokrine Hills Bible Camp

Food Bank of Alaska's Statewide Network of Non-profit Agencies & Subsidiary Distribution Organizations 1994-1995

Lighthouse Christian Center
 Literacy Council of Alaska
 Midnight Sun Council BSA
 North Star Council on Aging, Inc.
 National Senior Volunteer Corp
 Pentecostal Church of God
 Play N Learn
 Polar Evangelism, Inc.
 Regional Center for Alcohol—PNA
 Reorganized Church of Jesus Christ of LDS
 Rescue Mission
 Resource Center for Parents & Children
 Roman Catholic Diocese
 Salcha Baptist Church Parsonage
 Salvation Army
 St. Jude's Jubilee Center
 Tanana Valley Baptist Association
 Totem Tots Learning Center
 Two Rivers Baptist Church
 WICCA

Kenai Peninsula Food Bank, Inc.

Abundant Life Assembly of God
 Anchor Point Seniors
 Aurora Heights Assembly of God
 Boys and Girls Club
 Central Peninsula Counseling Center
 Children's House
 Church of the Firstborn
 Collopy Volghio Baptist
 Cook Inlet Council on Alcohol & Drug Abuse
 Forget-Me-Not
 Frontier Training Center
 Gabriels Cherubs
 Girl Scouts
 Homer Community Mental Health
 Homer Flex School
 Homer Senior Citizens
 Homer United Methodist Church
 Jubilee Church
 Kalifonski Christian Center
 Kenai Alternative High School
 Kenai First Baptist
 Kenai Grace Bretheran
 Kenai New Life Assembly of God
 Kenai Peninsula Community Care Center
 Kenai Senior Services
 Kenaitze Indian Tribe
 Mt. Marathon
 New Hope Church of God
 Nikiski Day Care Center
 Ninilchik Full Gospel
 Ninilchik Senior Center
 North Star Day Care
 North Star Methodist
 People Count
 Salvation Army Homer
 Salvation Army Kenai Peninsula
 Soldotna Church of God

Soldotna Church of Nazarene
 Soldotna First Assembly of God
 Soldotna First Baptist Church
 Soldotna Senior Center
 Soldotna United Methodist
 Solid Rock Bible Camp
 St. Francis Child Care
 St. Theresa's Camp
 Star of the North Lutheran Church
 Starling Area Senior Center
 Trinity Christian Church
 United Pentecostal Church
 Womens Resource and Crisis Center
 World Wide Church of God
 WRCC—TLC

Nome Community Center, Inc.

Wales Food Bank
 Diomedea IRA Council
 Bering Sea Womens Group
 Community United Methodist Church/Hostel
 Leonard Seppala Alternative School
 Nome Adult Day Care
 Nome Receiving Home, Inc.
 Stebbins Food Bank
 XYZ Senior Center
 Young Teen Center
 Nome Food Bank
 White Mountain Food Bank

Southeast Alaska Food Bank

Aldergate United Methodist Church
 AWARE Shelter
 Bethel Assembly of God
 Challenge Alaska
 Gastineau Manor
 Glory Hole
 Juneau Adventist Community Services
 Juneau Alliance for the Mentally Ill
 Juneau Youth Services
 Northern Lights United Church
 Salvation Army Juneau
 Southeast Senior Services
 St. Brendan's Episcopal Church
 St. Vincent dePaul Diocese Council South East

Statement of Purpose A Food and Nutrition Policy for Alaska

Purpose and Members of Alaska Food Coalition

The purpose of the Alaska Food Coalition is to strengthen and coordinate public and private food and nutrition assistance programs, and to educate policy-makers about Alaskan food needs. The coalition is comprised of state agencies, municipalities, members of the private food assistance community, and citizens determined to make a difference in the food and nutritional issues facing our state.

Alaska lacks a comprehensive picture of the demographics of food needs, whether there's duplication in use of services, patterns of use, or gaps in food assistance programs. The Alaska Food Coalition feels it is vital to more clearly define the problem, the successes, and the challenges of our food distribution and assistance programs in a comprehensive way.

Hunger

Hunger can be defined "as a recurrent, involuntary lack of access to food." We know there are hungry people in Alaska communities, because Alaskans come to the food pantries, shelters, and informal food distribution sites. We also know that hunger in our state is not limited to the homeless and helpless. Finally, we recognize that a bright future for Alaska depends upon creating an environment in which children can learn and develop in a healthy way because they have proper nutrition, whether at home or in school.

Vision

The Alaska Food Coalition's vision for Alaska concerning food and nutrition means that there would be few if any families or individuals needing medium to long term assistance from food pantries, shelters, and/or informal food distribution sites. Short term requirements for food and nutrition by needing persons will be met in two ways. First of all, there will be plentiful statewide food products available to private sector distribution sites. This plentiful availability of food products will become possible by improving the distribution networks already in existence, by bettering the transportation routes already in existence and by enhancing public and private sector efforts to procure nutritional food products. Secondly, and most importantly, there will be processes that enable needing persons to become self-sufficient. These processes will require needing persons to actively participate, to their ability, in order to continue to receive food and nutritional assistance.

We see Alaska becoming a "world class" example of private/public partnership in the elimination of hunger because "everyone deserves a place at the table."

Short term goals

1. Establish a baseline "hunger" picture for Alaska. Develop measures and benchmarks that will allow us to track our efforts at the elimination of hunger in the state.
2. Identify any barriers, both public and privately, in solving the hunger problem in Alaska. These barriers include but are not limited to resource constraints, needless administration, redundant services and overbearing regulatory compliance. The Alaska Food Coalition seeks to simplify, simplify, simplify.
3. Learn from and incorporate all agreed upon strengths of the public and private sector in our processes.
4. Strengthen and enhance the public/private "partnership" that recognizes the expertise of all committed to this effort.

MEMORANDUM**State of Alaska**
Department of Law

TO: Elmer Lindstrom
Special Assistant
Department of Health and
Social Services

DATE February 16, 1996


FILE NO:

TEL. NO:

465-3600

SUBJECT

Welfare reform: municipal powers

FROM:  Kristen F. Bomengen
Assistant Attorney General
Human Services Section-Juneau

This memorandum is a response to the concerns raised during the hearing on SB 206 in the Senate State Affairs Committee about extending to cities the same powers to receive grant funds that were being explicitly extended to first and second class boroughs under the language proposed in my memorandum of January 26, 1996. To address this concern, it may be best to provide for inclusion of the power to receive grants to operate a state public assistance program at AS 29.35.010, the statute that grants general powers to all municipalities. The following amendment is proposed to assure that all municipalities may be eligible to opt to receive funds under an agreement with the state to administer a program on a local basis:

AS 29.35.010 is amended by adding a new paragraph to read:

(15) to enter into an agreement with the state to administer all or part of a state public assistance program under AS 47.25.

KFB:cbc

REPORT OF THE ALASKA NATIVES COMMISSION
MAY, 1994

Executive Summary

Prepared by the Alaska
Federation of Natives



MEMBERS OF THE COMMISSION:

Perry Eaton, Co-Chairperson
Mary Jane Fate, Co-Chairperson
John Binkley
Edgar Paul Boyko
Father Norman H. V. Elliott
Beverly Masek
Martin B. Moore, Sr.
Frank Pagano
John W. Schaeffer, Jr.
Father James A. Sebesta
Walter A. Soboleff
Morris Thompson
Sam Towarak
Frances E. Hamilton (deceased)

Mike Irwin, Executive Director

Volume I

Prepared by Commission staff, providing overview and summary of (140 pp.) work product compiled through 22 months of hearings, research, deliberations. Central principles: Native Self-Reliance, Native Self-Determination, Integrity of Native Cultures. Historical causes of Native personal and cultural breakdown. Thirty-four main policy recommendations (plus 76 additional recommendations), directed to United States, State of Alaska, Native community and general public. Statistics on Native social/cultural, judicial/correctional, economic, educational, physical/behavioral health problems. Demographic and geographic data; biographical information on Commissioners; description of Commission's work procedures.

Volume II

Providing full narrative text, data and recommendations of five (204 pp.) separate studies of Native problems conducted by the Commission's task forces: Alaska Native Physical Health, Social/Cultural Issues and the Alcohol Crisis; Economic Issues and Rural Economic Development, Alaska Native Education, and Self Governance & Self-Determination.

Volume III

Providing full narrative text, data and recommendations of two (91 pp.) separate studies of Native public policy issues conducted by the Commission: Alaska Native Subsistence, and Alaska Native Tribal Government.

HISTORICAL BACKGROUND

The idea of an Alaska Natives Commission dates from early 1989, when the Alaska Federation of Natives, in cooperation with the University of Alaska's Institute for Social and Economic Research, published its landmark "Report on the Status of Alaska Natives: A Call for Action."

Based on a wide range of socio-economic data, the AFN Report had concluded that, despite recent improvements in physical health, educational opportunities, standards of living, and access to government services, most Native villages are caught in a pervasive social and economic crisis — as revealed by abnormally high statistics of personal and community breakdown. The cultural changes of this century have been so rapid and so profound that many of Alaska's indigenous people have been overwhelmed, isolated and lost. Because opportunities for advancement in the mainstream culture are severely limited, most Natives remain poor by any American standard. And, on top of all the cultural and economic problems, a significant minority of Native people is being systematically destroyed by alcohol and other drugs — and by the violent behavior that chemical abuse unleashes within families.

The AFN Report quickly caught the attention of the Congress. When asked for follow-up recommendations by the Alaska Congressional Delegation and by Chairman Inouye of the Senate Committee on Indian Affairs, AFN pointed out that its Report had merely scratched the surface. No comprehensive study of Alaska Native status had been conducted by the United States for almost 20 years. What was needed was an in-depth policy analysis, with specific recommendations to the Congress, the President, the Alaska Legislature, the Governor and the Native community.

In July, 1989, Senator Murkowski and Congressman Young introduced a bill creating a public commission of 14 members — half to be designated by the President and half by the Governor — jointly funded by the state and federal governments. It passed both houses of Congress and was signed into law by President Bush on August 18, 1990. White House and gubernatorial nominations took another 18 months, and the Alaska Natives Commission sat down for its inaugural meeting in Washington, D.C. in February of 1992.

After two years of research, public hearings and task force deliberations, the Commission published its three-volume, 440-page Report in May, 1994. As required by the authorizing legislation, the Report has been formally conveyed to the Congress, the President of the United States, the Alaska Legislature and the Governor. This Executive Summary was produced by the Alaska Federation of Natives and is publicly available through its office: 1577 "C" Street, Suite 100, Anchorage, Alaska 99501 - (907) 274-3611.

CENTRAL THEMES

- "Whatever words are chosen to depict the situation of Alaska's Native people, there can be little doubt that an entire population is at risk... of being permanently imprisoned in America's underclass, mired in physical and spiritual poverty; of leading lives, generation to generation, characterized by violence, alcohol abuse and cycles of personal and social destruction; of losing, irretrievably, the cultural strengths essential for the building of a new and workable social and economic order; of permanently losing the capacity to self-govern, to make considered and appropriate decisions about how life in Native communities should be lived."
- "This lack of well-being, or 'dysfunction,'...was precipitated by a century-long policy of cultural, social and economic assimilation. Rampant unemployment and the virtual nonexistence of other economic opportunities,...together with the spiritually and psychologically debilitating intervention of governmental services...has created a culture of dependence. If one theme can be identified as having emerged during the course of the Commission's work, it is Alaska Natives' seeming inability to take responsibility for local economies, governments, schools and other social institutions."
- "...the impact of government on the villages during the past quarter-century, while often materially beneficial... has been destructive in process. The federal government appears to have believed that 'development'...is something that can be done to one group of people by another... The result of this systematic assumption of responsibility and control by outsiders is that village people lost hold of their communities and their children's lives. That is a fundamental fact underlying the contemporary Native...crisis."
- "...There is no end of the downward social and economic spiral in sight. Natives are still the poorest of Alaska's citizens... There has been little, if any, return on the billions of dollars that governments have spent over the past 30 years on what has become, quite literally, a growth industry revolving around problems in the Native community."
- "The true nature of the sickness...throughout the Native villages is the state of dependency which has led to the loss of direction and self-esteem. Everything else is of a secondary nature - merely symptoms of the underlying disease. Programs which are aimed at relieving the symptoms but refuse to relate to the sickness are doomed to fail and may even make things worse."
- "...unhealthy dependence...on outside decision makers and service providers...serve[s] to displace the village councils, natural leaders and extended families. Rather than having to face, acknowledge and deal with problems, the community can turn those problems over to someone else."
- "It is time to accept that the past policy of assimilation has not worked. The federal government and the State of Alaska have repeatedly chosen to ignore this fact. But it is one clearly understood by Alaska Natives. Natives must...approach the future with the certain knowledge that their world views, their traditional methods of solving problems, their ways of thinking and doing...will be given respect and precedence."
- "The issues confronting Alaska Natives are compounded by their interrelationship:
 - Reversal of the cultural and social decay in which Natives are enmeshed seems impossible without improvement in their economic condition. Individuals who believe themselves doomed to an unending future of economic dependency are in such psychological despair that little energy is left for understanding and valuing their heritage.
 - Improvement in their economic condition seems unlikely without...an educational system that works...Children and young adults who are deprived of self-respect by a culturally alien school system and then sent into society without marketable skills cannot improve their economic status.

—An education system that works for Alaska Natives seems out of reach so long as public health problems, family dysfunction, and alcohol and sexual abuse are prevalent. Children suffering from chronic diseases brought on by exposure to raw sewage or Fetal Alcohol Syndrome, children from families in which one or both parents are absent or abusive, and children who must live in communities in which the society has failed, are ill equipped to succeed in school, even if school is reformed to accommodate ways of learning particular to...Native cultures."

- "The answer...is not surrender to this multitude of problems, but greater efforts to address all concurrently. Progress in reversing cultural and social erosion will be rewarded by gains in other areas. The forward movement of an empowered Native community...will go far in promoting substantive advances..."
- "...there needs to be a comprehensive approach by the federal and state governments and Alaska Native people themselves...[A]ny piecemeal attempts at reform will fail...The success or failure of one initiative hinges on the success or failure of others. Such a multi-faceted approach...would be a positive...departure from present governmental policy making which is issue specific and political in approach."

OVERARCHING PRINCIPLES

Self-Reliance

"...using the rights they have...from the special relationship of Native Americans with the federal government and...as citizens of the United States and Alaska...the acceptance of responsibility for individual and community actions...is the key to Alaska Natives' future well-being..."

Self-Determination

"...policies and programs must, to the largest extent possible, be conceived, developed and carried out by Alaska Natives."

Integrity of Native Cultures

"Policies and programs...must recognize, take advantage of, and maintain and enhance the traditional values of Alaska Native cultures."

RECOMMENDATIONS

Thirty-four proposals, organized in seven issue categories, are the principal policy recommendations of the Report (pages 25 to 78 of Volume I):

Social Needs and Services

1. Federal and state laws, regulations and procedures should give maximum local powers and jurisdiction to tribes and tribal courts in alcohol importation/control, community/domestic relations, and law enforcement.
2. Federal and state governments should stop developing new non-Native agency programs and research on Native social pathologies until Natives themselves can design effective approaches in their own communities.
3. Every Native village should design and implement a process of healing and recovery for its own people, and all external agency services should conform to and support that plan.
4. Federal and state appropriations for Native social service programs should be transferred out of public agencies and funded directly to those villages and village consortia locally addressing social pathologies.

Employment, Work and Income

1. Government service programs should be contracted to tribes and other Native organizations to enhance local employment opportunities, decision-making, management skills and culturally effective delivery.
2. Every federal agency operating a 638-eligible program should enforce a Native hire requirement like that of BIA and IHS; and hiring for all federal jobs in rural Alaska should give Native preference so that the work force at least reflects the Native composition of the local population.
3. Obstacles to Native employment in village capital construction projects should be removed.
4. Obstacles to Native employment in rural Alaskan extractive resource industries should be identified and removed.
5. Federal and state regulations should permit tribal design and management of income support programs (e.g., AFDC, Food Stamps, State General Assistance, BIA General Assistance).
6. Tribal governments should be permitted to design and operate local "workfare" programs that: a) require able-bodied recipients to give productive community labor in return for transfer payments, and b) provide training, child care and support services.

Law Enforcement and Justice

1. Tribes should establish culturally appropriate institutions and procedures for local dispute resolution (including tribal courts); and federal and state governments should support same with training and technical assistance.
2. The state government should negotiate formal agreements with all tribal councils, delineating those offenses within the domain of tribal courts and those under state law and specifying that VPSO's will enforce tribal ordinances as well as state statutes.
3. In addition to advocating tribal status, jurisdiction and powers, Native organizations should identify ways in which existing governmental entities can address village problems and goals effectively.
4. State parole and probation programs should be reformed by implementing them in the offender's home village, fully involving local people and traditional values in monitoring, support, rehabilitation and healing.
5. The state should establish alternative corrections programs, supported by effective alcohol treatment services and operated by local Native organizations, for all but the most violent Native offenders.

Education

1. Local control of schools in Native areas should be strengthened by: a) changing village advisory boards to policy-making bodies, and b) delegating, within five years, operating authority from REAA's to tribal governments in partnership with the state Department of Education.
2. The state government and local school districts should significantly increase the number of their Native teachers and administrators through affirmative hiring, alternative certification and other means.
3. Federal and state governments should create an Alaska Native Heritage Trust, granting funds to tribes for programs of parental/community involvement and educational enhancement of Native languages/cultures.

Physical and Behavioral Health

1. Federal and state governments should fully fund rural water/sewer projects, as recommended by the Alaska Sanitation Task Force, involving local residents in all funding, construction, maintenance and repair.
2. The entire Native health care system, now concentrated on secondary and tertiary care, should be reformed to emphasize health education and primary prevention — stressing community involvement, changing attitudes, and encouraging healthy lifestyles.
3. Congress and IHS should establish and finance an improved, timely system of diagnosis/screening for serious disease and other disorders, providing adequate travel funds for village residents to obtain same.
4. Unorganized, ineffective data-gathering by federal/state/municipal governments should be reformed into a single, comprehensive, statewide system for assessing Native health needs and evaluating services.
5. Substance abuse programs for Natives should be reformed to emphasize community-based, family-oriented, culturally relevant strategies developed by villages; and public funds for such programs should be directly granted to councils and other Native organizations.

Subsistence

1. Congress should repeal its 1971 extinguishment of aboriginal hunting and fishing rights in Section 4 (b) of ANCSA.
2. Congress should maintain ANILCA's rural preference as the minimum acceptable level of subsistence protection in federal law, resisting all state and private pressures to remove or weaken it.
3. Congress should conduct oversight of Title VIII implementation by the state and by federal agencies and should draft alternative language that provides more adequate protection of subsistence by all Alaska Natives.
4. During dual management, federal jurisdiction should be maximized - to include, at least, all public lands (including all marine/navigable waters), all conveyed ANCSA lands, all selected/unconveyed state and ANCSA lands, and extraterritorial regulatory reach off public lands.
5. Administering federal agencies should fully implement regional advisory councils and options for co-management contracting with Native communities and organizations; and the state should regionalize its Fisheries and Game Boards for greater local control of subsistence.
6. The Alaska Legislature should adopt a constitutional amendment allowing state subsistence law to comply with federal law, using language that will conform to an improved federal preference; and it should adopt laws mandating co-management agreements, effective regional advisory councils, and thorough reform of its regulatory system.

Tribal Governance

1. Congress should adopt policies supporting and strengthening Alaska's tribal governments, starting with repeal of all legislative disclaimers disavowing its promotion of the federal relationship with these tribes.
2. The Secretary of the Interior should withdraw Solicitor's Opinion M-36,975 and clarify the federal position on the Indian Country jurisdictions of Alaskan tribes through participation in pending court cases.

3. Native communities should have the legal power to transfer freely the ownership of their ANCSA Lands between corporations, tribes, individuals and other Native organizations - and to govern such lands for tribal and subsistence purposes, regardless of institutional ownership.

4. State and federal governments should strengthen tribal financial bases by such measures as federal tax credits for tribal taxes paid and state funding for tribal communities equal to those with municipalities.

5. By Executive Order or legislative enactment, the state government should recognize the existence of Alaska Native tribes.

76 additional recommendations (pages 85 to 100 of Volume I):

Economics

• Federal Native hire preference • Veterans' hire preference for Alaska National Guard Service • "Local prevailing wage" standard for Davis-Bacon in village projects • Village design, construction and hire on HUD housing projects • Contracting and Native hire for surveying rural land conveyances • Native job training programs for "Information Age" opportunities • Americorps/National Service Corps employment and education • State Office of Alaska Native Recruitment (Governor) • Creation of Alaska Native Economic Development Trust, and projects • Evaluation and restructuring of ANA economic development projects • Increased support of Native businesses by Alaska's ARDOR's • Increased public support (capital) for Native tourism projects • Expansion of CDQ program model to one other extractive industry • Creation of state Bulk Fuel Task Force, and facilities remediation • HUD creation and funding of Alaska Native Housing Authority • State task force on solutions to Native Limited Entry problems • NPFMC codification and expansion of CDQ pollock program • State and federal development of Native reindeer industry • Training programs in reindeerherding/husbandry/products/marketing • State/federal support of shellfish mariculture in Native villages • State/federal support of fin-fish farming, and Native demo project.

Judicial and Law Enforcement

• VPSO training, pay, powers, uniforms, weapons, advancement • VPSO enforcement of village ordinances and state laws • State power behind village council ordinances/enforcement/adjudication • State agreements with village adjudicators on respective domains • State task force identifying parameters of village court powers • Cultural evaluation/reform of state judicial system regarding Natives • Appropriate village dispute resolution, and governmental support • Revised state goals for punishment, rehabilitation and protection • Culturally effective, village-based punishment alternatives • Culturally effective transitional living/rehabilitation/treatment for Natives • Early, effective substance abuse counseling for Native inmates • State hire of capable Native corrections counselors • Detailed reform of state policies on Native parole/probation • Village monitoring and support roles in Native parole/probation • Aggressive state hire of Natives in law enforcement/courts/corrections.

Local Self-Determination

• State/federal recognition of all village governments (TC, IRA, city) • Evaluation and expansion of local government assistance programs • Identification of effective roles/powers for existing local governments • Evaluation of BIA programs and funding, and 103(a) reinstatement • BIA 103(a) training, and ANA tribal government training • Regional non-profit training and funding of village tribal governments • Cost-effective transfer of service programs from non-profit regions to villages • Evaluation of non-profit regional programs, limiting costs, shifting programs • 5-year \$50 million congressional funding to tribes for social problems • Reform of Fish and Game Boards, and strengthened regional councils • Regional council review and veto power over subsistence regulations • State task force on solutions to Native Limited Entry problems.

Education

- K-12 village schools, regional/distance enrichment, voc ed programs • Local control of schools through policy making boards and Native hire • Development of model Native curricula (K-12, post-2nd, traditional) • Career development/training/certification/hire of Native educators • Parent/community involvement in education, and Native Heritage Trust • State steps to increase percent of Native teachers/school employees • Tenure reforms and Native hire to stabilize village teaching work force • Federal/state reforms of school funding and management in villages • Creation/funding of Alaska Native Heritage Trust, and tribal grants.

Physical and Behavioral Health

- Alaska Sanitation Task Force; construction/maintenance/operation • Data coordination (ANHA, CDC, VA, state, health corporations, etc.) • Data reform (health needs, risks, wellness, delivery evaluation, etc.) • Health Aide program funding, pay, work force stability, training • Adequate patient travel funds, meeting IHCLA authorization level • ANHS immunization of all Native children by decade's end • Continued BIA support and funding for ICWA tribal grants • Unified, comprehensive data system on Native child abuse/neglect • System re-orientation to primary prevention, families, communities • Native-planned program of infectious disease prevention education • Native health education curriculum (schools) for AIDS/HIV prevention • General health education/promotion for all Native age groups • Increased screening/diagnosis and preventive education for cancer • More timely/effective diagnosis and disease intervention by IHS • Community suicide prevention programs (e.g., state DH&SS model) • Evaluation/reform of substance abuse prevention/treatment programs • Creation of Alaska Native Family Development Center (e.g., Kakawis) • Early risk-detection programs for child abuse/neglect, FAS, FAE • Research/data on Native substance abuse and program effectiveness.

FINDINGS AND DATA

Social/Cultural Status

- Native annual birthrate is 36.5 per 1,000, creating large demand for village child development, education, health programs • Effective Native public education is bi-cultural (skills and values) • Native annual death rate is more than three times national average, much of it alcohol-related • Native infant mortality and Fetal Alcohol Syndrome rates are more than twice national averages • 1988, birth rate to Native girls 15-19 was 2-1/2 times national average • 1988, one of every 11 Native children received child protection services • 1992, 30% of DH&SS child abuse/neglect/injury reports involved Native children (94 per 1,000 Native children, 55 per 1,000 non-Native Alaskan children, 39 per 1,000 children nationwide) • 1992, almost one of every eight Native males 14-17 spent time in juvenile detention • April, 1993, over 27% of Native inmate population had sexually abused a child or other adult • Nearly 1/2 all Natives currently incarcerated for sexual crimes victimized children.

Economics

- Village costs of living are exorbitant, with village economies precariously dependent on public expenditures • 1990, over 20% of enumerated Native work force is unemployed, compared to 8.8% of total Alaskan work force (actual Native unemployment rates is much higher, due to uncounted work force dropouts) • In 1/3 of villages, male unemployment is 32% (four times statewide average); in 1/8 of villages, male unemployment is more than 50% • About 42% of 16,000 Native males in Alaska's employed civilian work force are in crafts, trades, service sectors • Almost 1/3 of all employed Native women are secretaries or clerks; 1/4 are in service sector (mainly food preparation, custodial) • Native women are about 60% more likely to work in managerial and professional fields than Native men • 1992, 4.8% of State of Alaska executive branch work force was Native (e.g., Law, 3.8%; DNR, 2.1%; ADF&G, 1.6%) • 21.5% of Native families are below official poverty income line, compared to 6.8% of all Alaskan families • Native families and individuals are increasingly welfare dependent.

Justice and Corrections

• Non-Native belief that only "Western" justice is workable impedes culturally appropriate village alternatives for dispute resolution • April, 1993, Natives are 16% of Alaska's population, 13.5 % of its prison-age-eligible population, and 32% of its inmates • Natives are 59% of Alaska's violent-crime inmates and 38% of its sex-offense inmates • Most Native crime is alcohol-related; percentage of Native crime that is violent or sexual is far higher than state/national averages • 53% of all Native inmates are incarcerated for "most violent" crimes (assault, 14%; sexual assault, 14%; sexual abuse of minor, 13%; murder/manslaughter, 12%) • 1992, about 27% of all Native males 14-17 years old were referred to state juvenile intake system • Native murder rate is four times national average • Natives represent 43% of Alaska's misdemeanor inmates, 39% of its sex offenders, and 41% of its parolees/probationers • 1990, Natives made up 1/2 of Alaska's second-degree murder convictions, and only 8% of its drug offenders • "Charge bargaining" practices, coupled with Native cultural avoidance of confrontation (trials), may contribute to high conviction rates.

Education

• 1981-89, Native FAS rate was 5.1 per 1,000 live births (almost 2-1/2 times North American average) • 60% of Native students entering urban Alaska high schools do not graduate, compared to 12-15% Native attrition rate in rural high schools; but rural graduates have much lower average achievement levels • 1989, Native ACT scores were about 40% lower than non-Native scores • Rural schools enroll 14,000 Native students (7% Native instructors); urban schools enroll 9,500 Native students (less than 2% Native instructors) • One advantage of rural schools is low student-teacher ratios (better chances for instructional impacts) • 53% of all Alaska students (but 11% of Native students) took Algebra II; 42% of all Alaska students (but 8% of Native students) took chemistry • 3/4 of all Alaska students (but 2/3 of Native students) complete high school • In some districts, 30% of Native elementary students and 40% of Native secondary students are below grade level • Replacing boarding schools with village schools increased graduation rates, but with lower achievement scores than statewide • 1980, percentage of adult non-Native Alaskans with college degrees was five times that of adult Natives with degrees.

Physical/Behavioral Health

• Lack of adequate village sanitation/water systems is primary cause of many Native health problems (e.g., Alaska's highest incidence of Hepatitis B is in southwestern villages) • Despite \$1.3 billion public investment, many villages have only rudimentary water/sewage utilities • Heart disease accounted for 16% of all Native deaths in 1994 (5% in 1950) • Natives are more vulnerable to serious injury and infectious disease than non-Native Alaskans • Formerly low Native cancer rates are steadily increasing • 1985-89, Native diabetes rose from 15.7 to 18.2 per 1,000 • Formerly epidemic TB is no longer prevalent, but far from eradicated • Individual substance abuse and other health problems are closely related to dysfunctionality of whole communities (must be addressed together) • 39% of Natives smoke tobacco (compared to 26% of all Alaskan adults); some Native villages have 60% smoking rates • 1980-89, an average of one Native suicide occurred every 10 days, reaching 1989 annual rate of 69 per 100,000; preliminary 1990-93 data indicate continuing increase • Almost 1/2 of Native suicides are by 15-24 year olds, compared to 1/4 of non-Native suicides • 1964-1989, Native suicide rate increased 500% • 1980-89, 86% of all Native suicides were males • Late 1980's, suicide rate of Native males 20-24 years old was more than 30 times national suicide rate for all age groups • 61% of Natives live in rural Alaska, but more than 2/3 of 1980-89 Native suicides occurred there • 1980-89, 305 Natives (173 males, 132 females) were killed by direct effects of alcohol or other drugs (average of one every 12 days); this Native substance abuse mortality rate (4.1 per 10,000) is 3-1/2 times non-Native rate (1.2 per 1,000) • 1980-89, cumulative Native "Years of Potential Life Lost" (i.e., number of years individual dies before 65th birthday) attributable to alcohol were 6,697 years (almost five times non-Native rate) • Native rate of fatal injuries caused by alcohol is nearly three times non-Native rate • Native per capita deaths by fire are twice non-Native rate, about 1/2 attributable to alcohol • 79% of all Native suicides had detectable blood alcohol levels • Alcohol abuse and criminal acts correlate significantly, particularly in rural Alaska and among Natives throughout the state □