

**HB**

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Lauterbach  
2/24/00

**CS FOR HOUSE BILL NO. 98(HES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - SECOND SESSION**

**BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

Offered:  
Referred:

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

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to contracts for the provision of state public assistance to  
2 certain recipients in the state; providing for regional public assistance plans and  
3 programs in the state; relating to grants for Alaska Native family assistance  
4 programs; relating to assignment of child support by Alaska Native family  
5 assistance recipients; to paternity determinations and genetic testing involving  
6 recipients of assistance under Alaska Native family assistance programs; and  
7 providing for an effective date."

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

9 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new  
10 section to read:

11 **FINDINGS AND INTENT.** (a) The legislature finds that

12 (1) self-sufficiency for Alaska families is a statewide goal and that achieving  
13 self-sufficiency is greatly influenced by local conditions, particularly in rural Alaska with its

1 unique mix of subsistence and cash economies;

2 (2) self-sufficiency efforts are more likely to succeed when local communities  
3 in a region of Alaska take responsibility for reducing dependence and when those efforts  
4 accurately reflect the varying conditions of that region;

5 (3) new federal welfare reform law offers Alaska Native nonprofit  
6 organizations the opportunity to assume responsibility for providing public assistance and self-  
7 sufficiency services throughout the state; and

8 (4) it is in the best interests of the state to promote regional responsibility for  
9 the design of the state public assistance program and self-sufficiency services.

10 (b) It is the intent of the legislature

11 (1) to provide certain appropriations that would otherwise be used to provide  
12 assistance and self-sufficiency services to the recipients living in a public assistance region  
13 through an Alaska Native family assistance grant to the Alaska Native nonprofit organizations  
14 that are assuming the responsibility for providing assistance and services in that region;

15 (2) that state public assistance plans may be approved on a regional basis in  
16 appropriate circumstances and, if approved, may be administered uniformly in the region for  
17 all recipients in order to achieve the maximum cost efficiencies and benefits of a regionally  
18 designed program.

19 \* Sec. 2. AS 25.27.045 is amended to read:

20 **Sec. 25.27.045. Determination of support obligation.** The agency may  
21 appear in an action seeking an award of support on behalf of a child owed a duty of  
22 support, or to enforce a spousal support order if a spousal support obligation has been  
23 established and if a support obligation, established with respect to a child of that  
24 spouse, is also being administered, and may also appear in an action seeking  
25 modification of a support order, decree, or judgment already entered. Action under  
26 this section may be undertaken upon application of an obligee, or at the agency's own  
27 discretion if the obligor is liable to the state or an Alaska Native family assistance  
28 program under AS 25.27.120(a) or (b).

29 \* Sec. 3. AS 25.27.062(1) is amended to read:

30 (1) Unless modified or terminated by the agency or the court, an order to  
31 withhold income under this chapter remains in effect, except as provided in (k) of this

1 section, until the support order is satisfied. The agency or court may not terminate or  
2 modify an income withholding order solely on the ground that the obligor has paid all  
3 arrearages. Upon satisfaction of a support order, if the order is

4 (1) being enforced by the agency, the agency shall, within 15 working  
5 days, notify all persons served by the agency with the income withholding order that  
6 withholding is no longer required; if the agency receives money from an obligor under  
7 an income withholding order after the underlying support order has been satisfied and  
8 the agency was enforcing the support order at the time it became satisfied, the agency  
9 shall immediately return the overpayment to the obligor; if the agency fails to return  
10 an overpayment as required under this paragraph, the state is liable to the obligor for  
11 the amount of the overpayment, plus interest at the rate imposed under AS 43.05.225,  
12 and a person or an Alaska Native family assistance program to whom the agency  
13 erroneously disbursed the overpayment is liable to the state for the amount disbursed,  
14 plus interest at the rate imposed under AS 43.05.225;

15 (2) not being enforced by the agency, the obligor shall file a motion  
16 in court requesting termination of the withholding order and serve the motion on the  
17 obligee; the court shall enter an order terminating the withholding order if the court  
18 determines that the support order has been satisfied; the obligor may deliver a copy  
19 of the termination order to persons who were served with the income withholding  
20 order; when a termination order is entered, the obligee shall, upon request of the  
21 obligor, notify the obligor of all persons who have been served with the income  
22 withholding order by the obligee.

23 \* Sec. 4. AS 25.27.065(b) is amended to read:

24 (b) When the right to receive child support has been assigned to a  
25 governmental entity or an Alaska Native family assistance program, an agreement  
26 under (a) of this section that has not been adopted as an administrative order of the  
27 agency is not effective during a period when the obligee is receiving assistance under  
28 AS 47.27 or from an Alaska Native family assistance program.

29 \* Sec. 5. AS 25.27.080(b) is amended to read:

30 (b) The agency on behalf of the custodian, [OR] the state, or an Alaska  
31 Native family assistance program shall take all necessary action permitted by law to

1 enforce child support orders so entered, including petitioning the court for orders to  
2 aid in the enforcement of child support.

3 \* Sec. 6. AS 25.27.120(a) is amended to read:

4 (a) An obligor is liable to the state in the amount of assistance granted under  
5 AS 47.07 and AS 47.27, or to an Alaska Native family assistance program in the  
6 amount of the family assistance provided by the program, to a child to whom the  
7 obligor owes a duty of support except that, if a support order has been entered, the  
8 liability of the obligor for assistance granted under AS 47.27 or provided by an  
9 Alaska Native family assistance program may not exceed the amount of support  
10 provided for in the support order, and, if a medical order of support has been entered,  
11 the liability of the obligor for assistance granted under AS 47.07 may not exceed the  
12 amount of support provided for in the medical order of support.

13 \* Sec. 7. AS 25.27.120(c) is amended to read:

14 (c) Within 30 days after the agency knows the identity and address of an  
15 obligor who resides in the state and who is liable to the state or an Alaska Native  
16 family assistance program under this section, the agency shall send written  
17 notification by certified mail to the obligor and the obligee of the obligor's accruing  
18 liability and that the obligor shall make child support payments to the agency. The  
19 notice required under this subsection must be in clear, concise, and easily readable  
20 language. The notice may accompany other communications by the agency.

21 \* Sec. 8. AS 25.27.120(d) is amended to read:

22 (d) If the agency fails to comply with (c) of this section, interest does not  
23 accrue on the liability to the state or an Alaska Native family assistance program  
24 unless a support order or medical support order, as applicable, has been entered.

25 \* Sec. 9. AS 25.27.130(a) is amended to read:

26 (a) If the obligor is liable to the state or an Alaska Native family assistance  
27 program under AS 25.27.120(a) or (b), the state is subrogated to the rights of the  
28 obligee to

29 (1) bring an action in the superior court seeking an order of support;  
30 (2) proceed under AS 25.27.160 - 25.27.270 to establish a duty of  
31 support; or

1 (3) enforce by execution, in accordance with AS 25.27.230 - 25.27.270,  
2 or otherwise, a support order entered in favor of the obligee.

3 \* Sec. 10. AS 25.27.130(c) is amended to read:

4 (c) The recovery of any amount for which the obligor is liable that exceeds the  
5 total assistance granted under AS 47.07 and AS 47.27 or under an Alaska Native  
6 family assistance program shall be paid to the obligee.

7 \* Sec. 11. AS 25.27.130(d) is amended to read:

8 (d) Except as provided in (f) of this section, if the obligee is not receiving  
9 assistance under AS 47.07 or AS 47.27 or under an Alaska Native family assistance  
10 program at the time the state recovers money in an action under this section, the  
11 recovery of any amount for which the obligor is liable shall be distributed to the  
12 obligee for support payments, including medical support payments, that have become  
13 due and unpaid since the termination of assistance under AS 47.07, [OR] AS 47.27,  
14 or an Alaska Native family assistance program under a support order in favor of the  
15 obligee.

16 \* Sec. 12. AS 25.27.130(e) is amended to read:

17 (e) After payment to the obligee under (d) of this section, the state may retain  
18 an amount not to exceed the total unreimbursed assistance paid on behalf of the  
19 obligee under AS 47.07, [OR] AS 47.27, or an Alaska Native family assistance  
20 program.

21 \* Sec. 13. AS 25.27.140(a) is amended to read:

22 (a) If a [NO] support order has not been entered, the agency may establish  
23 paternity and a duty of support using [UTILIZING] the procedures prescribed in  
24 AS 25.27.160 - 25.27.220 and may enforce a duty of support using [UTILIZING] the  
25 procedure prescribed in AS 25.27.230 - 25.27.270. Action under this subsection may  
26 be undertaken upon application of an obligee, or at the agency's own discretion if the  
27 obligor is liable to the state or an Alaska Native family assistance program under  
28 AS 25.27.120(a) or (b).

29 \* Sec. 14. AS 25.27.165(a) is amended to read:

30 (a) Upon application from a mother, custodian, putative father, or legal  
31 custodian of a child, or from a state or an Alaska Native family assistance program,

1 the agency may institute administrative proceedings to determine the paternity of a  
2 child born out of wedlock.

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

4 (i) The agency may recover any costs it pays for genetic tests required by this  
5 section from the putative father unless the testing establishes that the individual is not  
6 the father, except that costs may not be recovered from a person who is a recipient of  
7 assistance under AS 47.27 (Alaska temporary assistance program) or an Alaska  
8 Native family assistance program.

9 \* Sec. 16. AS 25.27.170(e) is amended to read:

10 (e) The hearing officer shall consider the following in making a determination  
11 under (d) of this section:

12 (1) the needs of the alleged obligee, disregarding the income or assets  
13 of the custodian of the alleged obligee;

14 (2) the amount of the alleged obligor's liability to the state or an  
15 Alaska Native family assistance program under AS 25.27.120 if any;

16 (3) the intent of the legislature that children be supported as much as  
17 possible by their natural parents;

18 (4) the ability of the alleged obligor to pay.

19 \* Sec. 17. AS 25.27.180(b) is amended to read:

20 (b) Liability to the state or an Alaska Native family assistance program  
21 under AS 25.27.120 is limited to the amount for which the obligor is found to be  
22 responsible under (a) of this section.

23 \* Sec. 18. AS 25.27.255(a) is amended to read:

24 (a) The agency shall pay to the obligee all money recovered by the agency  
25 from the obligor under an income withholding order except for court costs and money  
26 assigned to the agency or an Alaska Native family assistance program under  
27 AS 25.27.120 - 25.27.130 or AS 47.27.040. However, if there is more than one  
28 income withholding order under this chapter against an obligor, the agency shall  
29 allocate amounts available for withholding in a manner that gives priority to current  
30 support up to the limits imposed under 15 U.S.C. 1673(b) (sec. 303(b), Consumer  
31 Credit Protection Act). Notwithstanding the priority given to current support, the

1 agency shall establish procedures for allocation of support among obligees so that in  
2 no case will the allocation result in a withholding order for one obligee not being  
3 implemented.

4 \* Sec. 19. AS 36.30.850(b) is amended by adding a new paragraph to read:

5 (42) contracts awarded under AS 47.27.072 for state public assistance  
6 provided under a regional public assistance program.

7 \* Sec. 20. AS 47.27.005 is amended to read:

8 **Sec. 47.27.005. Duties of the department.** The department shall

9 (1) administer the Alaska temporary assistance program by providing  
10 assistance with basic living expenses and self-sufficiency services to needy children  
11 and their families under this chapter and, if appropriate, by establishing regional  
12 public assistance programs to provide effectively for varving conditions in regions  
13 of the state designated by the department;

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

17 (3) prepare, submit to the federal government, and amend, if necessary,  
18 a state plan designed to ensure [ASSURE] that federal money is available to the state  
19 for the operation of the program set out in this chapter to provide assistance for basic  
20 living expenses and self-sufficiency services to needy children and their families  
21 consistent with the state objectives identified in (2) of this subsection [SECTION];

22 (4) adopt methods of program administration to ensure consistency with  
23 the federal requirements under a successor federal program that replaces the aid to  
24 families with dependent children program;

25 (5) make reports regarding the program to the federal government as  
26 required under federal law [ANY SUCCESSOR FEDERAL PROGRAM THAT  
27 REPLACES THE AID TO FAMILIES WITH DEPENDENT CHILDREN  
28 PROGRAM], in the form and containing the information required, and comply with  
29 the provisions that the federal government determines are necessary to ensure correct  
30 and verifiable information on the program;

31 (6) provide to the legislature an annual executive summary of the

1 information required to be reported to the federal government under (5) of this  
2 subsection [SECTION];

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

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

7 \* Sec. 21. AS 47.27.005 is amended by adding a new subsection to read:

8 (b) In implementing its duties under (a) of this section, the department may  
9 adopt program standards that vary by region in the state in order to incorporate the  
10 standards of an Alaska Native family assistance plan into a regional plan. The  
11 program standards adopted under this subsection need not contain all of the  
12 requirements of this chapter if they meet the standards set out in AS 47.27.072 and  
13 contain the program elements set out in AS 47.27.071.

14 \* Sec. 22. AS 47.27.040 is amended by adding new subsections to read:

15 (d) A participant in an Alaska Native family assistance program shall assign  
16 to the Alaska Native family assistance program, unless the program has elected to  
17 require assignment to the state under AS 47.27.071(f), all rights to ongoing child  
18 support that accrues after the effective date of the assignment for the support of the  
19 individuals in the family for whom assistance is provided, but not to exceed the total  
20 amount of assistance paid by the Alaska Native family assistance program to the  
21 family. The assignment takes effect when information required under (f) of this  
22 section is provided to the child support enforcement agency of the Department of  
23 Revenue, following the determination of eligibility. Except with respect to any unpaid  
24 support that accrued under the assignment, the assignment terminates when the family  
25 ceases to participate in the Alaska Native family assistance program. All assignments  
26 to an Alaska Native family assistance program of unpaid child support obligations  
27 transfer to the state upon the termination of an Alaska Native family assistance  
28 program.

29 (e) An Alaska Native family assistance program participant shall cooperate  
30 with the child support enforcement agency of the Department of Revenue in the  
31 manner described in (b) of this section in establishing paternity or establishing,

1 modifying, or enforcing a child support order requiring the payment of support by the  
2 noncustodial parent for a dependent child for whom assistance is received. The child  
3 support enforcement agency shall inform the Alaska Native family assistance program  
4 if it determines that the participant is not in good faith compliance with the  
5 requirements of (b) of this section. The Alaska Native family assistance program shall  
6 determine whether the participant has good cause for refusing to cooperate.

7 (f) An Alaska Native family assistance program that receives assignments of  
8 ongoing child support must provide public assistance information concerning those  
9 assignments to the child support enforcement agency of the Department of Revenue  
10 in a timely manner in order to establish a valid assignment. The information must be  
11 provided by electronic means and in a format acceptable to the child support  
12 enforcement agency. For the purposes of this subsection, "timely manner" means  
13 within the time constraints established for child support agency distributions under  
14 federal law.

15 \* Sec. 23. AS 47.27 is amended by adding new sections to read:

16 **Sec. 47.27.071. Alaska Native family assistance grants.** (a) Notwithstanding  
17 a contrary provision of this chapter and in addition to grants awarded under  
18 AS 47.27.050, the department may award and administer Alaska Native family  
19 assistance grants in accordance with this section to Alaska Native organizations that  
20 meet the requirements of AS 47.27.070. Only an organization that received approval  
21 for, and has agreed to operate, a federally approved tribal family assistance plan in this  
22 state is eligible to receive a grant under this section. An organization that receives a  
23 grant under this section shall operate the plan approved under this section on a state  
24 fiscal year basis.

25 (b) If an organization intends to apply for a grant under this section, the  
26 organization shall first submit to the department a letter of intent along with a copy  
27 of the proposed federal tribal family assistance plan that will be submitted to the  
28 federal government for approval. The organization shall make its submission to the  
29 department at least six months before the proposed effective date of the federal tribal  
30 family assistance plan. The department shall review the submission and notify the  
31 organization of significant deficiencies that would make the organization ineligible to

1 be considered for an Alaska Native family assistance grant even if federal approval is  
2 received without significant changes to the federal tribal family assistance plan and  
3 federal grant money is awarded for implementation of that plan. The organization may  
4 make a supplemental submission to the department to resolve deficiencies noted by the  
5 department. If, after departmental review and supplemental revision, an organization's  
6 plan remains eligible for consideration for a grant award under this section, the  
7 department shall notify the organization that the organization may submit a proposal  
8 for a grant award after the organization has received notice of federal approval of the  
9 federal tribal family assistance plan and the pending award of federal grant money.  
10 The commissioner may waive the time deadline specified in this subsection if the  
11 commissioner

12 (1) enters into a joint planning agreement between the department and  
13 the organization; or

14 (2) finds good cause and the waiver is in the state's best interest.

15 (c) If the department awards a grant under this section, the grant shall be in  
16 an amount that

17 (1) for the first fiscal year under the plan accepted by the department,  
18 represents a fair and equitable portion of the state appropriations for the state public  
19 assistance program administered under this chapter intended to serve the state residents  
20 who will be served by the plan; and

21 (2) for the second and subsequent state fiscal years under the plan  
22 accepted by the department, represents a fair and equitable portion of state  
23 appropriations made for public assistance programs that is allocated for Alaska Native  
24 family assistance grants to be awarded under this section in order to serve the state  
25 residents who will be served by the plan; if the money is not allocated for these grants,  
26 the amounts shall be made in the same manner as described in (1) of this subsection.

27 (d) For an organization to be eligible to be awarded a grant under this section,  
28 the organization's proposal must include

29 (1) documentation that the organization

30 (A) has received federal approval of its federal tribal family  
31 assistance plan to operate a tribal assistance program in this state; and

1 (B) will receive a grant directly from the federal government to  
2 implement the federal tribal family assistance plan;

3 (2) a plan for operation of the Alaska Native family assistance grant  
4 that meets the requirements of (e) of this section; and

5 (3) if the commissioner determines that a federally approved tribal  
6 family assistance plan would be a cost-effective and efficient means of administering  
7 the program established in this chapter in that region of the state and the needs of state  
8 public assistance recipients receiving assistance under this chapter can be met through  
9 a contract awarded under AS 47.27.072, the organization's agreement to enter into a  
10 contract with the department to provide state public assistance to those eligible state  
11 residents in the region who are not included in the population to be served by the  
12 federally approved tribal family assistance plan.

13 (e) An organization's plan for operation of the Alaska Native family assistance  
14 grant must

15 (1) be designed to facilitate self-sufficiency of assistance recipients in  
16 the region specified in the federally approved tribal family assistance plan by  
17 addressing the conditions specific to that region;

18 (2) provide for a reasonable pattern of service delivery from all  
19 providers serving that region;

20 (3) serve a specified region that consists of a geographically cohesive  
21 group of communities that share similar interests, resources, and traditions; and

22 (4) provide for administration of the grant money received under this  
23 section to establish a program in accordance with the plan accepted by the department  
24 and in compliance with other requirements of this section; the program must include  
25 the following standards for providing assistance to eligible families:

26 (A) only families with at least one dependent child or a woman  
27 in the last trimester of pregnancy are eligible for assistance paid from an  
28 Alaska Native family assistance grant;

29 (B) amounts for assistance provided from an Alaska Native  
30 family assistance grant to eligible families may not exceed the amounts  
31 specified under AS 47.27.025(b) when combined with assistance provided

1 under the federally approved tribal family assistance grant;

2 (C) to remain eligible for assistance paid from an Alaska Native  
3 family assistance grant, a minor parent of a dependent child must meet the  
4 requirements of AS 47.27.027;

5 (D) families receiving assistance paid from an Alaska Native  
6 family assistance grant shall comply with the provisions of AS 47.27.035(a)  
7 regarding participation in work activities;

8 (E) families receiving assistance paid from Alaska Native family  
9 assistance grant money shall comply with the provisions of AS 47.27.040  
10 regarding assignment of support rights and cooperation with the child support  
11 enforcement agency of the Department of Revenue;

12 (F) the organization has an impartial appeals process to allow  
13 for affected families in the region of the state covered by the plan accepted by  
14 the department to have a fair hearing.

15 (f) The department may award a grant under this section only if the department  
16 determines that the proposal, including a plan for operation of the grant, meets the  
17 criteria specified in (d) and (e) of this section and that an award of the grant to the  
18 organization would be in the public interest. The grant agreement must state that the  
19 Alaska Native family assistance program will require all program participants to assign  
20 child support rights to the Alaska Native family assistance program under  
21 AS 47.27.040, unless the Alaska Native organization elects to require participants to  
22 assign those child support rights to the state. The department may not distribute grant  
23 money until a grant agreement between the organization and the department is  
24 executed that meets the requirements of this section.

25 (g) Records pertaining to recipients of assistance from an Alaska Native family  
26 assistance grant awarded under this section are confidential public assistance records  
27 under AS 47.05.020 and regulations adopted under AS 47.05.020. Use and misuse of  
28 these records are subject to the provisions of AS 47.05.030. It is an official purpose  
29 under AS 47.05.020 for an organization receiving a grant under this section and the  
30 department or another agency of the state to exchange information concerning  
31 recipients of assistance under this section if the information requested is for purposes

1 directly connected with the administration of a grant under this section.

2 (h) An organization receiving a grant under this section shall provide to the  
3 department a copy of its quarterly report made under 42 U.S.C. 611. The organization  
4 shall have its financial records audited annually by a certified public accountant  
5 authorized to practice under AS 08.04. The department may prescribe the form and  
6 specify the information required to document compliance with this section.

7 (i) If an organization wishes to terminate its program before the end of the  
8 time period for which the grant was awarded under this section, the organization must  
9 obtain the consent of the department or provide notice to the department 120 days  
10 before the anticipated date of termination. At the end of a grant agreement or by early  
11 termination under this section, the organization shall provide an inventory of property  
12 valued at \$1,000 or over and purchased, in whole or in part, with grant money awarded  
13 under this section. The department shall notify the organization of the required  
14 disposition of the property listed on the inventory.

15 (j) If the department awards a grant under this section, a person applying for  
16 assistance under this chapter who is covered by the federally approved tribal family  
17 assistance plan in that region of the state may obtain assistance from the department  
18 only through the organization designated by the department to serve the region. A  
19 person aggrieved by a decision made by an organization under a grant awarded under  
20 this section may use the appeal procedure specified in AS 47.27.072(e).

21 **Sec. 47.27.072. Regional public assistance programs and contracts.** (a) To  
22 implement AS 47.27.005(b), the department may develop a regional public assistance  
23 program for the administration of this chapter in order to provide state public  
24 assistance in a uniform and cost-effective manner in a region of this state if an Alaska  
25 Native organization is authorized to implement a federally approved tribal family  
26 assistance plan in the region and has been awarded an Alaska Native family assistance  
27 grant for a program in that region for the applicable fiscal year under AS 47.27.071.  
28 The regional public assistance program developed under this section must be designed  
29 to serve eligible state residents in the region who are not covered by a federally  
30 approved tribal family assistance program in that region.

31 (b) The department may award contracts to implement a program developed

1 under (a) of this section. A contract authorized for delivery of state public assistance  
2 under a regional public assistance program under this section is exempt from the  
3 competitive bid requirements of AS 36.30 (State Procurement Code). Subject to  
4 appropriation, a contract under this section must be in an amount that represents a fair  
5 and equitable share of the money appropriated to serve the state residents specified in  
6 (a) of this section. This section provides additional authority to contract to that  
7 available under AS 47.05.015 or other law.

8 (c) The department may award a contract under this section only to an  
9 organization that

10 (1) has been awarded an Alaska Native family assistance grant for a  
11 program in that region under AS 47.27.071;

12 (2) agrees to administer state public assistance under this chapter to  
13 state residents in the region who are not served by the Alaska Native family assistance  
14 grant awarded under AS 47.27.071;

15 (3) agrees to provide state public assistance identical to that provided  
16 under the federally approved tribal family assistance plan for which Alaska Native  
17 family assistance grant money has been awarded under AS 47.27.071; and

18 (4) agrees to implement an appeals process as described in (e) of this  
19 section.

20 (d) Records pertaining to recipients of state public assistance under a contract  
21 awarded under this section have the same confidential protections as are provided to  
22 recipients of assistance from Alaska Native family assistance grants under  
23 AS 47.27.071.

24 (e) An organization that receives a contract under this section shall provide an  
25 appeals process to applicants for or recipients of state public assistance covered by the  
26 contract awarded under this section. The appeals process must be the same as the  
27 method available under the federally approved tribal family assistance plan, except that  
28 the decision reached will be considered as a recommended decision to the department.  
29 Within 30 days after receiving a recommended decision, the department shall review  
30 the recommended decision and issue a decision accepting or rejecting the  
31 recommended decision. If the department rejects the recommended decision, the

1 department shall independently review the record and issue its final decision. The  
2 final decision of the department on the matter is appealable to the courts of this state.

3 (f) If the department establishes a regional public assistance program and  
4 awards a contract to provide state public assistance under this section, a person  
5 applying for state public assistance under this chapter in the region of the state covered  
6 by the regional public assistance program may obtain state public assistance from the  
7 department only through the organization designated by the department to serve the  
8 region.

9 \* Sec. 24. AS 47.27.900 is amended by adding a new paragraph to read:

10 (10) "federally approved tribal family assistance plan" means a plan  
11 that meets the requirements of 42 U.S.C. 612 and has been approved for financing  
12 through a tribal family assistance grant directly from the United States Department of  
13 Health and Human Services.

14 \* Sec. 25. The uncodified law of the State of Alaska is amended by adding a new section  
15 to read:

16 APPLICABILITY. This Act does not apply to the provisions of an existing Alaska  
17 Native family assistance grant agreement in effect on the effective date of this Act until the  
18 earliest of the following occurs:

19 (1) the grant agreement expires;

20 (2) the grant agreement is terminated;

21 (3) a substantial modification is made to the grant agreement; routine technical  
22 amendments to an existing Alaska Native family assistance grant agreement in effect on the  
23 effective date of this Act do not constitute a substantial modification for purposes of this  
24 paragraph.

25 \* Sec. 26. The uncodified law of the State of Alaska is amended by adding a new section  
26 to read:

27 INSTRUCTION TO REVISOR. Notwithstanding sec. 148(c), ch. 87, SLA 1997, and  
28 secs. 53 - 54, ch. 132, SLA 1998, the new language added by the amendments made to  
29 AS 25.27.120(c), and 25.27.165(a) and (i) by secs. 7, 14, and 15 of this Act shall be retained  
30 if sec. 148(c), ch. 87, SLA 1997, and secs. 53 and 54, ch. 132, SLA 1998, take effect.

31 \* Sec. 27. This Act takes effect January 1, 2001.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
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## MEMORANDUM

February 21, 2000

**SUBJECT:** CSHB 98(HES) (Draft version "G")

**TO:** Representative Fred Dyson  
Attn: Wes Keller

**FROM:** Terri Lauterbach  
Legislative Counsel 

Enclosed is a draft HES CS for HB 98. This CS includes the following changes from the CRA version:

(1) Amendment D.1 has been rolled in. This puts the child support provisions in the bill.

(2) Amendment D.2 has been rolled in. This corrects D.1 by removing language in D.1 that would have limited some of the child support provisions to state grantees rather than covering all Alaska Native family assistance programs. This correction adequately addresses the second "preliminary observation" I made to you in my memo of February 16.

(3) Section 12 has been modified to address the third "preliminary observation" I made to you in my memo of February 16. The language in sec. 12 now simply allows the state to retain the child support money that is not paid to the obligee. I think that the state will need to follow federal and contract requirements for what to do with the money next, but at least the law is not vague as it was in the previous version.

(4) AS 47.27.072(a) has been clarified as being an implementation of AS 47.27.005(b), which is a new subsection added by sec. 21 of the CS.

As I see it at this point, there are two remaining issues that you and I have discussed but that have not been resolved to the point where an amendment could be drafted.

**Issue 1: sharing child support collections.** Does the committee wish to require more specificity in the CS about making sure that the state grant amount under AS 47.27.071 takes into consideration anticipated child support collections that would go to the Native program? In response to my first "preliminary observation" in the February 16th memo, the department staff testified on February 17 that the use of the phrase "fair and equitable" in AS 47.27.071(c)(1) and (2) was intended to give the department the flexibility to deduct money from the grant amount in order to reflect anticipated child support collections and that

Representative Fred Dyson  
February 21, 2000  
Page 2

the department intended to make those deductions. If the committee does not wish to rely on that statement of intent, a new subsection could be added to AS 47.27.071 that would read something like the following:

In determining what is a fair and equitable amount for a grant under (c) of this section, the department shall, among other factors, consider whether the grantee has chosen to have its assistance recipients assign their child support rights to the state or to the grantee under (f) of this section. If the grantee has chosen to have its assistance recipients assign their child support rights to the grantee, the department shall deduct from the grant that would otherwise have been awarded to the grantee an amount that reflects a portion of the anticipated child support collections accruing to the grantee because of the assignments. The portion of the anticipated child support collections that shall be deducted from the grant must yield an amount that bears substantially the same relationship to total anticipated child support collections assigned to the grantee as the state's grant bears to the total amount of money spent by the grantee on its assistance program.

The intent of this language would be to require, for instance, that when the state's grant is 30% of the total program costs of the Alaska Native program, then the grant should be reduced by 30% of the anticipated child support collections that are assigned to the Alaska Native program.

**Issue 2: regional public assistance programs.** In section 20 of the HES CS, there is new language added to AS 47.27.005(1) that would authorize regional variations in the state's public assistance program. If the committee does not wish to authorize regional variations, this section of the bill should be deleted. If the committee wishes to change the criteria for when regional variations are authorized, then this section should be modified. The regional variations allowed when there is a federally-approved Alaska Native program operating in a region is a separate issue from this language - regional variations that accommodate federally-approved Alaska Native programs are covered in sec. 21 and in AS 47.27.072, added by sec. 23 of the CS. The issue presented under sec. 20 is whether the legislature wishes to authorize regional variations under any other scenario.

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If something in this memo is not clear, or if I can be of other assistance, please do not hesitate to let me know.

TML:lmb:jr  
00-007.lmb

Enclosure

1-GH1011\G  
Lauterbach  
2/18/00

**CS FOR HOUSE BILL NO. 98(HES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - SECOND SESSION**

**BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**Offered:  
Referred:**

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

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to contracts for the provision of state public assistance to  
2 certain recipients in the state; providing for regional public assistance plans and  
3 programs in the state; relating to grants for Alaska Native family assistance  
4 programs; relating to assignment of child support by Alaska Native family  
5 assistance recipients; to paternity determinations and genetic testing involving  
6 recipients of assistance under Alaska Native family assistance programs; and  
7 providing for an effective date."

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

9 \* Section 1. The uncodified law of the State of Alaska is amended by adding a new  
10 section to read:

11 FINDINGS AND INTENT. (a) The legislature finds that  
12 (1) self-sufficiency for Alaska families is a statewide goal and that achieving  
13 self-sufficiency is greatly influenced by local conditions, particularly in rural Alaska with its

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1 unique mix of subsistence and cash economies;

2 (2) self-sufficiency efforts are more likely to succeed when local communities  
3 in a region of Alaska take responsibility for reducing dependence and when those efforts  
4 accurately reflect the social and economic conditions of that region;

5 (3) new federal welfare reform law offers Alaska Native nonprofit  
6 organizations the opportunity to assume responsibility for providing public assistance and self-  
7 sufficiency services throughout the state; and

8 (4) it is in the best interests of the state to promote regional responsibility for  
9 the design of the state public assistance program and self-sufficiency services.

10 (b) It is the intent of the legislature

11 (1) to provide certain appropriations that would otherwise be used to provide  
12 assistance and self-sufficiency services to the recipients living in a public assistance region  
13 through an Alaska Native family assistance grant to the Alaska Native nonprofit organizations  
14 that are assuming the responsibility for providing assistance and services in that region;

15 (2) that state public assistance plans may be approved on a regional basis in  
16 appropriate circumstances and, if approved, may be administered uniformly in the region for  
17 all recipients in order to achieve the maximum cost efficiencies and benefits of a regionally  
18 designed program.

19 \* Sec. 2. AS 25.27.045 is amended to read:

20 **Sec. 25.27.045. Determination of support obligation.** The agency may  
21 appear in an action seeking an award of support on behalf of a child owed a duty of  
22 support, or to enforce a spousal support order if a spousal support obligation has been  
23 established and if a support obligation, established with respect to a child of that  
24 spouse, is also being administered, and may also appear in an action seeking  
25 modification of a support order, decree, or judgment already entered. Action under  
26 this section may be undertaken upon application of an obligee, or at the agency's own  
27 discretion if the obligor is liable to the state or an Alaska Native family assistance  
28 program under AS 25.27.120(a) or (b).

29 \* Sec. 3. AS 25.27.062(l) is amended to read:

30 (l) Unless modified or terminated by the agency or the court, an order to  
31 withhold income under this chapter remains in effect, except as provided in (k) of this

1 section, until the support order is satisfied. The agency or court may not terminate or  
2 modify an income withholding order solely on the ground that the obligor has paid all  
3 arrearages. Upon satisfaction of a support order, if the order is

4 (1) being enforced by the agency, the agency shall, within 15 working  
5 days, notify all persons served by the agency with the income withholding order that  
6 withholding is no longer required; if the agency receives money from an obligor under  
7 an income withholding order after the underlying support order has been satisfied and  
8 the agency was enforcing the support order at the time it became satisfied, the agency  
9 shall immediately return the overpayment to the obligor; if the agency fails to return  
10 an overpayment as required under this paragraph, the state is liable to the obligor for  
11 the amount of the overpayment, plus interest at the rate imposed under AS 43.05.225,  
12 and a person or an Alaska Native family assistance program to whom the agency  
13 erroneously disbursed the overpayment is liable to the state for the amount disbursed,  
14 plus interest at the rate imposed under AS 43.05.225;

15 (2) not being enforced by the agency, the obligor shall file a motion  
16 in court requesting termination of the withholding order and serve the motion on the  
17 obligee; the court shall enter an order terminating the withholding order if the court  
18 determines that the support order has been satisfied; the obligor may deliver a copy  
19 of the termination order to persons who were served with the income withholding  
20 order; when a termination order is entered, the obligee shall, upon request of the  
21 obligor, notify the obligor of all persons who have been served with the income  
22 withholding order by the obligee.

23 \* Sec. 4. AS 25.27.065(b) is amended to read:

24 (b) When the right to receive child support has been assigned to a  
25 governmental entity or an Alaska Native family assistance program, an agreement  
26 under (a) of this section that has not been adopted as an administrative order of the  
27 agency is not effective during a period when the obligee is receiving assistance under  
28 AS 47.27 or from an Alaska Native family assistance program.

29 \* Sec. 5. AS 25.27.080(b) is amended to read:

30 (b) The agency on behalf of the custodian, [OR] the state, or an Alaska  
31 Native family assistance program shall take all necessary action permitted by law to

1 enforce child support orders so entered, including petitioning the court for orders to  
2 aid in the enforcement of child support.

3 \* Sec. 6. AS 25.27.120(a) is amended to read:

4 (a) An obligor is liable to the state in the amount of assistance granted under  
5 AS 47.07 and AS 47.27, or to an Alaska Native family assistance program in the  
6 amount of the family assistance provided by the program, to a child to whom the  
7 obligor owes a duty of support except that, if a support order has been entered, the  
8 liability of the obligor for assistance granted under AS 47.27 or provided by an  
9 Alaska Native family assistance program may not exceed the amount of support  
10 provided for in the support order, and, if a medical order of support has been entered,  
11 the liability of the obligor for assistance granted under AS 47.07 may not exceed the  
12 amount of support provided for in the medical order of support.

13 \* Sec. 7. AS 25.27.120(c) is amended to read:

14 (c) Within 30 days after the agency knows the identity and address of an  
15 obligor who resides in the state and who is liable to the state or an Alaska Native  
16 family assistance program under this section, the agency shall send written  
17 notification by certified mail to the obligor and the obligee of the obligor's accruing  
18 liability and that the obligor shall make child support payments to the agency. The  
19 notice required under this subsection must be in clear, concise, and easily readable  
20 language. The notice may accompany other communications by the agency.

21 \* Sec. 8. AS 25.27.120(d) is amended to read:

22 (d) If the agency fails to comply with (c) of this section, interest does not  
23 accrue on the liability to the state or an Alaska Native family assistance program  
24 unless a support order or medical support order, as applicable, has been entered.

25 \* Sec. 9. AS 25.27.130(a) is amended to read:

26 (a) If the obligor is liable to the state or an Alaska Native family assistance  
27 program under AS 25.27.120(a) or (b), the state is subrogated to the rights of the  
28 obligee to

29 (1) bring an action in the superior court seeking an order of support;

30 (2) proceed under AS 25.27.160 - 25.27.270 to establish a duty of

31 support; or

1 (3) enforce by execution, in accordance with AS 25.27.230 - 25.27.270,  
2 or otherwise, a support order entered in favor of the obligee.

3 \* Sec. 10. AS 25.27.130(c) is amended to read:

4 (c) The recovery of any amount for which the obligor is liable that exceeds the  
5 total assistance granted under AS 47.07 and AS 47.27 or under an Alaska Native  
6 family assistance program shall be paid to the obligee.

7 \* Sec. 11. AS 25.27.130(d) is amended to read:

8 (d) Except as provided in (f) of this section, if the obligee is not receiving  
9 assistance under AS 47.07 or AS 47.27 or under an Alaska Native family assistance  
10 program at the time the state recovers money in an action under this section, the  
11 recovery of any amount for which the obligor is liable shall be distributed to the  
12 obligee for support payments, including medical support payments, that have become  
13 due and unpaid since the termination of assistance under AS 47.07, [OR] AS 47.27,  
14 or an Alaska Native family assistance program under a support order in favor of the  
15 obligee.

16 \* Sec. 12. AS 25.27.130(e) is amended to read:

17 (e) After payment to the obligee under (d) of this section, the state may retain  
18 an amount not to exceed the total unreimbursed assistance paid on behalf of the  
19 obligee under AS 47.07, [OR] AS 47.27, or an Alaska Native family assistance  
20 program.

21 \* Sec. 13. AS 25.27.140(a) is amended to read:

22 (a) If a [NO] support order has not been entered, the agency may establish  
23 paternity and a duty of support using [UTILIZING] the procedures prescribed in  
24 AS 25.27.160 - 25.27.220 and may enforce a duty of support using [UTILIZING] the  
25 procedure prescribed in AS 25.27.230 - 25.27.270. Action under this subsection may  
26 be undertaken upon application of an obligee, or at the agency's own discretion if the  
27 obligor is liable to the state or an Alaska Native family assistance program under  
28 AS 25.27.120(a) or (b).

29 \* Sec. 14. AS 25.27.165(a) is amended to read:

30 (a) Upon application from a mother, custodian, putative father, or legal  
31 custodian of a child, or from a state or an Alaska Native family assistance program,

1 the agency may institute administrative proceedings to determine the paternity of a  
2 child born out of wedlock.

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

4 (i) The agency may recover any costs it pays for genetic tests required by this  
5 section from the putative father unless the testing establishes that the individual is not  
6 the father, except that costs may not be recovered from a person who is a recipient of  
7 assistance under AS 47.27 (Alaska temporary assistance program) or an Alaska  
8 Native family assistance program.

9 \* Sec. 16. AS 25.27.170(e) is amended to read:

10 (e) The hearing officer shall consider the following in making a determination  
11 under (d) of this section:

12 (1) the needs of the alleged obligee, disregarding the income or assets  
13 of the custodian of the alleged obligee;

14 (2) the amount of the alleged obligor's liability to the state or an  
15 Alaska Native family assistance program under AS 25.27.120 if any;

16 (3) the intent of the legislature that children be supported as much as  
17 possible by their natural parents;

18 (4) the ability of the alleged obligor to pay.

19 \* Sec. 17. AS 25.27.180(b) is amended to read:

20 (b) Liability to the state or an Alaska Native family assistance program  
21 under AS 25.27.120 is limited to the amount for which the obligor is found to be  
22 responsible under (a) of this section.

23 \* Sec. 18. AS 25.27.255(a) is amended to read:

24 (a) The agency shall pay to the obligee all money recovered by the agency  
25 from the obligor under an income withholding order except for court costs and money  
26 assigned to the agency or an Alaska Native family assistance program under  
27 AS 25.27.120 - 25.27.130 or AS 47.27.040. However, if there is more than one  
28 income withholding order under this chapter against an obligor, the agency shall  
29 allocate amounts available for withholding in a manner that gives priority to current  
30 support up to the limits imposed under 15 U.S.C. 1673(b) (sec. 303(b), Consumer  
31 Credit Protection Act). Notwithstanding the priority given to current support, the

1 agency shall establish procedures for allocation of support among obligees so that in  
2 no case will the allocation result in a withholding order for one obligee not being  
3 implemented.

4 \* **Sec. 19.** AS 36.30.850(b) is amended by adding a new paragraph to read:

5 (42) contracts awarded under AS 47.27.072 for state public assistance  
6 provided under a regional public assistance program.

7 \* **Sec. 20.** AS 47.27.005 is amended to read:

8 **Sec. 47.27.005. Duties of the department.** The department shall

9 (1) administer the Alaska temporary assistance program by providing  
10 assistance with basic living expenses and self-sufficiency services to needy children  
11 and their families under this chapter **and, if appropriate, by establishing regional**  
12 **public assistance programs to provide effectively for varying economic conditions**  
13 **in regions of the state designated by the department;**

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

17 (3) prepare, submit to the federal government, and amend, if necessary,  
18 a state plan designed to **ensure** [ASSURE] that federal money is available to the state  
19 for the operation of the program set out in this chapter to provide assistance for basic  
20 living expenses and self-sufficiency services to needy children and their families  
21 consistent with the state objectives identified in (2) of this **subsection** [SECTION];

22 (4) adopt methods of program administration to ensure consistency with  
23 the federal requirements under a successor federal program that replaces the aid to  
24 families with dependent children program;

25 (5) make reports **regarding the program** to the federal government as  
26 required under **federal law** [ANY SUCCESSOR FEDERAL PROGRAM THAT  
27 REPLACES THE AID TO FAMILIES WITH DEPENDENT CHILDREN  
28 PROGRAM], in the form and containing the information required, and comply with  
29 the provisions that the federal government determines are necessary to ensure correct  
30 and verifiable information on the program;

31 (6) provide to the legislature an annual executive summary of the

1 information required to be reported to the federal government under (5) of this  
2 subsection [SECTION];

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

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

7 \* Sec. 21. AS 47.27.005 is amended by adding a new subsection to read:

8 (b) In implementing its duties under (a) of this section, the department may  
9 adopt program standards that vary by region in the state in order to incorporate the  
10 standards of an Alaska Native family assistance plan into a regional plan. The  
11 program standards adopted under this subsection need not contain all of the  
12 requirements of this chapter if they meet the standards set out in AS 47.27.072 and  
13 contain the program elements set out in AS 47.27.071.

14 \* Sec. 22. AS 47.27.040 is amended by adding new subsections to read:

15 (d) A participant in an Alaska Native family assistance program shall assign  
16 to the Alaska Native family assistance program, unless the program has elected to  
17 require assignment to the state under AS 47.27.071(f), all rights to ongoing child  
18 support that accrues after the effective date of the assignment for the support of the  
19 individuals in the family for whom assistance is provided, but not to exceed the total  
20 amount of assistance paid by the Alaska Native family assistance program to the  
21 family. The assignment takes effect when information required under (f) of this  
22 section is provided to the child support enforcement agency of the Department of  
23 Revenue, following the determination of eligibility. Except with respect to any unpaid  
24 support that accrued under the assignment, the assignment terminates when the family  
25 ceases to participate in the Alaska Native family assistance program. All assignments  
26 to an Alaska Native family assistance program of unpaid child support obligations  
27 transfer to the state upon the termination of an Alaska Native family assistance  
28 program.

29 (e) An Alaska Native family assistance program participant shall cooperate  
30 with the child support enforcement agency of the Department of Revenue in the  
31 manner described in (b) of this section in establishing paternity or establishing,

1 modifying, or enforcing a child support order requiring the payment of support by the  
2 noncustodial parent for a dependent child for whom assistance is received. The child  
3 support enforcement agency shall inform the Alaska Native family assistance program  
4 if it determines that the participant is not in good faith compliance with the  
5 requirements of (b) of this section. The Alaska Native family assistance program shall  
6 determine whether the participant has good cause for refusing to cooperate.

7 (f) An Alaska Native family assistance program that receives assignments of  
8 ongoing child support must provide public assistance information concerning those  
9 assignments to the child support enforcement agency of the Department of Revenue  
10 in a timely manner in order to establish a valid assignment. The information must be  
11 provided by electronic means and in a format acceptable to the child support  
12 enforcement agency. For the purposes of this subsection, "timely manner" means  
13 within the time constraints established for child support agency distributions under  
14 federal law.

15 \* Sec. 23. AS 47.27 is amended by adding new sections to read:

16 **Sec. 47.27.071. Alaska Native family assistance grants.** (a) Notwithstanding  
17 a contrary provision of this chapter and in addition to grants awarded under  
18 AS 47.27.050, the department may award and administer Alaska Native family  
19 assistance grants in accordance with this section to Alaska Native organizations that  
20 meet the requirements of AS 47.27.070. Only an organization that received approval  
21 for, and has agreed to operate, a federally approved tribal family assistance plan in this  
22 state is eligible to receive a grant under this section. An organization that receives a  
23 grant under this section shall operate the plan approved under this section on a state  
24 fiscal year basis.

25 (b) If an organization intends to apply for a grant under this section, the  
26 organization shall first submit to the department a letter of intent along with a copy  
27 of the proposed federal tribal family assistance plan that will be submitted to the  
28 federal government for approval. The organization shall make its submission to the  
29 department at least six months before the proposed effective date of the federal tribal  
30 family assistance plan. The department shall review the submission and notify the  
31 organization of significant deficiencies that would make the organization ineligible to

1 be considered for an Alaska Native family assistance grant even if federal approval is  
2 received without significant changes to the federal tribal family assistance plan and  
3 federal grant money is awarded for implementation of that plan. The organization may  
4 make a supplemental submission to the department to resolve deficiencies noted by the  
5 department. If, after departmental review and supplemental revision, an organization's  
6 plan remains eligible for consideration for a grant award under this section, the  
7 department shall notify the organization that the organization may submit a proposal  
8 for a grant award after the organization has received notice of federal approval of the  
9 federal tribal family assistance plan and the pending award of federal grant money.  
10 The commissioner may waive the time deadline specified in this subsection if the  
11 commissioner

12 (1) enters into a joint planning agreement between the department and  
13 the organization; or

14 (2) finds good cause and the waiver is in the state's best interest.

15 (c) If the department awards a grant under this section, the grant shall be in  
16 an amount that

17 (1) for the first fiscal year under the plan accepted by the department,  
18 represents a fair and equitable portion of the state appropriations for the state public  
19 assistance program administered under this chapter intended to serve the state residents  
20 who will be served by the plan; and

21 (2) for the second and subsequent state fiscal years under the plan  
22 accepted by the department, represents a fair and equitable portion of state  
23 appropriations made for public assistance programs that is allocated for Alaska Native  
24 family assistance grants to be awarded under this section in order to serve the state  
25 residents who will be served by the plan; if the money is not allocated for these grants,  
26 the amounts shall be made in the same manner as described in (1) of this subsection.

27 (d) For an organization to be eligible to be awarded a grant under this section,  
28 the organization's proposal must include

29 (1) documentation that the organization

30 (A) has received federal approval of its federal tribal family  
31 assistance plan to operate a tribal assistance program in this state; and

1 (B) will receive a grant directly from the federal government to  
2 implement the federal tribal family assistance plan;

3 (2) a plan for operation of the Alaska Native family assistance grant  
4 that meets the requirements of (e) of this section; and

5 (3) if the commissioner determines that a federally approved tribal  
6 family assistance plan would be a cost-effective and efficient means of administering  
7 the program established in this chapter in that region of the state and the needs of state  
8 public assistance recipients receiving assistance under this chapter can be met through  
9 a contract awarded under AS 47.27.072, the organization's agreement to enter into a  
10 contract with the department to provide state public assistance to those eligible state  
11 residents in the region who are not included in the population to be served by the  
12 federally approved tribal family assistance plan.

13 (e) An organization's plan for operation of the Alaska Native family assistance  
14 grant must

15 (1) be designed to facilitate self-sufficiency of assistance recipients in  
16 the region specified in the federally approved tribal family assistance plan by  
17 addressing the conditions specific to that region;

18 (2) provide for a reasonable pattern of service delivery from all  
19 providers serving that region;

20 (3) serve a specified region that consists of a geographically cohesive  
21 group of communities that share similar interests, resources, and traditions; and

22 (4) provide for administration of the grant money received under this  
23 section to establish a program in accordance with the plan accepted by the department  
24 and in compliance with other requirements of this section; the program must include  
25 the following standards for providing assistance to eligible families:

26 (A) only families with at least one dependent child or a woman  
27 in the last trimester of pregnancy are eligible for assistance paid from an  
28 Alaska Native family assistance grant;

29 (B) amounts for assistance provided from an Alaska Native  
30 family assistance grant to eligible families may not exceed the amounts  
31 specified under AS 47.27.025(b) when combined with assistance provided

1 under the federally approved tribal family assistance grant;

2 (C) to remain eligible for assistance paid from an Alaska Native  
3 family assistance grant, a minor parent of a dependent child must meet the  
4 requirements of AS 47.27.027;

5 (D) families receiving assistance paid from an Alaska Native  
6 family assistance grant shall comply with the provisions of AS 47.27.035(a)  
7 regarding participation in work activities;

8 (E) families receiving assistance paid from Alaska Native family  
9 assistance grant money shall comply with the provisions of AS 47.27.040  
10 regarding assignment of support rights and cooperation with the child support  
11 enforcement agency of the Department of Revenue;

12 (F) the organization has an impartial appeals process to allow  
13 for affected families in the region of the state covered by the plan accepted by  
14 the department to have a fair hearing.

15 (f) The department may award a grant under this section only if the department  
16 determines that the proposal, including a plan for operation of the grant, meets the  
17 criteria specified in (d) and (e) of this section and that an award of the grant to the  
18 organization would be in the public interest. The grant agreement must state that the  
19 Alaska Native family assistance program will require all program participants to assign  
20 child support rights to the Alaska Native family assistance program under  
21 AS 47.27.040, unless the Alaska Native organization elects to require participants to  
22 assign those child support rights to the state. The department may not distribute grant  
23 money until a grant agreement between the organization and the department is  
24 executed that meets the requirements of this section.

25 (g) Records pertaining to recipients of assistance from an Alaska Native family  
26 assistance grant awarded under this section are confidential public assistance records  
27 under AS 47.05.020 and regulations adopted under AS 47.05.020. Use and misuse of  
28 these records are subject to the provisions of AS 47.05.030. It is an official purpose  
29 under AS 47.05.020 for an organization receiving a grant under this section and the  
30 department or another agency of the state to exchange information concerning  
31 recipients of assistance under this section if the information requested is for purposes

1 directly connected with the administration of a grant under this section.

2 (h) An organization receiving a grant under this section shall provide to the  
3 department a copy of its quarterly report made under 42 U.S.C. 611. The organization  
4 shall have its financial records audited annually by a certified public accountant  
5 authorized to practice under AS 08.04. The department may prescribe the form and  
6 specify the information required to document compliance with this section.

7 (i) If an organization wishes to terminate its program before the end of the  
8 time period for which the grant was awarded under this section, the organization must  
9 obtain the consent of the department or provide notice to the department 120 days  
10 before the anticipated date of termination. At the end of a grant agreement or by early  
11 termination under this section, the organization shall provide an inventory of property  
12 valued at \$1,000 or over and purchased, in whole or in part, with grant money awarded  
13 under this section. The department shall notify the organization of the required  
14 disposition of the property listed on the inventory.

15 (j) If the department awards a grant under this section, a person applying for  
16 assistance under this chapter who is covered by the federally approved tribal family  
17 assistance plan in that region of the state may obtain assistance from the department  
18 only through the organization designated by the department to serve the region. A  
19 person aggrieved by a decision made by an organization under a grant awarded under  
20 this section may use the appeal procedure specified in AS 47.27.072(e).

21 **Sec. 47.27.072. Regional public assistance programs and contracts.** (a) To  
22 implement AS 47.27.005(b), the department may develop a regional public assistance  
23 program for the administration of this chapter in order to provide state public  
24 assistance in a uniform and cost-effective manner in a region of this state if an Alaska  
25 Native organization is authorized to implement a federally approved tribal family  
26 assistance plan in the region and has been awarded an Alaska Native family assistance  
27 grant for a program in that region for the applicable fiscal year under AS 47.27.071.  
28 The regional public assistance program developed under this section must be designed  
29 to serve eligible state residents in the region who are not covered by a federally  
30 approved tribal family assistance program in that region.

31 (b) The department may award contracts to implement a program developed

1 under (a) of this section. A contract authorized for delivery of state public assistance  
2 under a regional public assistance program under this section is exempt from the  
3 competitive bid requirements of AS 36.30 (State Procurement Code). Subject to  
4 appropriation, a contract under this section must be in an amount that represents a fair  
5 and equitable share of the money appropriated to serve the state residents specified in  
6 (a) of this section. This section provides additional authority to contract to that  
7 available under AS 47.05.015 or other law.

8 (c) The department may award a contract under this section only to an  
9 organization that

10 (1) has been awarded an Alaska Native family assistance grant for a  
11 program in that region under AS 47.27.071;

12 (2) agrees to administer state public assistance under this chapter to  
13 state residents in the region who are not served by the Alaska Native family assistance  
14 grant awarded under AS 47.27.071;

15 (3) agrees to provide state public assistance identical to that provided  
16 under the federally approved tribal family assistance plan for which Alaska Native  
17 family assistance grant money has been awarded under AS 47.27.071; and

18 (4) agrees to implement an appeals process as described in (e) of this  
19 section.

20 (d) Records pertaining to recipients of state public assistance under a contract  
21 awarded under this section have the same confidential protections as are provided to  
22 recipients of assistance from Alaska Native family assistance grants under  
23 AS 47.27.071.

24 (e) An organization that receives a contract under this section shall provide an  
25 appeals process to applicants for or recipients of state public assistance covered by the  
26 contract awarded under this section. The appeals process must be the same as the  
27 method available under the federally approved tribal family assistance plan, except that  
28 the decision reached will be considered as a recommended decision to the department.  
29 Within 30 days after receiving a recommended decision, the department shall review  
30 the recommended decision and issue a decision accepting or rejecting the  
31 recommended decision. If the department rejects the recommended decision, the

1 department shall independently review the record and issue its final decision. The  
2 final decision of the department on the matter is appealable to the courts of this state.

3 (f) If the department establishes a regional public assistance program and  
4 awards a contract to provide state public assistance under this section, a person  
5 applying for state public assistance under this chapter in the region of the state covered  
6 by the regional public assistance program may obtain state public assistance from the  
7 department only through the organization designated by the department to serve the  
8 region.

9 \* **Sec. 24.** AS 47.27.900 is amended by adding a new paragraph to read:

10 (10) "federally approved tribal family assistance plan" means a plan  
11 that meets the requirements of 42 U.S.C. 612 and has been approved for financing  
12 through a tribal family assistance grant directly from the United States Department of  
13 Health and Human Services.

14 \* **Sec. 25.** The uncodified law of the State of Alaska is amended by adding a new section  
15 to read:

16 **APPLICABILITY.** This Act does not apply to the provisions of an existing Alaska  
17 Native family assistance grant agreement in effect on the effective date of this Act until the  
18 earliest of the following occurs:

19 (1) the grant agreement expires;

20 (2) the grant agreement is terminated;

21 (3) a substantial modification is made to the grant agreement; routine technical  
22 amendments to an existing Alaska Native family assistance grant agreement in effect on the  
23 effective date of this Act do not constitute a substantial modification for purposes of this  
24 paragraph.

25 \* **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section  
26 to read:

27 **INSTRUCTION TO REVISOR.** Notwithstanding sec. 148(c), ch. 87, SLA 1997, and  
28 secs. 53 - 54, ch. 132, SLA 1998, the new language added by the amendments made to  
29 AS 25.27.120(c), and 25.27.165(a) and (i) by secs. 7, 14, and 15 of this Act shall be retained  
30 if sec. 148(c), ch. 87, SLA 1997, and secs. 53 and 54, ch. 132, SLA 1998, take effect.

31 \* **Sec. 27.** This Act takes effect January 1, 2001.

# LEGAL SERVICES

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## MEMORANDUM

February 16, 2000

**SUBJECT:** Alaska Native Family Assistance Programs/Child Support  
(Amendment 1 -GH1011\D.1)

**TO:** Representative Fred Dyson  
Attn: Wes Keller

**FROM:** Terri Lauterbach  
Legislative Counsel *Terri Lauterbach*

Enclosed is the amendment you requested for CSHB 98(CRA). The amendment is based on language you submitted, adapted to proper drafting style.

Under the bill, the state may give grants to Alaska Native family assistance programs (ANFAP's) that have been approved by the federal government to operate welfare programs for their tribal members. Under the amendment, these grantees are required to obtain an assignment of child support from assistance recipients; the grantee may require that the assignment be either to the ANFAP or to the State of Alaska. Regardless of which way the assignment runs, the amendment authorizes the child support enforcement agency to establish, modify, and enforce a child support order on behalf of the ANFAP assistance recipient. Child support recovered by the state on behalf of the ANFAP assistance recipient is returned to the Alaska Native family assistance program (unless the right to child support was assigned to the state).

A few preliminary observations:

I do not see anything in the amendment that would give the state any share of the child support recovered by CSED on behalf of an ANFAP assistance recipient, even though the state is providing some of the funds for the Alaska Native family assistance program. This is not necessarily bad; it is just a policy choice probably. It may be too administratively difficult, inefficient, or costly to split up recovered child support between the state and the Alaska Native program. There may or may not be much money at stake to make the split worthwhile.

I do not see anything in the amendment that affects Alaska Native family assistance programs that have been approved by the federal government but that have not chosen to get a state grant under AS 47.27.071. Only state grantees are covered by the enclosed amendment, as I understand it.

Representative Fred Dyson

February 16, 2000

Page 2

The language in the sec. 12 that would be added by the amendment looks a little too discretionary or vague to me. That is, it says that if the person to whom child support is supposed to be paid is no longer on welfare when CSED recovers some child support, the state first pays the money to that person to cover the time since leaving welfare and then "may" either retain the rest of the money for the state or pay it to the Alaska Native family assistance program if support was assigned to the program. There is no priority established for whether the state gets its share first (assuming the person receiving welfare previously received assistance from the state and then moved into an Alaska Native program) or whether the Alaska Native program gets its share first. Administrative and litigation costs might be avoided if this section were clarified.

I hope these preliminary observations are helpful. Since time constraints applied to my preparation of this amendment, my observations may reflect merely a poor understanding of the language chosen for the amendment by its original author. I recommend that the original author be consulted on these issues. I would be happy to work jointly on clarifications if some are considered necessary.

Please let me know if I can be of further assistance.

TML:pl  
00-052.plm

Enclosure

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 98(CRA)

1 Page 1, line 4, following "programs;":

2 Insert "relating to assignment of child support by Alaska Native family assistance  
3 recipients;"

4 Page 2, following line 12:

5 Insert new bill sections to read:

6 **"\* Sec. 2.** AS 25.27.045 is amended to read:

7 **Sec. 25.27.045. Determination of support obligation.** The agency may  
8 appear in an action seeking an award of support on behalf of a child owed a duty of  
9 support, or to enforce a spousal support order if a spousal support obligation has been  
10 established and if a support obligation, established with respect to a child of that  
11 spouse, is also being administered, and may also appear in an action seeking  
12 modification of a support order, decree, or judgment already entered. Action under  
13 this section may be undertaken upon application of an obligee, or at the agency's own  
14 discretion if the obligor is liable to the state or an Alaska Native family assistance  
15 program under AS 25.27.120(a) or (b).

16 **\* Sec. 3.** AS 25.27.062(l) is amended to read:

17 (l) Unless modified or terminated by the agency or the court, an order to  
18 withhold income under this chapter remains in effect, except as provided in (k) of this  
19 section, until the support order is satisfied. The agency or court may not terminate  
20 or modify an income withholding order solely on the ground that the obligor has paid  
21 all arrearages. Upon satisfaction of a support order, if the order is

22 (1) being enforced by the agency, the agency shall, within 15 working  
23 days, notify all persons served by the agency with the income withholding order that  
24 withholding is no longer required; if the agency receives money from an obligor under

1 an income withholding order after the underlying support order has been satisfied and  
 2 the agency was enforcing the support order at the time it became satisfied, the agency  
 3 shall immediately return the overpayment to the obligor; if the agency fails to return  
 4 an overpayment as required under this paragraph, the state is liable to the obligor for  
 5 the amount of the overpayment, plus interest at the rate imposed under AS 43.05.225,  
 6 and a person or an Alaska Native family assistance program to whom the agency  
 7 erroneously disbursed the overpayment is liable to the state for the amount disbursed,  
 8 plus interest at the rate imposed under AS 43.05.225;

9 (2) not being enforced by the agency, the obligor shall file a motion  
 10 in court requesting termination of the withholding order and serve the motion on the  
 11 obligee; the court shall enter an order terminating the withholding order if the court  
 12 determines that the support order has been satisfied; the obligor may deliver a copy  
 13 of the termination order to persons who were served with the income withholding  
 14 order; when a termination order is entered, the obligee shall, upon request of the  
 15 obligor, notify the obligor of all persons who have been served with the income  
 16 withholding order by the obligee.

17 \* **Sec. 4.** AS 25.27.065(b) is amended to read:

18 (b) When the right to receive child support has been assigned to a  
 19 governmental entity or an Alaska Native family assistance program, an agreement  
 20 under (a) of this section that has not been adopted as an administrative order of the  
 21 agency is not effective during a period when the obligee is receiving assistance under  
 22 AS 47.27 or from an Alaska Native family assistance program.

23 \* **Sec. 5.** AS 25.27.080(b) is amended to read:

24 (b) The agency on behalf of the custodian, [OR] the state, or an Alaska  
 25 Native family assistance program shall take all necessary action permitted by law  
 26 to enforce child support orders so entered, including petitioning the court for orders  
 27 to aid in the enforcement of child support.

28 \* **Sec. 6.** AS 25.27.120(a) is amended to read:

29 (a) An obligor is liable to the state in the amount of assistance granted under  
 30 AS 47.07 and AS 47.27, or to an Alaska Native family assistance program that  
 31 receives a state grant under AS 47.27.071 in the amount of the family assistance  
 32 provided by the program, to a child to whom the obligor owes a duty of support

1       except that, if a support order has been entered, the liability of the obligor for  
 2       assistance granted under AS 47.27 or provided by an Alaska Native family  
 3       assistance program that is receiving a state grant under AS 47.27.071 may not  
 4       exceed the amount of support provided for in the support order, and, if a medical  
 5       order of support has been entered, the liability of the obligor for assistance granted  
 6       under AS 47.07 may not exceed the amount of support provided for in the medical  
 7       order of support.

8       \* **Sec. 7.** AS 25.27.120(c) is amended to read:

9               (c) Within 30 days after the agency knows the identity and address of an  
 10       obligor who resides in the state and who is liable to the state or an Alaska Native  
 11       family assistance program under this section, the agency shall send written  
 12       notification by certified mail to the obligor and the obligee of the obligor's accruing  
 13       liability and that the obligor shall make child support payments to the agency. The  
 14       notice required under this subsection must be in clear, concise, and easily readable  
 15       language. The notice may accompany other communications by the agency.

16       \* **Sec. 8.** AS 25.27.120(d) is amended to read:

17               (d) If the agency fails to comply with (c) of this section, interest does not  
 18       accrue on the liability to the state or an Alaska Native family assistance program  
 19       unless a support order or medical support order, as applicable, has been entered.

20       \* **Sec. 9.** AS 25.27.130(a) is amended to read:

21               (a) If the obligor is liable to the state or an Alaska Native family assistance  
 22       program under AS 25.27.120(a) or (b), the state is subrogated to the rights of the  
 23       obligee to

24                       (1) bring an action in the superior court seeking an order of support;

25                       (2) proceed under AS 25.27.160 - 25.27.270 to establish a duty of  
 26       support; or

27                       (3) enforce by execution, in accordance with AS 25.27.230 -  
 28       25.27.270, or otherwise, a support order entered in favor of the obligee.

29       \* **Sec. 10.** AS 25.27.130(c) is amended to read:

30               (c) The recovery of any amount for which the obligor is liable that exceeds  
 31       the total assistance granted under AS 47.07 and AS 47.27 or under an Alaska Native  
 32       family assistance program shall be paid to the obligee.

1 \* **Sec. 11.** AS 25.27.130(d) is amended to read:

2 (d) Except as provided in (f) of this section, if the obligee is not receiving  
3 assistance under AS 47.07 or AS 47.27 or under an Alaska Native family assistance  
4 program at the time the state recovers money in an action under this section, the  
5 recovery of any amount for which the obligor is liable shall be distributed to the  
6 obligee for support payments, including medical support payments, that have become  
7 due and unpaid since the termination of assistance under AS 47.07, [OR] AS 47.27,  
8 or an Alaska Native family assistance program under a support order in favor of  
9 the obligee.

10 \* **Sec. 12.** AS 25.27.130(e) is amended to read:

11 (e) After payment to the obligee under (d) of this section, the state may retain  
12 or pay to the Alaska Native family assistance program to which support has been  
13 assigned an amount not to exceed the total unreimbursed assistance paid on behalf  
14 of the obligee under AS 47.07, [OR] AS 47.27, or an Alaska Native family  
15 assistance program.

16 \* **Sec. 13.** AS 25.27.140(a) is amended to read:

17 (a) If a [NO] support order has not been entered, the agency may establish  
18 paternity and a duty of support using [UTILIZING] the procedures prescribed in  
19 AS 25.27.160 - 25.27.220 and may enforce a duty of support using [UTILIZING] the  
20 procedure prescribed in AS 25.27.230 - 25.27.270. Action under this subsection may  
21 be undertaken upon application of an obligee, or at the agency's own discretion if the  
22 obligor is liable to the state or an Alaska Native family assistance program under  
23 AS 25.27.120(a) or (b).

24 \* **Sec. 14.** AS 25.27.165(a) is amended to read:

25 (a) Upon application from a mother, custodian, putative father, or legal  
26 custodian of a child, or from a state or an Alaska Native family assistance  
27 program, the agency may institute administrative proceedings to determine the  
28 paternity of a child born out of wedlock.

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

30 (i) The agency may recover any costs it pays for genetic tests required by this  
31 section from the putative father unless the testing establishes that the individual is not  
32 the father, except that costs may not be recovered from a person who is a recipient

1 of assistance under AS 47.27 (Alaska temporary assistance program) or an Alaska  
2 Native family assistance program.

3 \* **Sec. 16.** AS 25.27.170(e) is amended to read:

4 (e) The hearing officer shall consider the following in making a determination  
5 under (d) of this section:

6 (1) the needs of the alleged obligee, disregarding the income or assets  
7 of the custodian of the alleged obligee;

8 (2) the amount of the alleged obligor's liability to the state or an  
9 Alaska Native family assistance program under AS 25.27.120 if any;

10 (3) the intent of the legislature that children be supported as much as  
11 possible by their natural parents;

12 (4) the ability of the alleged obligor to pay.

13 \* **Sec. 17.** AS 25.27.180(b) is amended to read:

14 (b) Liability to the state or an Alaska Native family assistance program  
15 under AS 25.27.120 is limited to the amount for which the obligor is found to be  
16 responsible under (a) of this section.

17 \* **Sec. 18.** AS 25.27.255(a) is amended to read:

18 (a) The agency shall pay to the obligee all money recovered by the agency  
19 from the obligor under an income withholding order except for court costs and money  
20 assigned to the agency under AS 25.27.120 - 25.27.130 or to an Alaska Native  
21 family assistance program under AS 47.27.040. However, if there is more than one  
22 income withholding order under this chapter against an obligor, the agency shall  
23 allocate amounts available for withholding in a manner that gives priority to current  
24 support up to the limits imposed under 15 U.S.C. 1673(b) (sec. 303(b), Consumer  
25 Credit Protection Act). Notwithstanding the priority given to current support, the  
26 agency shall establish procedures for allocation of support among obligees so that in  
27 no case will the allocation result in a withholding order for one obligee not being  
28 implemented."

29 Renumber the following bill sections accordingly.

30 Page 3, following line 22:

1           Insert a new bill section to read:

2       **\*\* Sec. 22.** AS 47.27.040 is amended by adding new subsections to read:

3           (d) A participant in an Alaska Native family assistance program that is  
4           receiving a state grant under AS 47.27.071 shall assign to the Alaska Native family  
5           assistance program, unless the program has elected to require assignment to the state  
6           under AS 47.27.071(f), all rights to ongoing child support that accrues after the  
7           effective date of the assignment for the support of the individuals in the family for  
8           whom assistance is provided, but not to exceed the total amount of assistance paid by  
9           the Alaska Native family assistance program to the family. The assignment takes  
10          effect when information required under (f) of this section is provided to the child  
11          support enforcement agency of the Department of Revenue, following the  
12          determination of eligibility. Except with respect to any unpaid support that accrued  
13          under the assignment, the assignment terminates when the family ceases to participate  
14          in the Alaska Native family assistance program. All assignments to an Alaska Native  
15          family assistance program of unpaid child support obligations transfer to the state  
16          upon the termination of an Alaska Native family assistance program.

17          (e) An Alaska Native family assistance program participant shall cooperate  
18          with the child support enforcement agency of the Department of Revenue in the  
19          manner described in (b) of this section in establishing paternity or establishing,  
20          modifying, or enforcing a child support order requiring the payment of support by the  
21          noncustodial parent for a dependent child for whom assistance is received. The child  
22          support enforcement agency shall inform the Alaska Native family assistance program  
23          if it determines that the participant is not in good faith compliance with the  
24          requirements of (b) of this section. The Alaska Native family assistance program  
25          shall determine whether the participant has good cause for refusing to cooperate.

26          (f) An Alaska Native family assistance program that receives assignments of  
27          ongoing child support must provide public assistance information concerning those  
28          assignments to the child support enforcement agency of the Department of Revenue  
29          in a timely manner in order to establish a valid assignment. The information must be  
30          provided by electronic means and in a format acceptable to the child support  
31          enforcement agency. For the purposes of this subsection, "timely manner" means  
32          within the time constraints established for child support agency distributions under

1 federal law."

2 Renumber the following bill sections accordingly.

3 Page 6, line 26, following "interest.":

4 Insert "The grant agreement must state that the Alaska Native family assistance  
5 program will require all program participants to assign child support rights to the Alaska  
6 Native family assistance program under AS 47.27.040, unless the Alaska Native organization  
7 elects to require participants to assign those child support rights to the state."

8 Page 9, following line 25:

9 Insert a new bill section to read:

10 "\* Sec. 26. The uncodified law of the State of Alaska is amended by adding a new section  
11 to read:

12 INSTRUCTION TO REVISOR. Notwithstanding sec. 148(c), ch. 87, SLA 1997, and  
13 secs. 53 - 54, ch. 132, SLA 1998, the new language added by the amendments made to  
14 AS 25.27.120(c), and 25.27.165(a) and (i) by secs. 7, 14, and 15 of this Act shall be retained  
15 if sec. 148(c), ch. 87, SLA 1997, and secs. 53 and 54, ch. 132, SLA 1998, take effect."

16 Renumber the following bill section accordingly.

17 Page 9, line 26:

18 Delete "immediately under AS 01.10.070(c)"

19 Insert "January 1, 2001"

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

Senate Community & Regional Affairs Committee, March 8, 1999, 1:35 p.m.

TONY KNOWLES  
GOVERNOR



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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 18, 1998

The Honorable Brian Porter  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

*Brian*  
Dear Speaker Porter:

The bill I transmit today continues Alaska's efforts to implement effective and responsible welfare reform, particularly in rural areas. This bill builds on the provision in federal welfare reform law that allows regional non-profit Native corporations to develop and implement independent welfare programs promoting local responsibility for program success by tying program assistance to local economic and social conditions. Under this bill, the Department of Health and Social Services (DHSS) will be able to award grants to regional Native organizations operating tribal family assistance plans that differ from the Alaska Temporary Assistance Program plan because they are designed to meet regional circumstances.

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 provided that specifically named Alaska Native organizations could propose to operate tribal temporary assistance plans, independent of the state plan, to serve the Alaska Native and Indian populations within a specific geographical region. A state- and federally-approved tribal family assistance plan will receive, directly from the federal government, a portion of Alaska's allocation of the Temporary Assistance for Needy Families block grant money. The federal money, however, is only about half of the money that has historically been appropriated to serve this population. This bill establishes clear statutory standards under which the state would provide grants to Alaska Native organizations with federally-approved tribal plans that differ from the state's plan.

As of October 1, 1998, Tanana Chief's Conference, Inc. (TCC) received approval from the federal government to operate its own tribal temporary assistance program for needy families. The DHSS developed a plan with TCC to serve tribal program recipients.

Governor

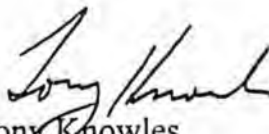
The Honorable Brian Porter  
February 18, 1999  
Page 2

Under current state law, however, the program must be identical to the state's temporary assistance program. As a consequence, the state loses the opportunity to shape regional programs to meet regional conditions. This bill will make it possible for regional programs to be designed to specifically address local circumstances.

Regional tribal plans are expected to be custom designed to meet the economic conditions and needs of the region. This bill also would allow the DHSS to adopt a regional plan for non-tribal members if such a plan appears more suitable to address regional conditions. Therefore, program standards under a regional plan could differ from some otherwise generally applicable standards of the state's plan, but would always contain specifically identified program elements.

This bill will contribute to making our public assistance programs more effective by considering regional conditions in plan developments. I urge your support of this measure.

Sincerely,

  
Tony Knowles  
Governor

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

Bill Version: HB 98  
(H) Publish Date: 2/19/99

Revision Date/Time (Note if correction): \_\_\_\_\_  
Title: Tribal Family Assistance Programs

Dept. Affected: Health and Social Services  
BRU: Public Assistance  
Component: Tribal Assistance Program  
COMPONENT SERIAL NO. 2336  
See also (SN#): \_\_\_\_\_

Sponsor: Rules Committee  
Requestor: Governor

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ( )						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY1999) cost: \$0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Under federal law, 12 Alaska Native regional non-profits and the village of Metlakatla are authorized to receive federal funds for the administration of tribal family assistance programs. This legislation authorizes the department to grant and contract with Alaska Native regional non-profit organizations for the operation of tribal family assistance programs providing temporary assistance and supportive services to recipients living in regions served by the regional non-profits and the village of Metlakatla. The legislation also provides for the approval of regional public assistance programs, serving both Native and non-Native families, designed to achieve administrative efficiency and cost effectiveness.

Passage of this legislation will have profound impacts both on the delivery of temporary assistance and supportive services to needy Alaskan Natives and others served by regional assistance programs and on general DPA operations. (Continued)

Prepared by: Jim Nordlund  
Division: Public Assistance  
Approved by Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-2680  
Date/Time: 12/29/98 12:34 PM

Date: 1/14/99

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**ANALYSIS (cont.):**

Effects will be felt in various areas of DPA program administration and operation. Fiscal impacts, however, are contingent upon which organizations actually pursue implementation of tribal assistance programs and the approval of regional assistance programs.

A new component has been added to the DPA budget that will accommodate the inclusion of tribal family assistance programs and regional assistance programs in the agency's planning process. In the future, agency budget requests will reflect the financial impact resulting from the development and implementation of these programs.

**Proposed Amendment to  
CSHB 98 (CRA)**

All families who apply for the Alaska Temporary Assistance Program must assign any rights to child support payments to the state. The Child Support Enforcement Division (CSED) collects these payments to offset the cost of the family's public assistance benefits.

Currently, Alaska statute does not allow assignment of child support payments to any entity but the state. This amendment would change the law to add Alaska Native family assistance programs as entities to which child support payments can be assigned. The amendment requires that families who participate in an Alaska Native family assistance program assign any rights to child support payments to that program. The Alaska Native family assistance program must then notify CSED of the assignment. The amendment also clarifies that a participant in an Alaska Native family assistance program must cooperate with CSED in establishing paternity for all children in the family.

deems necessary to produce statistically valid estimates of the performance of State programs funded under this part. The Secretary may develop and implement procedures for verifying the quality of data submitted by the States.

"(2) REPORT ON USE OF FEDERAL FUNDS TO COVER ADMINISTRATIVE COSTS AND OVERHEAD.—The report required by paragraph (1) for a fiscal quarter shall include a statement of the percentage of the funds paid to the State under this part for the quarter that are used to cover administrative costs or overhead.

"(3) REPORT ON STATE EXPENDITURES ON PROGRAMS FOR NEEDY FAMILIES.—The report required by paragraph (1) for a fiscal quarter shall include a statement of the total amount expended by the State during the quarter on programs for needy families.

"(4) REPORT ON NONCUSTODIAL PARENTS PARTICIPATING IN WORK ACTIVITIES.—The report required by paragraph (1) for a fiscal quarter shall include the number of noncustodial parents in the State who participated in work activities (as defined in section 407(d)) during the quarter.

"(5) REPORT ON TRANSITIONAL SERVICES.—The report required by paragraph (1) for a fiscal quarter shall include the total amount expended by the State during the quarter to provide transitional services to a family that has ceased to receive assistance under this part because of employment, along with a description of such services.

"(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to define the data elements with respect to which reports are required by this subsection.

"(b) ANNUAL REPORTS TO THE CONGRESS BY THE SECRETARY.—Not later than 6 months after the end of fiscal year 1997, and each fiscal year thereafter, the Secretary shall transmit to the Congress a report describing—

"(1) whether the States are meeting—

"(A) the participation rates described in section 407(a); and

"(B) the objectives of—

"(i) increasing employment and earnings of needy families, and child support collections; and

"(ii) decreasing out-of-wedlock pregnancies and child poverty;

"(2) the demographic and financial characteristics of families applying for assistance, families receiving assistance, and families that become ineligible to receive assistance;

"(3) the characteristics of each State program funded under this part; and

"(4) the trends in employment and earnings of needy families with minor children living at home.

"SEC. 412. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

"(a) GRANTS FOR INDIAN TRIBES.—

"(1) TRIBAL FAMILY ASSISTANCE GRANT.—

"(A) IN GENERAL.—For each of fiscal years 1997, 1998, 1999, 2000, 2001, and 2002, the Secretary shall pay to each Indian tribe that has an approved tribal family assistance plan a tribal family assistance grant for the fiscal

year in an amount equal to the amount determined under subparagraph (B), and shall reduce the grant payable under section 403(a)(1) to any State in which lies the service area or areas of the Indian tribe by that portion of the amount so determined that is attributable to expenditures by the State.

"(B) AMOUNT DETERMINED.—

"(i) IN GENERAL.—The amount determined under this subparagraph is an amount equal to the total amount of the Federal payments to a State or States under section 403 (as in effect during such fiscal year) for fiscal year 1994 attributable to expenditures (other than child care expenditures) by the State or States under parts A and F (as so in effect) for fiscal year 1994 for Indian families residing in the service area or areas identified by the Indian tribe pursuant to subsection (b)(1)(C) of this section.

"(ii) USE OF STATE SUBMITTED DATA.—

"(I) IN GENERAL.—The Secretary shall use State submitted data to make each determination under clause (i).

"(II) DISAGREEMENT WITH DETERMINATION.—If an Indian tribe or tribal organization disagrees with State submitted data described under subsection (I), the Indian tribe or tribal organization may submit to the Secretary such additional information as may be relevant to making the determination under clause (i) and the Secretary may consider such information before making such determination.

"(2) GRANTS FOR INDIAN TRIBES THAT RECEIVED JOBS FUNDS.—

"(A) IN GENERAL.—The Secretary shall pay to each eligible Indian tribe for each of fiscal years 1997, 1998, 1999, 2000, 2001, and 2002 a grant in an amount equal to the amount received by the Indian tribe in fiscal year 1994 under section 482(i) (as in effect during fiscal year 1994).

"(B) ELIGIBLE INDIAN TRIBE.—For purposes of subparagraph (A), the term 'eligible Indian tribe' means an Indian tribe or Alaska Native organization that conducted a job opportunities and basic skills training program in fiscal year 1995 under section 482(i) (as in effect during fiscal year 1995).

"(C) USE OF GRANT.—Each Indian tribe to which a grant is made under this paragraph shall use the grant for the purpose of operating a program to make work activities available to members of the Indian tribe.

"(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated \$7,638,474 for each fiscal year specified in subparagraph (A) for grants under subparagraph (A).

"(b) 3-YEAR TRIBAL FAMILY ASSISTANCE PLAN.—

"(1) IN GENERAL.—Any Indian tribe that desires to receive a tribal family assistance grant shall submit to the Secretary a 3-year tribal family assistance plan that—

*(S) activities...*

*whichever is later*

**Sec 412**



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*DISPUTES*

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*3yr Plan*

"(A) outlines the Indian tribe's approach to providing welfare-related services for the 3-year period, consistent with this section;

"(B) specifies whether the welfare-related services provided under the plan will be provided by the Indian tribe or through agreements, contracts, or compacts with intertribal consortia, States, or other entities;

"(C) identifies the population and service area or areas to be served by such plan;

"(D) provides that a family receiving assistance under the plan may not receive duplicative assistance from other State or tribal programs funded under this part;

"(E) identifies the employment opportunities in or near the service area or areas of the Indian tribe and the manner in which the Indian tribe will cooperate and participate in enhancing such opportunities for recipients of assistance under the plan consistent with any applicable State standards; and

"(F) applies the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

"(2) APPROVAL.—The Secretary shall approve each tribal family assistance plan submitted in accordance with paragraph (1).

"(3) CONSORTIUM OF TRIBES.—Nothing in this section shall preclude the development and submission of a single tribal family assistance plan by the participating Indian tribes of an intertribal consortium.

"(c) MINIMUM WORK PARTICIPATION REQUIREMENTS AND TIME LIMITS.—The Secretary, with the participation of Indian tribes, shall establish for each Indian tribe receiving a grant under this section minimum work participation requirements, appropriate time limits for receipt of welfare-related services under the grant, and penalties against individuals—

"(1) consistent with the purposes of this section;

"(2) consistent with the economic conditions and resources available to each tribe; and

"(3) similar to comparable provisions in section 407(c).

"(d) EMERGENCY ASSISTANCE.—Nothing in this section shall preclude an Indian tribe from seeking emergency assistance from any Federal loan program or emergency fund.

"(e) ACCOUNTABILITY.—Nothing in this section shall be construed to limit the ability of the Secretary to maintain program funding accountability consistent with—

"(1) generally accepted accounting principles; and

"(2) the requirements of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(f) PENALTIES.—

"(1) Subsections (a)(1), (a)(6), and (b) of section 409, shall apply to an Indian tribe with an approved tribal assistance plan in the same manner as such subsections apply to a State.

"(2) Section 409(a)(3) shall apply to an Indian tribe with an approved tribal assistance plan by substituting 'meet minimum work participation requirements established under section 412(c)' for 'comply with section 407(a)'.

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1) (c)(6), (b)  
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"(g) DATA COLLECTION AND REPORTING.—Section 411 shall apply to an Indian tribe with an approved tribal family assistance plan.

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"(h) SPECIAL RULE FOR INDIAN TRIBES IN ALASKA.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, and except as provided in paragraph (2), an Indian tribe in the State of Alaska that receives a tribal family assistance grant under this section shall use the grant to operate a program in accordance with requirements comparable to the requirements applicable to the program of the State of Alaska funded under this part. Comparability of programs shall be established on the basis of program criteria developed by the Secretary in consultation with the State of Alaska and such Indian tribes.

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"(2) WAIVER.—An Indian tribe described in paragraph (1) may apply to the appropriate State authority to receive a waiver of the requirement of paragraph (1).

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"SEC. 419. RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.

42 USC 613.

"(a) RESEARCH.—The Secretary shall conduct research on the benefits, effects, and costs of operating different State programs funded under this part, including time limits relating to eligibility for assistance. The research shall include studies on the effects of different programs and the operation of such programs on welfare dependency, illegitimacy, teen pregnancy, employment rates, child well-being, and any other area the Secretary deems appropriate. The Secretary shall also conduct research on the costs and benefits of State activities under section 409.

"(b) DEVELOPMENT AND EVALUATION OF INNOVATIVE APPROACHES TO REDUCING WELFARE DEPENDENCY AND INCREASING CHILD WELL-BEING.—

"(1) IN GENERAL.—The Secretary may assist States in developing, and shall evaluate, innovative approaches for reducing welfare dependency and increasing the well-being of minor children living at home with respect to recipients of assistance under programs funded under this part. The Secretary may provide funds for training and technical assistance to carry out the approaches developed pursuant to this paragraph.

"(2) EVALUATIONS.—In performing the evaluations under paragraph (1), the Secretary shall, to the maximum extent feasible, use random assignment as an evaluation methodology.

"(c) DISSEMINATION OF INFORMATION.—The Secretary shall develop innovative methods of disseminating information on any research, evaluations, and studies conducted under this section, including the facilitation of the sharing of information and best practices among States and localities through the use of computers and other technologies.

"(d) ANNUAL RANKING OF STATES AND REVIEW OF MOST AND LEAST SUCCESSFUL WORK PROGRAMS.—

"(1) ANNUAL RANKING OF STATES.—The Secretary shall rank annually the States to which grants are paid under section 403 in the order of their success in placing recipients of assistance under the State program funded under this part into long-term private sector jobs, reducing the overall welfare caseload, and, when a practicable method for calculating this information becomes available, diverting individuals from formally applying to the State program and receiving assistance.

Opportunity Reconciliation Act of 1996) shall not apply with respect to the State before the expiration (determined without regard to any extensions) of the waiver to the extent the amendments made by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 are inconsistent with the waiver.

"(B) NO EFFECT ON NEW WORK REQUIREMENTS.—Notwithstanding subparagraph (A), a waiver granted under section 1115 or otherwise which relates to the provision of assistance under a State program funded under this part (as in effect on September 30, 1996) shall not affect the applicability of section 407 to the State.

"(b) STATE OPTION TO TERMINATE WAIVER.—

"(1) IN GENERAL.—A State may terminate a waiver described in subsection (a) before the expiration of the waiver.

"(2) REPORT.—A State which terminates a waiver under paragraph (1) shall submit a report to the Secretary summarizing the waiver and any available information concerning the result or effect of the waiver.

"(3) HOLD HARMLESS PROVISION.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, a State that, not later than the date described in subparagraph (B) of this paragraph, submits a written request to terminate a waiver described in subsection (a) shall be held harmless for accrued cost neutrality liabilities incurred under the waiver.

"(B) DATE DESCRIBED.—The date described in this subparagraph is 90 days following the adjournment of the first regular session of the State legislature that begins after the date of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

"(c) SECRETARIAL ENCOURAGEMENT OF CURRENT WAIVERS.—The Secretary shall encourage any State operating a waiver described in subsection (a) to continue the waiver and to evaluate, using random sampling and other characteristics of accepted scientific evaluations, the result or effect of the waiver.

"(d) CONTINUATION OF INDIVIDUAL WAIVERS.—A State may elect to continue 1 or more individual waivers described in subsection (a).

"SEC. 410. ADMINISTRATION.

"The programs under this part and part D shall be administered by an Assistant Secretary for Family Support within the Department of Health and Human Services, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be in addition to any other Assistant Secretary of Health and Human Services provided for by law, and the Secretary shall reduce the Federal workforce within the Department of Health and Human Services by an amount equal to the sum of 75 percent of the full-time equivalent positions at such Department that relate to any direct spending program, or any program funded through discretionary spending, that has been converted into a block grant program under the Personal Responsibility and Work Opportunity Act of 1996 and the amendments made by such Act, and by an amount equal to 75 percent of that portion of the total full-time equivalent departmental management positions at such Department that bears the same relationship to the amount

appropriated for any direct spending program, or any program funded through discretionary spending, that has been converted into a block grant program under the Personal Responsibility and Work Opportunity Act of 1996 and the amendments made by such Act, as such amount relates to the total amount appropriated for use by such Department, and, notwithstanding any other provision of law, the Secretary shall take such actions as may be necessary, including reductions in force actions, consistent with sections 3502 and 3595 of title 5, United States Code, to reduce the full-time equivalent positions within the Department of Health and Human Services by 245 full-time equivalent positions related to the program converted into a block grant under the amendment made by section 2103 of the Personal Responsibility and Work Opportunity Act of 1996, and by 60 full-time equivalent managerial positions in the Department.

"SEC. 417. LIMITATION ON FEDERAL AUTHORITY.

"No officer or employee of the Federal Government may regulate the conduct of States under this part or enforce any provision of this part, except to the extent expressly provided in this part."; and

(2) by inserting after such section 418 the following:

"SEC. 419. DEFINITIONS.

"As used in this part:

"(1) ADULT.—The term 'adult' means an individual who is not a minor child.

"(2) MINOR CHILD.—The term 'minor child' means an individual who—

"(A) has not attained 18 years of age; or

"(B) has not attained 19 years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training).

"(3) FISCAL YEAR.—The term 'fiscal year' means any 12-month period ending on September 30 of a calendar year.

"(4) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the terms 'Indian', 'Indian tribe', and 'tribal organization' have the meaning given such terms by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(B) SPECIAL RULE FOR INDIAN TRIBES IN ALASKA.—The term 'Indian tribe' means, with respect to the State of Alaska, only the Metlakatla Indian Community of the Annette Islands Reserve and the following Alaska Native regional nonprofit corporations:

"(i) Arctic Slope Native Association.

"(ii) Kawerak, Inc.

"(iii) Maniilaq Association.

"(iv) Association of Village Council Presidents.

"(v) Tanana Chiefs Conference.

"(vi) Cook Inlet Tribal Council.

"(vii) Bristol Bay Native Association.

"(viii) Aleutian and Pribilof Island Association.

"(ix) Chugachmuit.

"(x) Tlingit Haida Central Council.

"(xi) Kodiak Area Native Association.

"(xii) Copper River Native Association.

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organizations, and incorporated and unincorporated businesses operating within the state that meet the requirements established by the department in regulation. (§ 7 ch 107 SLA 1996)

**Sec. 47.27.055. Agency collaboration.** [See effective date of chapter note.]

(a) The department shall coordinate with other state agencies that provide assistance, benefits, or services to applicants that are eligible for and to participants in the Alaska temporary assistance program in order to facilitate the application for and delivery of assistance, benefits, or services to promote family self-sufficiency. Subject to appropriations, state agencies may locate their facilities and operations near each other in order to improve service delivery.

(b) The department may provide information received under this chapter to other state agencies in order to facilitate the delivery of services. Information received from an applicant for or participant in the Alaska temporary assistance program shall be treated as confidential by all state agencies that share the information under this section and is not open to public inspection or copying under AS 09.25.110 — 09.25.125. Misuse of public assistance lists or information is punishable as a violation of AS 47.05.030.

(c) Departments in the executive branch shall cooperate in fulfilling the purposes of this chapter, including, subject to appropriations, the establishment of temporary positions that will provide job opportunities for families participating in the Alaska temporary assistance program. Temporary positions established for this purpose are in the exempt service under AS 39.25.110 but are not subject to AS 39.25.195. An individual participating in the Alaska temporary assistance program who holds a temporary position established for purposes of this subsection is not a public employee for purposes of AS 23.40.070 — 23.40.260. (§ 7 ch 107 SLA 1996)

**Sec. 47.27.060. Job development.** [See effective date of chapter note.] The department may establish cooperative agreements with the Department of Labor, Department of Community and Regional Affairs, Department of Education, and Department of Commerce and Economic Development, and with other public or private sector organizations for the purpose of developing job, training, and educational opportunities for families eligible for assistance under this chapter. (§ 7 ch 107 SLA 1996)

**Sec. 47.27.065. Federal-state cooperation.** [See effective date of chapter note.] In the administration of this chapter, the department shall cooperate with the Secretary of the United States Department of Health and Human Services and shall take actions necessary to comply with the requirements of federal law to obtain public assistance block grants or other federal assistance available for the purposes of this chapter. The department shall make reports in the form and containing the information required to the Secretary of the United States Department of Health and Human Services. The department may cooperate with federal agencies charged with the administration of the federal public assistance block grants and other financial assistance. (§ 7 ch 107 SLA 1996)

**Sec. 47.27.070. Alaska native organizations' family assistance programs.** [See effective date of chapter note.] (a) The department may coordinate only with the following Alaska Native organizations, as designated under federal law, in the development of family assistance programs:

- (1) Arctic Slope Native Association;
- (2) Kawerak, Inc.;
- (3) Maniilaq Association;
- (4) Association of Village Council Presidents;
- (5) Tanana Chiefs Conference;

- (6) Cook Inlet Tribal Council;
- (7) Bristol Bay Native Association;
- (8) Aleutian and Pribilof Island Association;
- (9) Chugachmiut;
- (10) Tlingit Haida Central Council;
- (11) Kodiak Area Native Association;
- (12) Copper River Native Association; and

(13) Metlakatla Indian Community of the Annette Islands Reserve; however, the department may cooperate with the Metlakatla Indian Community under this chapter only if the community waives any claim to sovereign immunity with respect to matters involved with the family assistance program.

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

(c) Notwithstanding other provisions of this section, the department may coordinate with an Alaskan Native organization under (a) of this section only if, for purposes of this chapter, the Alaska Native organization incorporates a nonprofit entity under state law and the nonprofit entity is active and in good standing, as determined by the Department of Commerce and Economic Development. (§ 7 ch 107 SLA 1996)

**Sec. 47.27.075. Emergency account established.** [See effective date of chapter note.] There is established within the general fund the Alaska temporary assistance program emergency account. The account consists of appropriations that were made by the legislature from federal money available for assistance under this chapter, including lapsing money that was previously appropriated from federal money for the Alaska temporary assistance program, but that were not expended or obligated in the fiscal year for which they were appropriated. (§ 7 ch 107 SLA 1996)

**Sec. 47.27.080. Appeals; dispute resolution.** [See effective date of chapter note.] (a) An applicant or participant who receives a determination from the department that denies, limits, or modifies the assistance or services provided under this chapter may request a hearing before the department or a representative of the department appointed for that purpose. If a representative is appointed, the representative shall conduct the hearing under the regulations adopted by the department. The appeal is not subject to AS 44.62.330 — 44.62.630.

(b) The department may require an applicant or participant to participate in an informal dispute resolution process before a formal hearing. The department may adopt regulations establishing the informal dispute resolution process. (§ 7 ch 107 SLA 1996)

**Sec. 47.27.085. Sanctions; recovery of costs.** [See effective date of chapter note.] (a) The department shall penalize an Alaska temporary assistance program applicant or participant who, without good cause, fails to comply with a condition of the family self-sufficiency plan or who fails to participate in work activities required as a part of the Alaska temporary assistance program by disregarding that person as a member of the family for purposes of determining the amount of assistance given to the family. The period of time during which the department shall disregard the noncomplying person for purposes of determining the amount of the family's assistance is

(1) until the person is in compliance under this subsection if the person has not previously been disregarded under this subsection;

(2) the longer of six months or until the person is in compliance under this subsection if the person has previously been disregarded under (1) of this subsection;

(3) the longer of 12 months or until the person is in compliance under this subsection if the person has previously been disregarded under (2) of this section.