

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

10050 SENATE HEALTH EDUCATION & SOCIAL SERVICES

Alaska State Legislature



State Capitol
Juneau AK
99801-1182

Official Business

Long-Term Care Task Force

January 15, 1999

Mr. Bob Poe, Commissioner
Department of Administration
PO Box 110200
Juneau, AK 99811-0200

Dear Commissioner Poe,

As you know, the Long-Term Care Task Force was created last year with the passage of SCR 11 to develop a suitable and equitable plan for providing access to long-term care for all Alaskans. We have served as co-chairmen of this 12-member task force composed of legislators, state officials, and private citizens. On January 6, 1999 the task force conducted its last public meeting in Anchorage. Approximately 100 individuals participated in the hearing either in Anchorage or other communities via teleconference. Public comment was offered on the draft report of the findings and recommendations of the Long-Term Care Task Force as well as other issues impacting long-term care available in Alaska.

The level of long-term care offered in the Anchorage Pioneers' Home and the current administrative practices at the Home were topics of significant discussion by those appearing before the committee. Relatives of individuals residing in the Home recounted personal observations that put into question the safety and care of some residents. Their narratives highlighted the problems caused by insufficient staffing levels, the injuries that resulted from the lack of safety precautions, and the negative impact that limited social activities has on residents. Unfortunately this is not the first time these problems have been voiced. The family members expressed frustration that their concerns and experiences are not taken seriously and there is no apparent avenue available to them to affect positive change.

Deputy Commissioner Alison Elgee announced a public hearing in Anchorage to review these various complaints and concerns before the end of January. The Task Force is sensitive to the issues raised regarding the Anchorage Pioneers' Home and would like to

Commissioner Bob Poe
Page 2
January 15, 1999

be informed of the time and location of this public meeting. In addition, the Task Force requests that the co-chairmen of the Senate and House Health, Education and Social Services Committees receive a summary of this public hearing and any corrective actions taken by the Department of Administration to address the identified issues by February 28, 1999.

Thank you for your assistance in this very serious matter. The quality of long-term care given to our Pioneers' Home residents must be beyond reproach.

Sincerely,



Representative Con Bunde
Co-chairman



Senator Gary Wilken
Co-chairman

Cc: Long-Term Care Task Force Members
Deputy Commissioner Alison Elgee
Mr. Jim Kohn

APPENDIX D

TIME TABLE

FOR

SPECIFIC REQUESTS

LONG-TERM CARE TASK FORCE TIME TABLE FOR SPECIFIC REQUESTS

Request	Who	What	To Whom	When	Comment
No. 3 *		Introduce legislation relating to the disclosure of licensing reports and licensing of home health agencies.			
No. 6	Department of Administration	Consider the formal recommendations outlined in <i>The Alaska Guardianship Report</i> and recommend necessary statutory changes.	Senate President and House Speaker	March 31, 1999	
No. 7 *		Introduce legislation relating to the protection of a vulnerable adult from a guardian, attorney-in fact or surrogate decision-maker who may harm the vulnerable adult.			
No. 8	Alaska State Hospital and Nursing Home Association	Prepare a full report on the actions required to be taken as a result of the conclusion reached at the statewide <i>Work Force Development Summit</i> to be held April 9-10, 1999	Senate President and House Speaker	No Date Specified	
No. 10	Alaska Commission on Aging	Implement a plan to increase the awareness of Alaskans to advance directives and prepare a report on the Commission's efforts to do so.	Senate and House HESS Committees	Beginning of the Second Session of the 21 st Legislature	
No. 12	Department of Health and Social Services	Aggressively pursue the rebuttal of the federal Health Care Financing Administration's interpretation of the Social Security Act as it relates to the Indian Health Service.	Legislature	Semi-annually	

TIME TABLE FOR SPECIFIC REQUESTS

Request	Who	What	To Whom	When	Comment
No. 13 *		Introduce legislation relating to the establishment of a home and community-based services program for certain adults with long-term care needs.			
No. 14	Departments of Administration and Health and Social Services.	Review all options available to support the long-term care needs of patients whose sole diagnosis is Alzheimer's Disease and prepare a preliminary report outlining findings and recommendations	Senate President and House Speaker	April 30, 1999	
No. 18	Alaska Commission on Aging	Coordinate efforts to inform and educate all Alaskans on the various long-term care services available and provide updates on its efforts.	Senate and House HESS Committees	Semi-annually	
No. 19	Department of Administration	Establish a uniform and comprehensive screening and assessment tool and develop a pilot to assess its validity and reliability.	Not Specified	July 1, 2000	
No. 21 *		Introduce legislation relating to the adoption of the nursing home certificate of need recommendations developed by the <i>Legislative Working Group on Long-Term Care</i> .			
No. 24	Department of Health and Social Services	Identify necessary changes to assure the Medicare program funds health care services provided to dual eligible patients. Prepare a report on its efforts and make recommended changes.	Senate President and House Speaker	March 31, 1999	

TIME TABLE FOR SPECIFIC REQUESTS

Request	Who	What	To Whom	When	Comment
No. 29	Department of Commerce	Compile relevant information on the need for and availability of long-term care insurance in Alaska and disseminate the information to the general public.	All Alaskans	January 1, 2000	
No. 31 *	Senate and House HESS Committees, in consultation with legislative leadership	Consider the creation of a new task force to continue the review and monitoring of long-term care in Alaska.			
Letter to Commissioner Bob Poe	Department of Administration	Prepare a summary of a public hearing regarding the administrative practices of the Anchorage Pioneers' Home and corrective actions either taken or proposed to be taken, by the department.	Senate and House HESS Committees	February 28, 1999	

* Requires legislation

APPENDIX E

AFN RESOLUTION

ALASKA FEDERATION OF NATIVES, INC.

1998 ANNUAL CONVENTION

RESOLUTION NO. 98-59

TITLE: IN SUPPORT OF ELDER CARE FACILITIES IN RURAL ALASKA

WHEREAS: The elders are a much respected group of people within the family unit and community for the Yup'ik people and all Alaskan Natives alike; and,

WHEREAS: Most villages in rural Alaska do not have the proper facilities for the care of elders; and,

WHEREAS: The only elder care facility for many regions is in the city of Anchorage, which is too far away from the family unit and communities; and,

WHEREAS: Being away from familiar surroundings, culture, foods, and activities, would be detrimental to the health and welfare of the elders; and,

WHEREAS: There is a growing and significant need for proper elder facilities throughout rural Alaska;

NOW THEREFORE BE IT RESOLVED by the Delegates to the 1998 Annual Convention of the Alaska Federation of Natives, Inc., that AFN politically supports the efforts of rural organizations in seeking, acquiring, and administering the required funding, facilities, personnel, and technical and professional support for elder care facilities.

SUBMITTED BY: St. Mary's Native Corporation

COMMITTEE RECOMMENDATION: DO PASS

CONVENTION ACTION:

Passed

APPENDIX F

MISSIONS AND MEASURES

Alaska State Legislature



State Capitol
Juneau AK
99801-1182

Official Business

Long-Term Care Task Force

MEMORANDUM

To: Representative Eldon Mulder, Co-chairman
Representative Gene Therriault, Co-chairman
House Finance Committee

Senator Sean Parnell, Co-chairman
Senator John Torgerson, Co-chairman
Senate Finance Committee

From: Representative Con Bunde, Co-chairman
Senator Gary Wilken, Co-chairman
Long-Term Care Task Force

C Bunde
G Wilken

Date: January 15, 1999

Re: Mission and Measures for Long-Term Care programs

As you know, the Long-Term Care Task Force was created last year with the passage of SCR 11 to develop a suitable and equitable plan for providing access to long-term care for all Alaskans. We have served as co-chairmen of this 12-member task force composed of legislators, state officials, and private citizens.

As part of the Task Force's review, legislative staff and directors of the divisions of Alaska Longevity Programs and Senior Services met and prepared draft mission statements and performance measures for these two divisions. The draft mission and measures are attached for your review.

The Task Force recommends that these documents be critiqued and refined during the next legislative budget cycle with input from both the legislature and administration. The divisions' mission and measures statements will help direct long-term programs offered in the state.

Missions & Measures

Draft as of January 6, 1999

Program: Senior Services – Commission on Aging

Statutory reference: § 47.65

Mission.

Assist and advocate for older Alaskans to lead dignified, independent and useful lives through partnering with state, local and private agencies.

Measures.

- At least 5 communities will have coordinated transportation systems by 6/30/03. (current systems: Anchorage, Ketchikan, Kodiak and Juneau)
- Percentage of annual change in number of persons served with home based meals.
- Percentage of annual change in number of persons served with community based meals.
- Number of public requests for information.
- Number of presentations made by Commission staff.
- Percentage of total resources spent on targeted seniors in ___% of communities. (Targeted seniors = over 75 years, low income, minority and/or rural)

Missions & Measures

Draft as of January 6, 1999

Program: Pioneers Homes

Statutory reference: A.S. 47.55 and A.S. 44.21

Mission.

Provide senior Alaskans, especially those with needs associated with Alzheimer's Disease and Related Disorders, a safe, home-like environment that meets their dietary, recreation and therapeutic requirements at an affordable cost.

Performance measures.

- 100% criteria met in each resident's contract (as required for Assisted Living License)
- Percentage change in reported incidents related to resident injury.
- Percentage increases in overhead will not exceed the Consumer Price Index.
- 6 (100%) Pioneers Homes will be registered as Eden Alternatives Homes by 12/31/98.
- 6 (100%) Pioneers Homes will be certified as Eden Alternatives Homes by 6/30/2000.

Missions & Measures

Draft as of January 6, 1999

Program: Senior Services – Residential Choices

Statutory reference: § 47.65

Mission.

Provide quality residential alternatives for vulnerable Alaskans in their home communities.

Measures.

- Number of Assisted Living units statewide.
- % change of rural Assisted Living units available by region (regions measured individually).
- % of Assisted Living Home licenses renewed annually without violations.
- % of suspended Assisted Living Home licenses cleared within 90 days.
- % of Assisted Living Home licenses renewed with adequate business management practices as defined by Division policy.
- % of waiver days (out of total of waiver and nursing home days) in Medicaid.
- % of waiver decisions made within __ days.
- % change of independent Personal Care Attendants enrolled as Medicaid providers.
- Number of communities with enrolled Personal Care Attendants.

Missions & Measures

Draft as of January 6, 1999

Program: Senior Services

Statutory reference: § 47.65

Mission.

Maximize the independence of vulnerable and elder Alaskans by providing choices and access to prevention, wellness and quality long term care services.

Missions & Measures

Draft as of January 6, 1999

Program:	Senior Services
Project:	Data Integration Project
Authority:	

Mission

Capture and track client information in an integrated data system to expedite coordinated services to Alaska's seniors.

Performance measures.

- Complete the business process mapping for the data integration project by 6/30/99.
- Implement data integration by 6/30/01.

Missions & Measures

Draft as of January 6, 1999

Program: Senior Services
Project: Grant Management System
Authority:

Mission

Standardize a process and procedure for grant administration and evaluation to provide community and home based services to Alaska's seniors.

Performance measures.

Develop evaluation criteria for grant management that promotes

- Collaboration with public and private partners,
- Access to quality services,
- Prevention and wellness education, and
- Self-determination.

Implement evaluation criteria by 6/30/01.

APPENDIX G

PCA RECOMMENDATIONS

(The attached proposed recommendations were presented to the Task Force, but were neither discussed nor adopted by the Task Force.)

RECOMMENDATIONS

PERSONAL CARE ATTENDANT PROGRAM IN ALASKA

December 15, 1998

A steering committee, called the PCA Design Team composed of 14 people including consumers, providers, advocates, and state staff from 7 agencies, contemplated the strengths and weaknesses of delivery of Personal Care Attendant Services in Alaska, including Medicaid-reimbursed services. The PCA Design Team then presented their thoughts at a larger meeting called the PCA Summit held on November 14, 1998. Approximately 75 people from all over the state, including providers, consumers, advocates and state agency staff, attended to discuss the issues and develop clear objectives for improving the delivery of PCA services in Alaska. As a result of that process, the PCA Design Team makes the following recommendations:

1. Remove the Medicaid rates of reimbursement from regulation, and instead set rates by a mechanism that is responsive to and reflective of market factors that influence cost of service.
2. Equalize the rates of Medicaid reimbursement for agency and independent PCA providers for comparable services.
3. Revise the "scope of services", "excluded services", and definition of "skilled nursing care" under 7 AAC 43.750, 43.755 and 43.795(2) to expand the types of Medicaid-reimbursable services PCAs may perform. [This may also require clarification or revision of statutes and regulations governing the practice of registered nursing or practical nursing.]
4. Allow recipients the choice to have nursing supervision of their service plan, or not.
5. Rename the "time for task" form to "service plan". Eliminate the time allotments from the recipient's service plan; and provide reasonable time allotments as guidelines in a new booklet entitled, "PCA Service Plan Guidebook."
6. Perform service plan assessments by third party (independent of the PCA agency providers and the State), with a preference for assessment by local personnel familiar with the recipient's community and available resources. Mandate regular visits in the recipient's home by the assessing entity to ensure that assessments and re-assessments are based on personal knowledge of the recipient's needs. Entities proposed to do such assessments: (1) Public Health nurses; (2) First Health or similar utilization review contractor; (3) independent RNs.
7. Add PCA services as a waiver service to all waiver programs - do this as a compliment to the regular Medicaid PCA services and not in place of regular Medicaid PCA services.
8. Establish a referral service of PCA providers, with a statewide toll-free number, to allow recipients to locate available PCA providers and back-up or on call personal care attendants.
9. Establish a formal recipient-driven grievance process statewide.

10. Use the PCA grant program to provide PCA services to eligible recipients on a co-pay basis.
11. Open the agency provider pool to include any provider that meets the enrollment requirements.
12. Establish professional standards for personal care attendants and develop a certification program for PCAs.
13. Conduct a study on actuarial claims data to compare home and community based services, including PCA services, and institutional services.

Guiding Principles for Personal Care Attendant Services

Personal Assistance Services are a variety of services that provide assistance to persons who are elderly and/or may experience a disability. These services may include, but are not limited to: personal care attendant services, chore services, respite services and health related services. The following principles apply to personal care attendant services.

1. Recipients must have control in selecting, managing and controlling their personal care services.
2. Personal care services must be community based and culturally relevant to the recipient.
3. Eligibility for personal care services must be based upon functional need.
4. Personal care services must be available at home and in other locations of each person's choice. People must not need to be "home bound" in order to receive these services.
5. Personal care services must be available 24 hours a day, seven days a week.
6. Backup and emergency personal care services must be available at all times.
7. Personal care services will be available to all Alaskans with a variety of payment models, including co-payment.
8. Training in the management and supervision of personal care attendants will be available to interested recipients.
9. Personal care attendants will be adequately compensated.
10. Personal care services will be written in an agreed upon individualized service plan.
11. Health related tasks can be delegated to and done by personal care attendants.
12. Recipients must be able to receive the same quality and level of services in the setting of their choice throughout the state.
13. There will be a variety of models of service delivery available to all Alaskans.
14. Personal care services will be provided with a high standard of quality of care.
15. Personal care services will have periodic evaluations using consistent state wide standards.
16. All recipients of personal care services must have access to a consumer driven and fair grievance process.
17. All communities will be given authority to develop services based on their unique needs and service delivery options.

APPENDIX H

ALASKA COMMISSION ON AGING

(The attached preliminary findings were presented to the Task Force, but were neither discussed nor adopted by the Task Force.)

FINDING THE

COMMON GROUND

from the Alaska Commission on Aging

*Preliminary findings from:****Alaskan Seniors: Finding the Common Ground*****A Statewide Conference sponsored by
The Alaska Commission on Aging****September 21 - 23, 1998: Regal Alaskan Hotel, Anchorage**

From September 21 - 23, one hundred community, agency, and senior advocacy leaders from across Alaska met to identify and address opportunities and challenges affecting the growing numbers of older Alaskans. Together they defined the "common ground" uniting their organizations and businesses, and developed strategies to act on those shared challenges and opportunities. The Conference Steering Committee will present the conference findings and recommendations in a November report.

The fundamental message from participants: ***Increase collaboration*** – between seniors, their families, senior advocacy organizations, local agencies and governments, private business, the medical community, and state & federal government agencies. In this way, we will share responsibility to create a focus on:

- **Increased access**
 - ◆ to information on current services available to seniors,
 - ◆ to the actual services.
- **Education and information - in relation to**
 - ◆ the exploding statewide senior community and the opportunities and challenges this represents
 - ◆ building the geriatric expertise of the entire 'circle of caring' involved in assisting frail older Alaskans: families, community agency caregivers, assisted living providers, the home health and medical communities.
- **Assurance of quality in relation to**
 - ◆ actual services provided through the public and private sector
 - ◆ streamlining access to services.
- **Seniors exercising increased self-determination to**
 - ◆ pursue the Legislative Long Term Care Task Force concept of reinvesting Longevity Bonus phase-out funds. Why? To assist in supporting services to assist frail and ill seniors to live independently as long as possible
 - ◆ reach out to the medical community to identify and address unmet geriatric medical needs
 - ◆ secure increased consumer protection within our State.
- **Applying prevention to increase wellness - we know that**
 - ◆ healthy lifestyles significantly contribute to older Alaskans abilities to live independently. This is most fulfilling and relatively speaking, "Health does n't cost; illness does!"
 - ◆ achieving healthy lifestyles occurs through lifelong education and promotion of
 - healthy nutrition and regular exercise
 - tobacco and alcohol/drug free lifestyles
 - social involvement and helping others.

SB

61

FISCAL NOTE

N: 1
 Bill version: 98161
 (S) Publish Date: 2/10/99

**STATE OF ALASKA
 1999 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) _____		Dept. Affected	Education
Title	<u>Professional Teaching Practices Commission</u>	BRU	<u>Commissions and Boards</u>
name change to <u>Educator Ethics Commission</u>		Component	<u>Professional Teaching Practices</u>
Sponsor	<u>Rules Committee</u>	<u>Commission</u>	
Requester	<u>Governor</u>	Component Serial No.	<u>190</u>

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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 (FY99) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 Any fees collected from imposed fines will be deposited into the General Fund.

Prepared by <u>Sanna Green</u>	Sanna Green, Executive Director	Phone	<u>269-6579</u>
Division	<u>Professional Teaching Practices Commission</u>	Date/Time	<u>1/22/99 11:33 AM</u>
Approved by Commissioner <u>[Signature]</u>	Shirley Holloway, PhD., Commissioner	Date	<u>1/25/99</u>
Agency	<u>Education</u>		

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EMAIL: senate_secretary@Legis.state.ak.us

FOR YOUR IMMEDIATE ATTENTION

DATE: January 13, 2000 *Bill 100 / Governor Bill*
TO: Health, Education and Social Services Committee
(Senator Miller - Room 119)
FROM: Office of the Senate Secretary

The Senate President has added/changed the referral(s) on the following bill(s):

RETRIEVE

SENATE BILL NO. 61

"An Act relating to licensure and professional discipline of members of the teaching profession and providing for related penalties; relating to grounds for dismissal of a teacher; relating to the Professional Teaching Practices Commission; relating to limited immunity for procedures under the Educator Ethics Act; making conforming amendments; and providing for an effective date."

Please give the bill file(s) to the page delivering this message. The bill file(s) may be returned to your Committee, if appropriate, after the designated changes have been made.

Thank you.

TONY KNOWLES
GOVERNOR



P O Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 8, 1999

The Honorable Drue Pearce
Senate President
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

61
Dear *Drue* President Pearce:

Quality education for all Alaska children remains a focus and ongoing effort of my Administration. This bill I transmit today enhances the state's ability to protect students and the integrity of educators by strengthening, streamlining and consolidating licensure and discipline provisions for members of the teaching profession.

The bill incorporates the direction from the Board of Education to change a teacher "certificate" to a "license." The name of the "Professional Teaching Practices Commission" would be changed to "Educator Ethics Commission," to shorten the name and more accurately reflect the commission's functions.

Among the bill's numerous provisions are new sections governing applications and denial of applications for teaching licenses. The current regulatory provision requiring criminal history background checks for applicants would be strengthened and placed in statute. The bill would also compile, for the first time, the grounds for denial of an application or for putting conditions on a teaching license.

The bill expands the range of available disciplinary sanctions beyond suspension or license revocation, tracking powers currently available to occupational licensing boards, such as being able to summarily suspend a license if the educator poses a clear and immediate danger. The commission also would gain the authority to impose a civil fine against a person who is regulated by state law, but is not required to hold a license. The bill contains provisions that would preclude a person whose license is suspended or revoked from employment as a member of the teaching profession, even if the position does not require a license.

The Honorable Drue Pearce

February 8, 1999

Page 2

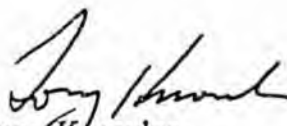
The bill also would streamline current law by consolidating regulatory and statutory grounds for discipline into one statutory provision; allowing reciprocal discipline of an educator who was disciplined in another jurisdiction; and clarifying the procedure for revoking the license of a person convicted of certain sex crimes. In addition, the bill adds misrepresentation of a material fact on an employment application as a ground for discipline.

In rewriting the procedures and requirements for reinstatement of a suspended or revoked license, the bill would expand from one year to five years the waiting period for reinstatement.

Finally, the bill contains new provisions to protect the confidentiality of minors and of investigatory files, and provides immunity from liability for persons who participate in good faith in certain investigations and proceedings of the commission or the Department of Education.

This bill represents a thorough effort on the part of the Department of Education and Professional Teaching Practices Commission to ensure Alaska educators are of high quality and integrity. I urge your prompt and favorable action on this measure.

Sincerely,


Tony Knowles
Governor

2440 East Tudor Road #310
Anchorage, AK 99507-1185
August 12, 1998

Professional Teaching Practices Commission
344 West Third Avenue
Anchorage, AK 99501

Dear Sirs:

I write and submit this request both to solicit and elicit a formal, written opinion from the Commission and the Attorney General of the State of Alaska. It has come to my attention that in the language of 20 AAC 10.020 (d)(1) the word "age" is absent. All of the other definers of American civil rights (of the last 100+ years) are present except, conspicuously, this one, "age".

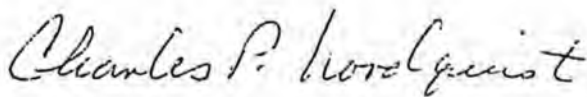
Why is this so? Please, do not tell me that age discrimination in employment within the Alaskan educational community can be taken care of by using the state and federal age discrimination in employment statutes – this misses the point entirely. First, one could use the civil rights statutes regarding race – but, one does not have to or is not limited to doing so. Second, and more to the point of the existence of the PTPC, the absence of "age" in this language implies that a person can lose their professional certificate as an educator by race, religious, sexual orientation (or other) discrimination, but not by age discrimination! How absurd!

Why does the language in this regulation fail to conform to the language in other authorities?
What would happen to a challenge on grounds of constitutional equity?
Whose interests are served with this omission (as it now stands)?
Are Alaskan educators committing employment discrimination on the basis of age? How do you know?
Would age discrimination in Alaskan education employment be an act of moral turpitude?
When will the word "age" appear in this regulation and conform to such primary legal authorities as (but not necessarily limited to):

42 USC Chapter 21, The Civil Rights act of 1964
29 USC §§ 621 – 634, The Age Discrimination in Employment Act
AS 18.80.220 (a)(1).

Thank you.

Sincerely,



Charles P. Nordquist

PROFESSIONAL TEACHING PRACTICES COMMISSION

CODE OF ETHICS AND TEACHING STANDARDS COMPLAINT — REQUEST FOR INVESTIGATION

Please type or print clearly in dark ink. Attach additional sheets if necessary.

PTPC Case No. 98-23 PTPC Use Only

I, CHARLES P. NORDQUIST, wish to file the following complaint against

(name)

whose address is (specify if address is for home or work)

and who is a (position) in the school of the

school district in the State of Alaska. The actions listed below occurred on or about (date)

(Attach additional sheets if necessary)

REQUEST AN OPINION CONCERNING THE ABSENCE OF THE WORD "AGE" IN 20 AAC 10.020(d)(1). PLEASE SEE ATTACHED.

RECEIVED AUG 15 1998

Professional Teaching Practices Commission

I believe that these actions violate the following sections and subsections of the Code of Ethics and Teaching Standards, 20 AAC 10.020:

These are the previous steps I have taken in trying to solve this problem (please include results of these steps):

I hereby request that the Professional Teaching Practices Commission determine the merits of this complaint and take appropriate action.

Signed Charles P. Nordquist Date 8-13-98 Phone n/a

Address 2440 E. Tudor Rd. #310, ANCHORAGE, AK 99507-1185

Other persons qualified to give information relative to this problem:

Name Address Telephone Position

(Empty lines for other persons)

Return form to: Professional Teaching Practices Commission, 344 West Third Avenue, Suite 127, Anchorage, Alaska 99501 -

Phone: 269-6579 FAX: 269-6580

2440 East Tudor Road #310
Anchorage, AK 99507-1185
August 23, 1998

Professional Teaching Practices Commission
344 West Third Avenue
Anchorage, AK 99501

RECEIVED
AUG 24 1998

Professional Teaching
Practices Commission

Dear Sirs:

1. This letter follows my previous letter dated August 12, 1998. The request I made in that letter was rejected by Executive Secretary Sanna Green. She verbally informed me of the available appeal process. Therefore, this letter repeats my August 12 request, now under appeal, as provided for under Section II, Paragraph F as published in the Alaska State Professional Teaching Practices Commission: Handbook for Alaska Educators, Revised June, 1992 page 3.

2. My original request takes notice of the fact that the term "age" is absent from the list of discrimination definers in the language of 20 AAC 10.020 (d)(1), and that the language should appropriately be revised to include this term.

3. The consideration of "age" as an term of employment discrimination originated in United States law cited as Age Discrimination in Employment Act of 1967, 29 U.S.C.A. §§ 621-634 (1988). That the term "age" is absent from the Alaska

Administrative Code after more than 30 years is more than curious.

4. Why would this language stand contrary to United States public law for so long?

5. Why would the State of Alaska continue to remain in the position of standing contrary to Federal public policy from this time forward?

6. It is both timely and appropriate that the Professional Teaching Practices Commission (PTPC) take interest and initiative in recommending this change in language.

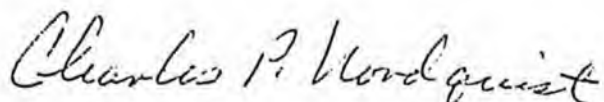
A. The last review/revision took place four years ago in 1994.

B. I am told that the Office of the Alaska Attorney General is currently reviewing such language.

C. It is consistent with the mission of the PTPC and within the purview and authority of the PTPC under Alaska Statutes, Title 14, Article 5, §§ 14.20.460 and 14.20.470 to do this.

Thank you.

Sincerely,



Charles P. Nordquist

STATE OF ALASKA

DEPARTMENT OF EDUCATION *Professional Teaching Practices Commission*

Tony Knowles, Governor

344 West Third Avenue, Suite 127
Anchorage, Alaska 99501
Phone: (907) 269-6579
FAX (907) 269-6580
Sanna Green, Executive Director

Bruce Johnson, Chair
Mary Lou Madden, Vice-Chair
Peggy Conner-Jones, Secretary

Judith Entwife
Marsha Van Abel
Christine Miller

Linda Connelly
Patricia Chitty
Georgia Cast

November 17, 1998

Charles P. Nordquist
2440 East Tudor Road #310
Anchorage, AK 99507-1185

Dear Mr. Nordquist:

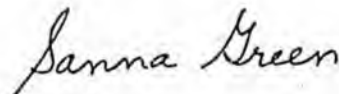
The Professional Teaching Practices Commission reviewed your request that "age" be included in the section of the Code of Ethics which prohibits discrimination. It was the decision of the appeal panel that the PTPC should include it. That portion of the minutes of that meeting is as follows:

The Committee for Case #98-21, consisting of Mary Lou Madden, Judith Entwife, and Marsha Van Abel directed the Executive Director to request the Attorney General to make a determination as to whether we may add "age" to the list of discriminatory practices disallowed in 20 AAC 10.020(d)(1) without opening a new period of public comment. If we may, that language is to be added as part of the current regulation revisions. If we may not, such a regulation revision should be made at the next time of PTPC regulation revisions, or by January 1, 2000, whichever comes first.

I have asked the attorney general if age may be added without going through promulgation and I was advised that we cannot. We, will, therefore include it in the next revision of the Code of Ethics.

If you have any questions feel free to contact this office.

Sincerely,



Sanna Green
Executive Director

Date: Mon, 15 Mar 1999 09:53:16 -0800
From: Teresa Williams <Teresa_Williams@law.state.ak.us>
To: ascpn4@UAA.ALASKA.EDU
Subject: Re: PTPC Case #98-21

A bill was introduced this session that amends Alaska statutes governing licensing and discipline of teachers. On the house side it is named HB 85; on the senate side it is SB61. Neither bill addresses the issue of age discrimination in teacher employment. At this time, the statutes addressing teacher licensing and discipline do not include any language regarding discrimination; that issue is addressed in the Human Rights Act.

Effective on April 8, 1999, the PTPC's revisions to its regulations go into effect. The educator code of ethics to which you refer is a regulation. The issue of age discrimination was not addressed in the regulation changes. The issue could not have been included because the public notice regarding the potential regulation changes did not include that topic.

Teresa Williams
Attorney General's Office

>>> CHARLES P NORDQUIST <ascpn4@UAA.ALASKA.EDU> 3/5/99 12:11:24 PM >>>

Hello,

The above named "case" from the Professional Teaching Practices Commission deals with the issue of adding "age" to that part of the Alaska educator code of ethics which lists prohibited discrimination practices, 20 AAC 10.020(d)(1).

I understand that 98-21 has been "Christmanned" onto some bill under consideration this legislative session.

I wonder if you can tell me which bill this is so that I can track its progress, please?

Thank you.

Charles Nordquist
(907) 258-1600

2440 East Tudor Road #310
Anchorage, AK 99507-1185
April 5, 1999

Hon. Mike Miller, Chair
Hon. Pete Kelly, Vice-Chair
Health, Education and Social Services Committee
Room 119, State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Senators Miller and Kelly:

1. Please find information with regard to SB61. Requested by the Governor, SB61 deals with issues of regulation changes which are of interest to the Fair Teaching Practices Commission (PTPC), etc.
2. The language of 20 AAC 10.020 (d)(1) conspicuously omits the word "age" as a discrimination definer.
3. I filed a "complaint" with the PTPC concerning this omission last August. (See attached.)
4. I received word in writing that this language change would be included in the next revision (SB61). (See attached.)
5. I next received contrary information that change in language to 20 AAC 10.020 (d)(1) is not included. (See attached).
6. Please include this appropriate change!
7. a) Please activate your Oversight procedures in order to investigate this omission and explain to me why this change failed to reach SB61 from the PTPC, Alaska State Department of Education and the Office of the Attorney General, *et al*,
b) which, if any, individuals are responsible,
c) if this omission is in fact subterfuge, and
d) indicate if this omission has to do with ongoing age discrimination in Alaskan education employment practices.

Thank you.

Sincerely,

Charles P. Nordquist

Charles P. Nordquist

Encl.

C:

John Lee, Investigator

c/o Joanne I. Cantrell, Supervisor

Charge Receipt & Technical Information Unit

U.S. Equal Employment Opportunity Commission

Seattle District Office

Federal Office Building

909 First Avenue, Suite 400

Seattle, WA 98104-1061

Hon. Tony Knowles, Governor

3601 C Street, Suite 758

Anchorage, AK 99503

SB

80

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

No. 1
Bill Version: SB80
(S) Publish Date: 2-18-99

Revision Date/Time (Note if correction): _____
Title: Tribal Family Assistance Programs
Sponsor: Rules Committee
Requestor: Governor

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

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						
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CHANGES IN REVENUES ()						
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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.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSSB80 (CRA)

Revision Date/Time (Note if correction): _____
 Title: Native Family Assistance Programs
 Sponsor: Rules Committee
 Requestor: Senate (CRA)

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

Expenditures/Revenues: (Thousands of Dollars)

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

OPERATING	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
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						
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CHANGES IN REVENUES ()						
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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 (FY2000) 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 provides appropriations, in addition to the federal funds, for the operation of tribal family assistance programs. Tribal family assistance programs will provide 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)

BT Prepared by: Jim Nordlund Phone: 465-2680
 Division: Public Assistance Date/Time: 2/7/00 2:05 PM
 Approved by Commissioner: Karen Perdue, Commissioner Date: 2/7/2000
 Agency: Department of Health & Social Services

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Title: Native Family Assistance Programs
Bill No.: CSSB 80 (CRA)
Sponsor: Rules Committee

Analysis Continued

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 Native assistance programs and the approval of regional public assistance programs.

A new component has been added to the DPA budget that will accommodate the inclusion of Native 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.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CS HB 98 (HESS)

Revision Date/Time (Note if correction)		Dept. Affecte	Department of Revenue
Title	Public Assistance:	BRU	Child Support Enforcement Division
	Programs/Grants/Contracts	Component	Child Support Enforcement Division
Sponsor	Rules Committee		
Requester	Finance Committee	Component I	111

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
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 ()						
-------------------------------	--	--	--	--	--	--

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 (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS:

(Attach a separate page if necessary)

The Child Support Enforcement Division receives incentive funding from the federal government based on the agency's collections in public assistance cases. That incentive funding covers about 15% of the child support agency's annual operating budget, reducing the need for state funds. The original version of this legislation would have resulted in reduced federal incentive funding as public assistance collections were converted to tribal assistance collections -- which are not eligible for incentive funding to the states. However, a new federal funding formula that started phasing in for FY2000 depends less on public assistance collections and more on the child support agency's general performance. Therefore, we expect this legislation will not materially affect incentive funding for FY2001 and 2002.

Prepared by:	Barbara Miklos, Director	Phone	
Division	Child Support Enforcement Division	Date/Time	3/23/00 8:11 AM
Approved by Commissioner	Wilson L. Condon	Date	3/23/2000
Agency	Revenue		

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SENATE COMMITTEE REPORT

DATE: 3/18/99

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 4/6/00

HESS Committee considered

SENATE BILL NO. 80

"An Act relating to contracts for the provision of state public assistance to certain recipients in the state; providing for regional public assistance plans and programs in the state; relating to grants for Alaska tribal family assistance programs; and providing for an effective date."

and recommends:

- be replaced with CS SB 80 (HES)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to the Committee

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

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
CHAIR:		CHAIR: <i>Mike Miller</i>	✓		

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<u>#2 DHESS</u>	<u>2/7/00</u>	✓	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

CS FOR SENATE BILL NO. 80()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE 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(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 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

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

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

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

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

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

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

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

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

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC ASSISTANCE

TONY KNOWLES, GOVERNOR

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

March 30, 2000

The Honorable Mike Miller
Alaska State Legislature
Capitol Building, RM 119
Juneau, AK 99811

Dear Senator Miller:

The Senate Health and Social Service Committee heard SB 80, Alaska Native Family Assistance Programs on March 29, 2000. In the course of the hearing you requested information describing which Alaska Native non-profit corporations were authorized to receive state funds to operate public assistance programs. According to state law found in AS 47.27.070, "Alaska native organizations' family assistance programs," the Department of Health and Social Services may coordinate only with the following Alaska Native organizations, as designated under PL 104-193 419 (B), in the development of family assistance programs:

- Arctic Slope Native Association;
- Kawerak, Inc.;
- Maniilaq Association;
- Association of Village Council Presidents;
- Tanana Chiefs Conference;
- Cook Inlet Tribal Council;
- Bristol Bay Native Association;
- Aleutian and Pribilof Island Association;
- Chugachmiut;
- Tlingit Haida Central Council;
- Kodiak Area Native Association;

The Honorable Mike Miller

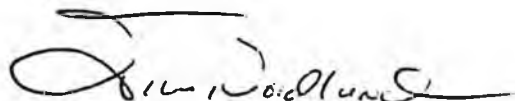
March 30, 2000

Page 2

- Copper River Native Association; and
- Metlakatla Indian Community of the Annette Islands Reserve. (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)

Please let me know if you need any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Nordlund". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jim Nordlund

Director of Public Assistance

cc: Elmer Lindstrom
Special Assistant

"(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(e).

"(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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applies to Tribes
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"(g) DATA COLLECTION AND REPORTING.—Section 411 shall apply to an Indian tribe with an approved tribal family assistance plan.

"(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.

"(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).

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

"(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 405 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.

Sec 4
Appl. Tribes

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Waiver

42 USC 619

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).

42 USC 616.

"SEC. 418. 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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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.

DIVISION OF PUBLIC ASSISTANCE
Individuals Providing Testimony on
SB 80 – Alaska Native Family Assistance Programs

Jim Nordlund, Director, Division of Public Assistance

Don Shircel, Director of Family Services, Tanana Chiefs Council

FAS

Barbara Micklos, Director, Division of Child Support Enforcement (available for questions)



Teleconference Participants

TCN: 10642

Participant Lists

View List for

ALL

Testifiers

Go >>>

Close Window

Participants

Unidentified Testifiers: 0

Unidentified Observers: 0

ANCHORAGE (ANC)

1 Name:Ms. Barbara Miklos Ans ?s Phone:
Address: Affiliation:
City /St /Zip: Type: Testifier
Bill: SB 80: PUB.ASSISTANCE:PROGRAMS/GRANTS/CONTRACTS

2 Name:Mr. John Mallonee Ans ?s Phone:
Address: Affiliation: CSED
City /St /Zip: Type: Testifier
Bill: SB 80: PUB.ASSISTANCE:PROGRAMS/GRANTS/CONTRACTS

FAIRBANKS (FBX)

1 Name:Mr. Don Shircel Phone:
Address: Affiliation: TCC
City /St /Zip: Type: Testifier
Bill: SB 80: PUB.ASSISTANCE:PROGRAMS/GRANTS/CONTRACTS

TONY KNOWLES
GOVERNOR



P O Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 18, 1998

80

The Honorable Drue Pearce
Senate President
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President ^{Drue} Pearce:

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.

The Honorable Drue Pearce

February 18, 1999

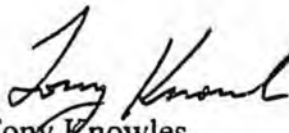
Page 2

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

HB 98: NATIVE FAMILY ASSISTANCE PROGRAMS – PROVISIONS AND INTENDED OUTCOMES

PROVISIONS

- Affirms the state's interest in promoting regional responsibility for public assistance programs that reflect the varying needs and conditions in a local community.
- Allows Alaska Native organizations that receive federal TANF funds to develop and conduct innovative, local public assistance programs.
- Outlines the conditions under which state funds will transfer to a federally approved tribal family assistance program.
- Requires that recipients of Native Family Assistance Programs assign to the Native organization operating the program their right to child support payments.
- Allows the Division of Public Assistance to plan and implement regional public assistance programs designed to respond to varying local needs.

INTENDED OUTCOMES

- ✓ **Self-sufficiency for families on public assistance, particularly in rural Alaska.**
 - Native organizations desire self-sufficiency for all Natives living in their region.
 - Local presence and familiarity with communities puts Native organizations in the best position to administer the program.
- ✓ **Flexibility in designing local approaches to achieving self-sufficiency.**
 - Native organizations have a better grasp of regional socio-economic conditions, which allows them to tailor services based on the unique needs of local communities.
 - Native organizations will be more successful in moving clients from welfare to work, therefore reducing caseload and expenditures.
 - Providing state funds will maximize federal block grant moneys that can be used for innovative welfare-to-work and self-sufficiency efforts.
- ✓ **State and Regional programs are managed efficiently and cost effectively.**
 - Federal funds alone are insufficient for operation for an Alaska Native Family Assistance Plan.
 - Supplementing Alaska Native Family Assistance Programs will help ensure effective service delivery models for rural Alaska.
 - Native organizations can leverage existing programs they currently administer to support self-sufficiency goals of families (i.e. Native Employment Works!, Education, Employment & Training funds, General Assistance).

ALASKA FEDERATION OF NATIVES, INC.

1998 ANNUAL CONVENTION

RESOLUTION NO. 98-36

TITLE: SUPPORTING STATE MATCHING FUNDS FOR TRIBAL TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) PROGRAMS

WHEREAS: The twelve Alaska Native Regional Non-Profits are eligible under federal law to contract for administration of the Temporary Assistance for Needy Families (TANF) Program; and,

WHEREAS: The twelve Alaska Native Regional Non-Profits request the State of Alaska Legislature to support and fund the match towards the State Temporary Assistance to Needy Families (TANF) Program; and,

WHEREAS: These Alaska Naive organizations eligible to contract for TANF fully support the Alaska Human Resources Investment Council and other non-profit organizations in their efforts to have the State of Alaska Legislature to fund a match towards Tribal Temporary Assistance to Needy Families (TANF) Programs;

NOW THEREFORE BE IT RESOLVED that the Delegates to the 1998 Annual Convention of the Alaska Federation of Natives, Inc., that AFN supports the legislation to fund matching funds through the State of Alaska for Tribal Temporary Assistance for Needy Families (TANF) Programs.

SUBMITTED BY: Bristol Bay Native Association

COMMITTEE RECOMMENDATION: DO PASS

CONVENTION ACTION: PASSED



COMMISSION ON RURAL GOVERNANCE AND EMPOWERMENT

Rural Governance Commission



February 12, 1999

The Honorable Tony Knowles
Governor
State of Alaska
P.O. Box 110001
Juneau, Alaska 99811-0001

Dear Governor Knowles:

On behalf of the Commission on Rural Governance and Empowerment (Commission), we want to express our sincere appreciation for allowing us to comment on the current draft of the proposed legislation relating to grants for Alaska Tribal Family Assistance Programs. While the Commission is still deliberating and drafting its official recommendations, there is agreement that this type of mechanism, enabling tribal entities to deliver welfare assistance programs, should be a legislative priority.

As you know, Commission members have traveled across rural Alaska on fact-finding missions this past year. It has become apparent that the passage of this legislation is among the top interests of organizations that have invested considerable resources into helping make welfare reform work. There are highly qualified Native non-profit regional organizations in Alaska that seek the State's support in providing direct benefit and supportive services to the clients living in their service areas. This would be an avenue for Native organizations to have a better measure of control over their own governance.

With this understanding, the Commission recognizes the timeliness of introduction of legislation in the current session that at once advances the goals of welfare reform and strengthens local decision making. We believe it is worthy of introduction by the Knowles Administration because it is the right thing to do on behalf of families across rural Alaska.

We urge your support and action on this matter. We will be available to discuss this with you, should you have any questions.

Thank you for your attention to this important matter.

Sincerely,

Byron I. Mallott
Co-Chair

Robert Keith
Co-Chair

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:

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- (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.

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 subclause (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—

DISPUTES

NEW?

3yr Plan