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Source

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Chapter No.

69

AN ACT

Relating to diversion payments, wage subsidies, cash assistance, and self-sufficiency services provided under the Alaska temporary assistance program; relating to the food stamp program; relating to child support cases that include persons who receive cash assistance or self-sufficiency services under the Alaska temporary assistance program; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 20, 2002

Actual Effective Date: Section 49 takes effect June 21, 2002; remainder of Act takes effect July 1, 2002

AN ACT

1 Relating to diversion payments, wage subsidies, cash assistance, and self-sufficiency services
2 provided under the Alaska temporary assistance program; relating to the food stamp program;
3 relating to child support cases that include persons who receive cash assistance or self-
4 sufficiency services under the Alaska temporary assistance program; and providing for an
5 effective date.

6

7 * Section 1. AS 25.20.050(f) is amended to read:

8 (f) The child support enforcement agency may recover the costs of testing
9 ordered under (e) of this section from the alleged father unless the testing establishes
10 that the individual is not the father, except that costs may not be recovered from a
11 person who is a recipient of cash assistance or self-sufficiency services under
12 AS 47.27 (Alaska temporary assistance program). For purposes of this subsection, a
13 person who receives a diversion payment and self-sufficiency services under

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1 AS 47.27.026 is not considered to be a recipient of cash assistance or self-
2 sufficiency services under AS 47.27.

3 * Sec. 2. 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 cash assistance or self-sufficiency services under AS 47.27 (Alaska temporary
8 assistance program). For purposes of this subsection, a person who receives a
9 diversion payment and self-sufficiency services under AS 47.27.026 is not
10 considered to be a recipient of cash assistance or self-sufficiency services under
11 AS 47.27.

12 * Sec. 3. AS 25.27.900 is amended by adding a new paragraph to read:

13 (13) "assistance under AS 47.27," "assistance granted under
14 AS 47.27," or "assistance paid on behalf of the obligee under AS 47.27" means cash
15 assistance provided under AS 47.27 (Alaska temporary assistance program).

16 * Sec. 4. AS 29.45.650(f) is amended to read:

17 (f) A borough may not levy and collect a sales tax on a purchase made with
18 (1) food coupons, food stamps, or other type of allotment [CERTIFICATE] issued
19 under 7 U.S.C. 2011 - 2036 (Food Stamp Program) [7 U.S.C. 2011 - 2025 (FOOD
20 STAMP ACT)]; or (2) food instruments, food vouchers, or other type of certificate
21 issued under 42 U.S.C. 1786 (Special Supplemental Food Program for Women,
22 Infants, and Children). For purposes of this subsection, the value of a food stamp
23 allotment paid in the form of a wage subsidy as authorized under AS 47.25.975(b)
24 is not considered to be an allotment issued under 7 U.S.C. 2011 - 2036 (Food
25 Stamp Program). This subsection applies to home rule and general law
26 municipalities.

27 * Sec. 5. AS 29.45.700(d) is amended to read:

28 (d) A city that levies and collects sales and use taxes under (a) of this section
29 may not levy and collect a sales tax on a purchase made with (1) food coupons, food
30 stamps, or other types of allotments [CERTIFICATES] issued under 7 U.S.C. 2011 -
31 2036 (Food Stamp Program) [7 U.S.C. 2011 - 2025 (FOOD STAMP ACT)]; or (2)

1 food instruments, food vouchers, or other type of certificate issued under 42 U.S.C.
2 1786 (Special Supplemental Food Program for Women, Infants, and Children). **For**
3 **purposes of this subsection, the value of a food stamp allotment paid in the form**
4 **of a wage subsidy as authorized under AS 47.25.975(b) is not considered to be an**
5 **allotment issued under 7 U.S.C. 2011 - 2036 (Food Stamp Program).** This
6 subsection applies to home rule and general law municipalities.

7 * Sec. 6. AS 47.05.010 is amended to read:

8 **Sec. 47.05.010. Duties of department.** The Department of Health and Social
9 Services shall

10 (1) administer adult public assistance, the Alaska temporary assistance
11 program, and all other assistance programs, and receive and spend money made
12 available to it;

13 (2) adopt regulations necessary for the conduct of its business and for
14 carrying out federal and state laws granting adult public assistance, temporary **cash**
15 **assistance, diversion payments, or self-sufficiency services** for needy families under
16 the Alaska temporary assistance program, and other assistance;

17 (3) establish minimum standards for personnel employed by the
18 department and adopt necessary regulations to maintain those standards;

19 (4) require those bonds and undertakings from persons employed by it
20 which in its judgment are necessary, and pay the premiums on them;

21 (5) cooperate with the federal government in matters of mutual
22 concern pertaining to adult public assistance, the Alaska temporary assistance
23 program, and other forms of public assistance;

24 (6) make the reports, in the form and containing the information, that
25 the federal government from time to time requires;

26 (7) cooperate with the federal government, its agencies or
27 instrumentalities in establishing, extending, and strengthening services for the
28 protection and care of homeless, dependent, and neglected children in danger of
29 becoming delinquent, and receive and expend funds available to the department by the
30 federal government, the state or its political subdivisions for that purpose;

31 (8) cooperate with the federal government in adopting state plans to

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1 make the state eligible for federal matching in appropriate categories of assistance, and
2 in all matters of mutual concern, including adoption of the methods of administration
3 that are found by the federal government to be necessary for the efficient operation of
4 welfare programs;

5 (9) adopt regulations, not inconsistent with law, defining need,
6 prescribing the conditions of eligibility for assistance, and establishing standards for
7 determining the amount of assistance that an eligible person is entitled to receive; the
8 amount of the assistance is sufficient when, added to all other income and resources
9 available to an individual, it provides the individual with a reasonable subsistence
10 compatible with health and well-being; an individual who meets the requirements for
11 eligibility for assistance shall be granted the assistance promptly upon application for
12 it;

13 (10) grant to a person claiming or receiving assistance and who is
14 aggrieved because of the department's action or failure to act, reasonable notice and an
15 opportunity for a fair hearing by the department, and the department shall adopt
16 regulations relative to this;

17 (11) enter into reciprocal agreements with other states relative to
18 public assistance, welfare services, and institutional care that are considered advisable;

19 (12) establish the requirements of residence for public assistance,
20 welfare services, and institutional care that are considered advisable, subject to the
21 limitations of other laws of the state, or law or regulation imposed as conditions for
22 federal financial participation;

23 (13) establish the divisions and local offices that are considered
24 necessary or expedient to carry out a duty or authority assigned to it and appoint and
25 employ the assistants and personnel that are necessary to carry on the work of the
26 divisions and offices, and fix the compensation of the assistants or employees except
27 that a person engaged in business as a retail vendor of general merchandise, or a
28 member of the immediate family of a person who is so engaged, may not serve as an
29 acting, temporary or permanent local agent of the department, unless the
30 commissioner of health and social services certifies in writing to the governor, with
31 relation to a particular community, that no other qualified person is available in the

1 community to serve as local welfare agent; for the purposes of this paragraph, a
2 "member of the immediate family" includes a spouse, child, parent, brother, sister,
3 parent-in-law, brother-in-law or sister-in-law;

4 (14) provide education and health-related services and referrals
5 designed to reduce the number of out-of-wedlock pregnancies and the number of
6 induced pregnancy terminations in the state;

7 (15) investigate reports of abuse, neglect, or misappropriation of
8 property by certified nurse aides in facilities licensed by the department under
9 AS 18.20.

10 * Sec. 7. AS 47.05.020(a) is amended to read:

11 (a) The power of the department to adopt regulations includes the power to
12 adopt and enforce reasonable regulations governing the custody, use, and preservation
13 of the records, papers, files, and communications of the department. The regulations
14 must provide that financial information concerning an eligibility determination of a
15 person applying for or receiving cash assistance, a diversion payment, or self-
16 sufficiency services under the Alaska temporary assistance program shall be disclosed
17 to a legislator on request of the legislator in connection with official purposes within
18 the scope of the legislator's legislative functions and related to the administration of
19 the program consistent with federal law. When, under the law, names and addresses
20 of recipients of public assistance are furnished to or held by another agency or
21 department of government, the agency or department of government shall adopt
22 regulations necessary to prevent the publication of the lists or their use for purposes
23 not directly connected with the administration of public assistance and legislative
24 functions. A legislator to whom information relating to the Alaska temporary
25 assistance program is disclosed under this section may not further disclose the
26 information except to another legislator and then only in connection with official
27 purposes within each legislator's legislative functions and related to the administration
28 of the program consistent with federal law.

29 * Sec. 8. AS 47.05.030(b) is amended to read:

30 (b) It is not a violation of (a) of this section for the department or an employee
31 of the department to disclose to a legislator, or for a legislator to solicit, receive, or

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1 make use of, financial information concerning an eligibility determination of a person
2 applying for or receiving cash assistance, a diversion payment, or self-sufficiency
3 services under the Alaska temporary assistance program if the disclosure, solicitation,
4 receipt, and use are for official purposes in connection with the legislator's official
5 functions and related to the administration of the program consistent with federal law.
6 Information provided to a legislator under this subsection shall remain confidential
7 and may not be further disclosed except as provided in AS 47.05.020.

8 * Sec. 9. AS 47.25.975(b) is amended to read:

9 (b) Householders determined by the department to be eligible for assistance
10 under the food stamp program may obtain food stamp allotments; however, under
11 regulations adopted by the department, a householder may receive all or part of
12 the value of the food stamp allotment in the form of a wage subsidy under
13 AS 47.27.025(e) if

14 (1) the householder is a member of a family eligible for the Alaska
15 temporary assistance program under AS 47.27; and

16 (2) the department determines that the wage subsidy authorized
17 under this subsection would aid the householder in the successful completion of
18 the family self-sufficiency plan under AS 47.27.030 [COUPONS].

19 * Sec. 10. AS 47.25.975(c) is amended to read:

20 (c) Food stamp allotments, other than a wage subsidy authorized under
21 (b) of this section, [COUPONS] shall be used to purchase food from retail food stores
22 that have been approved for participation in the food stamp program. Eligible
23 households living in certain remote areas shall be permitted to purchase certain items
24 of hunting and fishing equipment for the purpose of procuring food for the household,
25 except firearms, ammunition, and other explosives, in accordance with regulations that
26 the Secretary of Agriculture adopts.

27 * Sec. 11. AS 47.25.980(e) is amended to read:

28 (a) The department shall

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

30 (2) cooperate with the federal government and do all things necessary

31 to continue state eligibility under the food stamp program;

1 (3) comply with the requirements of 7 U.S.C. 2011 - 2036 (Food
2 Stamp Program) [7 U.S.C. 2011-2025 (FOOD STAMP ACT)].

3 * Sec. 12. AS 47.25.985(a) is amended to read:

4 (a) A person is guilty of a misdemeanor if the person [:]

5 (1) knowingly acquires, possesses, uses, alters, or transfers food stamp
6 allotments [COUPONS OR AUTHORIZATION TO PURCHASE FOOD
7 COUPONS] in violation of AS 47.25.975 - 47.25.980 or the regulations adopted under
8 AS 47.25.980;

9 (2) presents food stamp allotments [COUPONS] or causes them to be
10 presented for payment or redemption knowing them to have been transferred,
11 received, altered, or used in a manner violating AS 47.25.975 - 47.25.980 or the
12 regulations adopted under AS 47.25.980.

13 (3) knowingly acquires, uses, alters, or transfers a wage subsidy
14 authorized under AS 47.25.975(b) in violation of AS 47.25.975 - 47.25.980,
15 AS 47.27.025(e), or the regulations adopted under AS 47.25.980 or
16 AS 47.27.025(e) [REPEALED].

17 * Sec. 13. AS 47.25.990(3) is amended to read:

18 (3) "food stamp allotments [COUPONS]" means any coupon, stamp,
19 electronic benefit, or type of allotment [CERTIFICATE] issued under 7 U.S.C. 2011
20 - 2036 (Food Stamp Program) [7 U.S.C. 2011-2025 (FOOD STAMP ACT)];

21 * Sec. 14. AS 47.25.990(4) is amended to read:

22 (4) "food stamp program" means the federal food stamp program
23 authorized by 7 U.S.C. 2011 - 2036 [7 U.S.C. 2011-2025];

24 * Sec. 15. AS 47.27.005 is amended to read:

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

26 (1) administer the Alaska temporary assistance program by providing
27 cash assistance, diversion payments, [WITH BASIC LIVING EXPENSES] and self-
28 sufficiency services to needy children and their families under this chapter and, if
29 appropriate, by establishing regional public assistance programs to provide effectively
30 for varying conditions in regions of the state designated by the department;

31 (2) establish, by regulation, program standards for [THAT WILL

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1 PROVIDE] incentives to work, incentives for financial planning, cash assistance,
2 diversion payments, self-sufficiency services, and other opportunities to develop
3 self-sufficiency [WHILE PROVIDING ASSISTANCE WITH BASIC LIVING
4 EXPENSES];

5 (3) prepare, submit to the federal government, and amend, if necessary,
6 a state plan designed to ensure that federal money is available to the state for the
7 operation of the program set out in this chapter to provide cash assistance, diversion
8 payments, [FOR BASIC LIVING EXPENSES] and self-sufficiency services to needy
9 children and their families consistent with the state objectives identified in (2) of this
10 section;

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

14 (5) make reports regarding the program to the federal government as
15 required under federal law, in the form and containing the information required, and
16 comply with the provisions that the federal government determines are necessary to
17 ensure correct and verifiable information on the program;

18 (6) provide to the legislature an annual executive summary of the
19 information required to be reported to the federal government under (5) of this section;

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

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

24 * Sec. 16. AS 47.27.010 is amended to read:

25 **Sec. 47.27.010. Eligible families.** The following families may apply [FOR
26 ASSISTANCE] under the Alaska temporary assistance program:

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

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

31 (3) a woman in the last trimester of pregnancy; [OR]

1 (4) a two-parent family with physical custody of one or more related
2 dependent children.

3 * Sec. 17. AS 47.27.015 is amended to read:

4 **Sec. 47.27.015. Disqualifying conditions.** (a) A family is not eligible for
5 cash assistance under the Alaska temporary assistance program if the family includes
6 an adult who

7 (1) has received cash assistance [BENEFITS] under the Alaska
8 temporary assistance program, or a program of another state operated under a federal
9 assistance grant program for needy families, for a total of 60 months as the caretaker
10 or spouse of a caretaker of a dependent child or as a pregnant woman, unless the
11 caretaker or pregnant woman is

12 (A) a person who the department has reasonable cause to
13 believe is or recently has been the victim of domestic violence, as defined in
14 AS 18.66.990, and the physical, mental, or emotional well-being of the victim
15 would be endangered by a strict application of the time limit otherwise
16 applicable under this subsection;

17 (B) determined, under regulations of the department to be
18 physically or mentally unable to perform gainful activity;

19 (C) a parent who is providing care for a child who is
20 experiencing a disability; or

21 (D) a family determined by the department to be exempt from
22 this paragraph by reason of hardship; or

23 (2) is determined to be fleeing to avoid prosecution, custody, or
24 confinement after conviction, in this or another jurisdiction, for a crime that is
25 classified as a felony or a class A misdemeanor under AS 11 or the criminal laws of
26 the jurisdiction where the criminal activity was committed.

27 (b) A family is not eligible for cash assistance or self-sufficiency services
28 under this chapter for a period of 120 months beginning on the date the adult applicant
29 for the family is convicted of having fraudulently misrepresented the applicant's
30 residence in order to receive cash assistance or self-sufficiency services in more than
31 one state under a program financed with federal money under any successor federal

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1 program that replaces the aid to families with dependent children program.

2 (c) A family is not eligible for cash assistance for the following time periods
3 if the family's demonstrated need for cash assistance is due to a refusal of or voluntary
4 separation from suitable employment by the adult applicant, or a custodial parent or
5 caretaker, without good cause:

- 6 (1) one month for the first refusal or separation without good cause;
7 (2) six months for the second refusal or separation without good cause;

8 and

9 (3) 12 months for the third and subsequent refusal or separation
10 without good cause.

11 (d) A family is not eligible for cash assistance or self-sufficiency services for
12 up to 12 months if the family's demonstrated need is due to an intentional transfer of
13 an asset or assets at less than fair market value for the purpose of establishing
14 eligibility for cash assistance or self-sufficiency services. A period of ineligibility
15 shall begin on the first day of the month following the transfer of the asset or assets
16 and shall remain in effect for a number of months equal to the fair market value of the
17 transferred asset or assets divided by the maximum payment amount for the family as
18 established under AS 47.27.025, or for 12 months, whichever is less.

19 (e) An Alaska temporary assistance program applicant or participant who is
20 administratively disqualified for making a false statement or misrepresentation
21 knowing it was false, or for knowingly failing to disclose a material fact, in order to
22 obtain or increase cash assistance or self-sufficiency services under this chapter is not
23 eligible to receive cash assistance or self-sufficiency services under this chapter for a
24 period of

- 25 (1) six months following the first disqualification;
26 (2) 12 months following the second disqualification; and
27 (3) permanently following the third disqualification.

28 (f) The number of families for which an exemption is in effect under (a)(1) of
29 this section may not exceed 25 [10] percent of the number of families receiving cash
30 assistance under this chapter [OR THE MAXIMUM PERCENTAGE OF
31 FAMILIES ALLOWED AN EXEMPTION UNDER FEDERAL LAW,

1 WHICHEVER IS GREATER].

2 (g) A person who is an alien is not eligible for cash assistance under this
3 chapter unless the person is a qualified alien under 8 U.S.C. 1641 or an alien excepted
4 under 8 U.S.C. 1612(b). However, a qualified alien may only be eligible for cash
5 assistance under this chapter if the person is not precluded by the limited eligibility
6 provision of 8 U.S.C. 1613.

7 (h) When determining under (a)(1) of this section whether an adult has
8 received cash assistance [BENEFITS] for a total of 60 months, the department shall
9 disregard the months that are required to be disregarded under 42 U.S.C. 608(a)(7)(D).

10 * Sec. 18. AS 47.27.020(a) is amended to read:

11 (a) An applicant [FOR ASSISTANCE] under the Alaska temporary assistance
12 program shall complete an application in writing, or by electronic means, and in a
13 form specified by the department. The applicant must be a pregnant woman or an
14 individual who has physical custody of the dependent child or children. The
15 application must be complete and must provide all of the information about the family
16 and the child or children that is requested by the department. The applicant shall
17 provide all supporting documentation for verification that the department determines
18 to be necessary to establish eligibility.

19 * Sec. 19. AS 47.27.020(b) is amended to read:

20 (b) On the application, each applicant shall attest to whether the family, at any
21 time, has received cash assistance or self-sufficiency services from another state
22 program that was established with federal money under any successor federal program
23 that replaces the aid to families with dependent children program and whether the
24 family has ever been disqualified from receiving cash assistance or self-sufficiency
25 services under a successor federal program that replaces aid to families with
26 dependent children for the period for which the application has been submitted.

27 * Sec. 20. AS 47.27.020(d) is amended to read:

28 (d) An applicant shall acknowledge the assignment of support rights as
29 required by AS 47.27.040(a) and shall agree to cooperate with the child support
30 enforcement agency of the Department of Revenue to the extent required under
31 AS 47.27.040(b). The applicant shall agree to report all child support payments

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1 received directly by the family, during or for a period for which the family is receiving
2 cash assistance under this chapter, to the department within 15 days after receipt of
3 those payments.

4 * Sec. 21. AS 47.27.025(a) is amended to read:

5 (a) The department shall provide cash assistance [FOR BASIC LIVING
6 EXPENSES] to families that establish eligibility based on a determination of need that
7 considers the family's available income, assets, and other resources, as established by
8 the department in regulation. Each dependent child in the family is eligible for cash
9 assistance except as otherwise provided in AS 47.27.015 or 47.27.027(b), and cash
10 assistance received as a dependent child does not count against eligibility for cash
11 assistance under this chapter as a caretaker or spouse of a caretaker of a dependent
12 child or as a pregnant woman.

13 * Sec. 22. AS 47.27.025(b) is amended to read:

14 (b) The amounts of cash assistance [FOR BASIC LIVING EXPENSES] may
15 not exceed the following:

16 (1) for a dependent child living with a nonneedy relative caretaker,
17 \$452 per month, plus \$102 for each additional child;

18 (2) for a dependent child living with at least one needy parent or
19 relative caretaker, \$821 per month, plus \$102 for each additional child and \$102 for a
20 second needy parent if the second parent is physically or mentally unable to perform
21 gainful activity as defined by department regulation; or

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

24 * Sec. 23. AS 47.27.025(c) is amended to read:

25 (c) The department shall, for the months of July, August, and September,
26 reduce by 50 percent the maximum cash assistance for which the family is otherwise
27 eligible if the family's eligibility for cash assistance is based on AS 47.27.010(4),
28 unless the second needy parent is determined, under regulations of the department, to
29 be physically or mentally unable to perform gainful activity or to be providing care for
30 a child who is experiencing a disability that requires 24-hour care, as certified by a
31 physician or other licensed medical professional. However, if the commissioner

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

5 * Sec. 24. AS 47.27.025(d) is amended to read:

6 (d) The department shall reduce cash assistance under this section to the
7 extent that the family's shelter costs are lower than the standard shelter allowance used
8 by the department for similar families. The shelter allowance for a family whose costs
9 are below the standard allowance shall be an amount equal to the family's actual
10 verified shelter costs. In this subsection,

11 (1) "shelter allowance" means the portion of the cash assistance
12 provided under this section that is allocated by the department for shelter costs;

13 (2) "shelter costs" means

14 (A) rental payments or mortgage payments for the family's
15 housing, including payments made for property or mortgage insurance and
16 property taxes; and

17 (B) the cost of utilities, including heat, electricity, basic
18 telephone service, water, sewer, and garbage services incurred for the family's
19 housing; the department may establish different utility cost standards for
20 different areas of the state and may use an average utility cost per month based
21 on estimated level payments over a 12-month period.

22 * Sec. 25. AS 47.27.025(e) is amended to read:

23 (e) The department may, instead of paying all of the cash assistance to a
24 family under this section, use all or part of the cash assistance as a wage subsidy paid
25 to an employer who employs a person in the family at a wage that is higher than the
26 wage subsidy. If authorized under AS 47.25.975(b), the department may, instead
27 of paying all of a family's food stamp allotment under AS 47.25.975 - 47.25.990 in
28 a form restricted to buying food, use all or part of the value of the family's food
29 stamp allotment as a wage subsidy paid to an employer who employs a person in
30 the family at a wage that is higher than the total of the wage subsidies paid under
31 this subsection for employment of the person. A subsidy under this subsection may

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1 not exceed one year in duration.

2 * Sec. 26. AS 47.27.026(a) is amended to read:

3 (a) The department may offer a lump-sum diversion payment in place of
4 ongoing cash assistance [AND SERVICES] to an adult applicant who applies [FOR
5 ASSISTANCE] under AS 47.27.020 if the adult applicant is job ready and is
6 determined to need only short-term financial assistance and self-sufficiency services
7 to meet critical needs in order to secure employment and support for the adult
8 applicant's family. The department shall set standards and conditions for diversion
9 payments and self-sufficiency services by regulation.

10 * Sec. 27. AS 47.27.026(b) is amended to read:

11 (b) The department may pay a diversion payment [BENEFITS] to an
12 applicant's family only if that family appears to be eligible for cash assistance
13 [BENEFITS] under AS 47.27.020 and to include a job-ready individual based on the
14 information provided to the department in the application completed under
15 AS 47.27.020. The department may offer to an applicant with the potential to
16 participate in the diversion project a choice between

17 (1) having the Alaska temporary assistance program application
18 processed under AS 47.27.020 and the regulations adopted by the department; or

19 (2) having the application referred to the diversion project of the
20 Alaska temporary assistance program for a determination of eligibility for a diversion
21 project payment and self-sufficiency services [BENEFITS] under this section.

22 * Sec. 28. AS 47.27.026(c) is amended to read:

23 (c) The amount of a [THE] diversion payment with self-sufficiency services
24 must be sufficient to meet the family's immediate needs as determined by the
25 department and the participant. A diversion payment may not exceed the amount the
26 family would be eligible to receive as cash assistance in the first three [TWO] months
27 of eligibility under AS 47.27.025 if the family did not elect to receive a diversion
28 payment.

29 * Sec. 29. AS 47.27.026(d) is amended to read:

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

1 (1) specifies

2 (A) the amount of the diversion payment and the needs it is
3 intended to cover;

4 (B) the self-sufficiency services required to meet the
5 family's immediate needs;

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

10 (3) provides that if the family reapplies [FOR ALASKA
11 TEMPORARY ASSISTANCE PROGRAM ASSISTANCE] under AS 47.27.020
12 during the three months beginning with the month in which the family received a
13 diversion payment, the diversion payment shall be treated as unearned income,
14 prorated over the three-month period, and deducted from any cash assistance that
15 [ALASKA TEMPORARY ASSISTANCE PROGRAM BENEFIT] the family may be
16 eligible for under the new application.

17 * Sec. 30. AS 47.27.026(e) is amended to read:

18 (e) A family that receives a diversion payment may not receive another
19 diversion payment before the 12th month following the month in which it last received
20 a diversion payment. A family may not receive more than four diversion
21 payments.

22 * Sec. 31. AS 47.27.027 is amended to read:

23 **Sec. 47.27.027. Assistance to minors.** (a) If an applicant under
24 AS 47.27.020 is not married, is under the age of 18, and has not been previously
25 emancipated under AS 09.55.590, the applicant must

26 (1) live in a home maintained by the applicant's parent, legal guardian,
27 or other adult relative, unless the applicant establishes that there is good cause, as
28 established by the department in regulation, to waive this requirement; if the
29 department waives this requirement, the applicant must live in an approved, adult-
30 supervised, supportive living environment;

31 (2) agree that cash assistance [FOR BASIC LIVING EXPENSES] on

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1 behalf of the applicant's family may be paid to the applicant's parent, legal guardian, or
2 other adult relative, or, if applicable, to the adult head of the adult-supervised,
3 supportive living environment in which the applicant resides; and

4 (3) maintain attendance in a secondary school or other appropriate
5 training program unless the applicant has a high school diploma or general equivalent
6 diploma.

7 (b) The department shall reduce the cash assistance for which an assistance
8 unit is otherwise eligible under this chapter if a minor parent in the assistance unit
9 fails, without good cause, to meet standards of adequate levels of school attendance, as
10 defined in regulations of the department. The reduction under this subsection shall be
11 achieved by disregarding the needs of the person who failed to meet the school
12 attendance standards. The person's needs shall be disregarded until the minor parent
13 complies.

14 * **Sec. 32.** AS 47.27.030(a) is amended to read:

15 (a) A participant in the Alaska temporary assistance program shall cooperate
16 with the department, or its designee, to develop and sign a family self-sufficiency plan
17 that includes

18 (1) the steps the family will take towards the self-sufficiency of the
19 family;

20 (2) the self-sufficiency services the department will provide to assist
21 the family to attain self-sufficiency;

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

24 (4) a statement that the family may be subject to [BENEFIT]
25 reductions in cash assistance or self-sufficiency services or other sanctions if the
26 family fails to comply with the family plan; and

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

29 * **Sec. 33.** AS 47.27.030(b) is amended to read:

30 (b) The family self-sufficiency plan must set a time period for the achievement
31 of self-sufficiency from cash assistance under the Alaska temporary assistance

1 program. Initially, that [THAT] time period may not provide for any more than a
2 total of 60 months of cash assistance under the Alaska temporary assistance program
3 even though the family may eventually be eligible for an exemption under
4 AS 47.27.015(a)(1). Unless the members of the family who are not dependent
5 children are all exempt under AS 47.27.035(b) - (d), the time period for receiving cash
6 assistance may not exceed a cumulative total of 24 months unless each nonexempt
7 person is in compliance with the work activity assignment made under AS 47.27.035.

8 * **Sec. 34.** AS 47.27.030 is amended by adding a new subsection to read:

9 (d) The department may provide only self-sufficiency services to a family that
10 no longer qualifies for cash assistance due to employment, a family that is disqualified
11 from receiving cash assistance under AS 47.27.015(a)(1), (c), or (g), or a family that
12 qualifies for cash assistance but requests only self-sufficiency services. Self-
13 sufficiency services that are made available to a family under this subsection shall be
14 based on a determination of need established by the department in regulation. If a
15 family receives only self-sufficiency services, the department may waive the self-
16 sufficiency plan requirements specified in (a) and (b) of this section.

17 * **Sec. 35.** AS 47.27.035(a) is amended to read:

18 (a) An Alaska temporary assistance program participant shall, after the
19 participant's family has received a cumulative total of 24 months of cash assistance or
20 sooner if assigned to do so by the department, participate in work activities as assigned
21 by the department or its designee in order for the family to continue to receive cash
22 assistance or self-sufficiency services from the department under the Alaska
23 temporary assistance program, unless the participant is exempt from the work
24 participation requirements under one or more of the exemptions set out in (b) - (d) of
25 this section.

26 * **Sec. 36.** AS 47.27.040 is amended to read:

27 **Sec. 47.27.040. Assignment of support rights; cooperation with child**
28 **support enforcement agency.** (a) An Alaska temporary assistance program
29 applicant is considered to have assigned to the state, through the child support
30 enforcement agency of the Department of Revenue, all rights to accrued and
31 continuing child support, from all sources, that is due for the support of any

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1 individuals in the family for whom support is sought. The assignment takes effect
2 upon a determination that the applicant's family is eligible for cash assistance under
3 this chapter. Except with respect to the amount of any unpaid support obligation
4 accrued under the assignment, the assignment terminates when the family ceases to
5 receive cash assistance under [BE A PARTICIPANT IN] the Alaska temporary
6 assistance program.

7 (b) An Alaska temporary assistance program participant shall cooperate with
8 the child support enforcement agency of the Department of Revenue in establishing
9 paternity or establishing, modifying, or enforcing a child support order requiring the
10 payment of support by the noncustodial parent for a dependent child for whom Alaska
11 temporary assistance program cash assistance is received. The child support
12 enforcement agency shall determine whether the participant is in good faith
13 compliance with the requirements of this subsection and shall inform the Department
14 of Health and Social Services of its determination. The Department of Health and
15 Social Services shall establish whether the participant has good cause for refusing to
16 cooperate.

17 (c) The department may distribute to an Alaska temporary assistance program
18 participant \$50 per month from a monthly child support payment, or the amount of the
19 child support payment if it is less than \$50, received by the child support enforcement
20 agency for the support of a child for whom Alaska temporary assistance program cash
21 assistance is paid.

22 * Sec. 37. AS 47.27.045 is amended to read:

23 **Sec. 47.27.045. Alienation and attachment. Cash assistance**
24 [ASSISTANCE] granted under this chapter is inalienable by assignment or transfer
25 and is exempt from garnishment, levy, or execution as is provided in AS 09.38.

26 * Sec. 38. AS 47.27.060 is amended to read:

27 **Sec. 47.27.060. Job development.** The department may establish cooperative
28 agreements with the Department of Labor and Workforce Development, Department
29 of Education and Early Development, and Department of Community and Economic
30 Development, and with other public or private sector organizations for the purpose of
31 developing job, training, and educational opportunities for families eligible for cash

1 assistance or self-sufficiency services under this chapter.

2 * **Sec. 39.** AS 47.27.075 is amended to read:

3 **Sec. 47.27.075. Emergency account established.** There is established within
4 the general fund the Alaska temporary assistance program emergency account. The
5 account consists of appropriations that were made by the legislature from federal
6 money available for cash assistance, diversion payments, and self-sufficiency
7 services under this chapter, including lapsing money that was previously appropriated
8 from federal money for the Alaska temporary assistance program, but that were not
9 expended or obligated in the fiscal year for which they were appropriated.

10 * **Sec. 40.** AS 47.27.080(a) is amended to read:

11 (a) An applicant or participant who receives a determination from the
12 department that denies, limits, or modifies the cash assistance, diversion payment, or
13 self-sufficiency services provided under this chapter may request a hearing before the
14 department or a representative of the department appointed for that purpose. If a
15 representative is appointed, the representative shall conduct the hearing under the
16 regulations adopted by the department. The appeal is not subject to AS 44.62.330 -
17 44.62.630.

18 * **Sec. 41.** AS 47.27.085(a) is amended to read:

19 (a) Except as provided in (b) of this section, the [THE] department shall
20 reduce the amount of cash assistance provided to the family of [PENALIZE] an
21 Alaska temporary assistance program applicant or participant who, without good
22 cause, fails to comply with a condition of the family self-sufficiency plan, [OR] who
23 fails to participate in work activities required as a part of the Alaska temporary
24 assistance program, or who fails to cooperate with the child support enforcement
25 agency as required under AS 47.27.040. The reduction shall be, [BY
26 DISREGARDING THAT PERSON AS A MEMBER OF THE FAMILY FOR
27 PURPOSES OF DETERMINING THE AMOUNT OF ASSISTANCE GIVEN TO
28 THE FAMILY. THE PERIOD OF TIME DURING WHICH THE DEPARTMENT
29 SHALL DISREGARD THE NONCOMPLYING PERSON FOR PURPOSES OF
30 DETERMINING THE AMOUNT OF THE FAMILY'S ASSISTANCE IS]

31 (1) beginning on the date the department makes a finding that the

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1 family is not in compliance under this subsection, 40 percent of the maximum
2 cash assistance that would be payable under AS 47.27.025 for a family of the
3 same size, assuming the family has no income counted for purposes of this
4 chapter, until the date the department determines that the family [PERSON] is in
5 compliance under this subsection if the family comes into compliance within the
6 first four months after the date of the department's finding of noncompliance
7 [PERSON HAS NOT PREVIOUSLY BEEN DISREGARDED] under this subsection;
8 on the date the department determines that the family is in compliance, the
9 department shall begin to pay the family the full amount of cash assistance for
10 which the family is eligible;

11 (2) beginning five months after the date the department made the
12 finding that the family was not in compliance under this subsection, 75 percent of
13 the maximum cash assistance that would be payable under AS 47.27.025 for a
14 family of the same size, assuming the family has no income counted for purposes
15 of this chapter, [THE LONGER OF SIX MONTHS OR] until the date the
16 department determines that the family [PERSON] is in compliance under this
17 subsection if the family comes into compliance during the fifth, sixth, seventh, or
18 eighth month after the date the department initially determined that the family
19 was not in compliance [PERSON HAS PREVIOUSLY BEEN DISREGARDED]
20 under [(1) OF] this subsection; on the date the department determines that the
21 family is in compliance, the department shall begin to pay the family the full
22 amount of cash assistance for which the family is eligible;

23 (3) beginning nine months after the date the department made the
24 finding that the family was not in compliance under this subsection, the full
25 amount of the family's cash assistance if the noncompliance under this subsection
26 is not corrected within eight months after the date of the department's initial
27 finding of noncompliance under this subsection; in order to again receive cash
28 assistance under this chapter, the family shall reapply under AS 47.27.020 and
29 satisfy all requirements applicable to applicants under that section [LONGER OF
30 12 MONTHS OR UNTIL THE PERSON IS IN COMPLIANCE UNDER THIS
31 SUBSECTION IF THE PERSON HAS PREVIOUSLY BEEN DISREGARDED

1 UNDER (2) OF THIS SECTION].

2 * **Sec. 42.** AS 47.27.085(b) is repealed and reenacted to read:

3 (b) Notwithstanding (a) of this section, the department may not reduce a
4 family's cash assistance under (a)(2) or (3) of this section unless there is, in the
5 family's case record, (1) documented evidence that the department has attempted to
6 visit the family's home after the imposition of a reduction under (a)(1) of this section
7 and (2) a written finding by the department that, considering the results of any home
8 visit attempted under (1) of this subsection and the availability of other services in the
9 community that are appropriate to the family's needs, the health, safety, and well-
10 being of the children in the family will not be significantly jeopardized by imposition
11 of a reduction under (a)(2) or (3) of this section. If the department does not reduce a
12 family's cash assistance based on the provisions of this subsection, the department
13 may manage the family's cash assistance on behalf of the family under regulations that
14 the department shall adopt concerning management of cash assistance under this
15 subsection.

16 * **Sec. 43.** AS 47.27.085(c) is amended to read:

17 (c) An Alaska temporary assistance program applicant or participant who
18 receives cash assistance, a diversion payment, or self-sufficiency services when not
19 entitled to them under this chapter because the information provided by the applicant
20 or participant was inaccurate or incomplete is liable to the department for the value of
21 the cash assistance, diversion payment, and self-sufficiency services improperly
22 provided to the applicant or participant.

23 * **Sec. 44.** AS 47.27.085(d) is amended to read:

24 (d) In a civil action brought by the state to recover the value of cash
25 assistance, a diversion payment, or self-sufficiency services improperly provided
26 under this chapter, the state may recover costs of investigation and prosecution of the
27 civil action, including attorney fees as determined under court rules.

28 * **Sec. 45.** AS 47.27.085 is amended by adding a new subsection to read:

29 (e) The department shall adopt regulations necessary to implement this
30 section.

31 * **Sec. 46.** AS 47.27.900(8) is amended to read:

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1 (8) "self-sufficiency services" means work-related services,
2 community service work referrals, child care assistance, emergency assistance,
3 service vouchers, equipment vouchers, work stipends, transportation assistance,
4 wage subsidies, and other work supports and services determined by the department
5 in regulation to promote family self-sufficiency;

6 * Sec. 47. AS 47.27.900 is amended by adding new paragraphs to read:

7 (10) "cash assistance" means assistance for basic living expenses
8 provided under the Alaska temporary assistance program; "cash assistance" includes
9 cash, vouchers, or third-party vendor payments; "cash assistance" does not include a
10 diversion payment under AS 47.27.026 or self-sufficiency services;

11 (11) "diversion payment" means a diversion payment paid under
12 AS 47.27.026.

13 * Sec. 48. AS 47.27.900(1) is repealed.

14 * Sec. 49. The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 TRANSITION: REGULATIONS. Notwithstanding sec. 52 of this Act, the affected
17 state agencies may proceed to adopt regulations necessary to implement the changes made by
18 secs. 1 - 48 of this Act. The regulations take effect under AS 44.62 (Administrative
19 Procedure Act), but not before the effective date of the statutory changes.

20 * Sec. 50. The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 REVISOR'S INSTRUCTIONS. The revisor of statutes is instructed to change the
23 catchline of

24 (1) AS 47.27.020 from "Application and requirements for assistance" to
25 "Application requirements";

26 (2) AS 47.27.025 from "Family assistance" to "Cash assistance";

27 (3) AS 47.27.030 from "Family self-sufficiency plan" to "Family self-
28 sufficiency services."

29 * Sec. 51. Section 49 of this Act takes effect immediately under AS 01.10.070(c).

30 * Sec. 52. Except as provided in sec. 51 of this Act, this Act takes effect July 1, 2002.