

HB

142

**Alaska Temporary Assistance Program Amendments:
Bill Summary
CS HB 142 (HES)**

Division of Public Assistance
April 20, 2001

Section 1 puts the State of Alaska in compliance with federal Temporary Assistance for Needy Family (TANF) statute that exempts welfare recipients living in certain Alaska Native villages from the 60-month limit on benefits.

Section 2 clarifies statutory language regarding the Alaska Temporary Assistance Program (ATAP) seasonal benefit reduction imposed on able-bodied, two-parent families during the months of July, August, and September. This amendment is a response to a Superior Court ruling against the state, and must be enacted in order for the Division of Public Assistance to continue the policy of 2-parent seasonal reduction, regardless of employment status or which parent is the family's principal wage earner.

Section 3 repeals a provision now in statute which exempts incapacitated adults (those who are physically or mentally unable to perform gainful activity) from completing a Family Self-Sufficiency Plan (FSSP). This change will help these vulnerable families address their challenges by requiring them to engage in appropriate self-sufficiency activities such as wellness plans, treatment activities or pursuit of disability benefits. Even if the adult cannot work, the FSSP can be used to promote activities that will enhance well being and quality of life for the individual and the family.

Section 4 Gives the DHSS the authority to draft implementing regulations.

Sections 5 & 6: Effective Dates

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 142
 (H) Publish Date: 2/23/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: ATAP Program Amendments BRU: Public Assistance
 Component: ATAP
 Sponsor: Rules
 Requester: Governor Component Number: 220

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 Although this proposed legislation may allow more than 20% of the eligible ATAP caseload to receive benefits beyond 60 months, there are no projected financial impacts. The ATAP program is partially funded by the federal TANF block grant which does not vary regardless of the number of families served. Also, federal law requires the State to contribute a fixed amount of state funds toward the program, called maintenance of effort (MOE). Additionally, caseloads are projected to continue their downward trend.

Prepared by: Jim Nordlund Phone _____
 Division: Director of Public Assistance Date/Time _____
 Approved by: Elmer A. Lindstrom, Special Assistant Date 2/15/01 4:29 PM
 Agency: Department of Health & Social Services

Amendment to CS HB 142 (HES)

ATAP Amendments

- ❖ The language “a child who is experiencing a disability” may be too broad. There are many things that are considered disabilities, including ADD, ADHD, and hearing impairments (not necessarily deafness). Some of these disabilities do not require the intensified care that would warrant an exemption from the summer month deduction in ATAP benefits.
- ❖ The language in this amendment would require that a child is experiencing a disability in such a way that a parent would be required to provide 24-hour care.
- ❖ This language is already used in AS 47.27.035(c), which lists exemptions from participation in work activities.
- ❖ The department assures me that this language is defined in regulation in relation to participation in work activities and that definition would be further reiterated in relation to this amendment.

AMENDMENT

OFFERED IN THE SENATE
TO: CSHB 142(HES)

BY SENATOR GREEN

- 1 Page 1, line 14, following "disability":
- 2 Insert "that requires the parent to provide 24-hour care"

AMENDMENT

OFFERED IN THE SENATE

TO: CSHB 142 (HES)

Page 1, line 14,
following: "disability" insert: "which requires the parent to provide 24-hour care as supported by documentation from a physician or other licensed medical professional"

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR GREEN

TO: CSHB 142(HES)

1 Page 2, line 5, following ".":

2 Insert "In this subsection, "child who is experiencing a disability" has the
3 meaning given in AS 47.80.900 for the term "person with a developmental disability,"
4 except that the person is under the age of 18."

AMENDEMENT

OFFERED IN THE SENATE
TO: CSHB 142 (HES)

1 Page 2, line 5, following "family":

2 Insert "For purposes of this section, disability means a child with a developmental disability as defined in AS 47.80.900."

(b) The department shall, by regulation, establish minimum requirements for training and experience of persons who teach the use of orientation and mobility aids or assistive technology devices to students who are 16 years of age or older and who are blind or visually impaired. The department shall consider the standards adopted by national organizations that provide services to the blind and visually impaired when setting requirements under this section. (§ 2 ch 102 SLA 1998)

Cross references. -- For one year grace period for persons employed on September 14, 1998, see § 3, ch. 102, SLA 1998 in the 1998 Temporary and Special Acts.

Editor's notes. -- Section 4, ch. 102, SLA 1998 provides that nothing in this section "modifies or terminates a contract in effect on September 14, 1998."

Article 6. General Provisions.

Section
900. Definitions

Sec. 47.80.900. Definitions. In this chapter

(1) "council" means the Governor's Council on Disabilities and Special Education created by AS 47.80.030;

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

(3) "facilities for persons with handicaps" means publicly or privately operated facilities, or specified portions of facilities, designed primarily for the delivery of services to those persons; the term includes but is not limited to residential facilities;

(4) "habilitation" means education or training for the handicapped to enable them to function better in society;

(5) "least restrictive setting" means a residential or other setting for meeting the needs of a handicapped person which requires the least amount of restriction of personal liberty by enabling the person to function in as normal an environment as possible and to live as normally as possible, within the limitations of the handicap;

(6) "person with a handicap" means a person with a developmental disability as defined in (7) of this section or a person who is hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically or otherwise health impaired, or who has a specific learning disability; the term includes but is not limited to "exceptional children" as defined in AS 14.30.350;

(7) "person with a developmental disability" means a person who is experiencing severe, chronic disability that

(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(B) is manifested before the person attains age 22;

(C) is likely to continue indefinitely;

(D) results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and

(E) reflects the person's need for a combination, and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated;

(8) "residential facility" means a publicly or privately operated facility that provides 24-hour care for four or more persons with handicaps, excluding family, foster family, or adoptive homes;

(9) "substantial handicap" means a disability that prevents or substantially impedes the person's participating in and benefiting from the social, economic, educational, recreational, or other opportunities generally available to peers in the community who are not similarly handicapped. (§ 2 ch 165 SLA 1978; am § 4 ch 13 SLA 1992; am § 3 ch 77 SLA 1992)

22-GH1023\O
Lauterbach
4/28/01

SENATE CS FOR CS FOR HOUSE BILL NO. 142(HES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE 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 the Alaska temporary assistance program; and providing for an
2 effective date."

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

4 * Section 1. AS 47.27.015 is amended by adding a new subsection to read:

5 (h) When determining under (a)(1) of this section whether an adult has
6 received benefits for a total of 60 months, the department shall disregard the months
7 that are required to be disregarded under 42 U.S.C. 608(a)(7)(D).

8 * Sec. 2. AS 47.27.025(c) is amended to read:

9 (c) The department shall, for the months of July, August, and September,
10 reduce by 50 percent the maximum assistance for which the family is otherwise
11 eligible if the family's eligibility for assistance is based on AS 47.27.010(4), unless
12 the second needy parent is determined, under regulations of the department, to
13 be physically or mentally unable to perform gainful activity [THE
14 UNEMPLOYMENT OF THE FAMILY'S PRINCIPAL WAGE EARNER].

1 However, if the commissioner determines that temporary economic conditions have
2 resulted in decreased employment opportunities during those months and a reduction
3 in assistance would impose an undue hardship on a family, the department may waive
4 application of this subsection with respect to that family.

5 * **Sec. 3.** AS 47.27.030(c)(2) is repealed.

6 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 **TRANSITION: REGULATIONS.** Notwithstanding sec. 6 of this Act, the Department
9 of Health and Social Services may immediately proceed to adopt regulations necessary to
10 implement the changes made by this Act. A regulation adopted under this section takes effect
11 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the
12 statutory change authorizing the regulation.

13 * **Sec. 5.** Sections 2 and 4 of this Act take effect immediately under AS 01.10.070(c).

14 * **Sec. 6.** Except as provided in sec. 5 of this Act, this Act takes effect July 1, 2001.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030
FAX: (907) 465-3068

April 27, 2001

Honorable Lyda Green, Chair
Senate Health, Education and
Social Services Committee
State Capitol; Room 125
Juneau, AK 99801-1182

Dear Chairman Green,

The Department of Health and Social Services respectfully requests a hearing in the Senate Health, Education and Social Services Committee on Committee Substitute for House Bill 142 (HES) "An Act relating to the Alaska temporary assistance program; and providing for an effective date."

CS HB 142 (HES) includes provisions necessary for the department to continue to reduce benefits for most two-parent families during the summer months. A recent court decision will make it administratively complicated for the department to reduce benefits for two-parent families in the absence of this legislation. Both the House and Senate versions of the FY 02 operating budget assume seasonal reductions in benefits for two-parent families.

CS HB 142 (HES) is similar to CS SB 116 (HES), which you previously heard, and identical to CS SB 116 (JUD) which is now in the Senate Finance Committee. CS HB 142 (HES) differs from CS SB 116 (HES) in that the House Bill would expand the exemption from the two-parent family reduction to include the small number of two parent families that include a disabled child. The department finds either of the versions of the bill acceptable.

Honorable Lyda Green
Page 2

The original zero fiscal note submitted to the bill at the time of introduction also applies to the House (HES) CS. Attached is a one page summary of the bill's provisions. Your favorable consideration of this request will be most appreciated.

Sincerely,



Elmer A. Lindstrom
Special Assistant to the Commissioner

CC: Mike Abbott, Legislative Director
Office of the Governor