



# LAWS OF ALASKA

1981

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Chapter No.

79

## AN ACT

Relating to older Alaskans; establishing an Older Alaskans Commission; amending the law providing service programs for older Alaskans; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 11

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: July 14, 1981  
Actual Effective Dates: Secs. 1 - 4, 10, 13 and 15 effective  
July 15, 1981; Secs. 5 - 9, 11 - 12, and 14 effective  
January 1, 1982

AN ACT

Relating to older Alaskans; establishing an Older Alaskans Commission; amending the law providing service programs for older Alaskans; and providing for an effective date.

\* Section 1. FINDINGS, PURPOSE, AND INTENT. (a) The legislature finds that the changing pace of modern life, economic inflation, the infirmities of advancing years, and alterations in the traditions and values of family life have combined to place many older Alaskans in an unenviable position of poverty and dependency that endangers their health, well-being, and safety. In keeping with the inherent dignity and respect due the individual in our society, older Alaskans are entitled to secure equal opportunity to the full enjoyment of

- (1) an adequate income in accordance with a decent standard of living;
- (2) sound physical and mental health, without regard to economic status or condition;
- (3) suitable housing, selected, designed, and located with reference to the special needs and concerns of older Alaskans at reasonable cost;
- (4) full restorative health services for those older Alaskans in need of institutional care;
- (5) opportunity for employment without discrimination based on an individual's age;
- (6) pursuit of meaningful activity within a wide range of civic,

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1 cultural, and recreational opportunities;

2 (7) efficient, coordinated in-home care and readily available  
3 community social assistance;

4 (8) the benefit of knowledge gained from research which can sus-  
5 tain and improve the health and happiness of older Alaskans; and

6 (9) independence and the fullest exercise of individual initia-  
7 tive on the part of older Alaskans in the planning and management of their  
8 lives.

9 (b) It is the purpose of this Act to assure that the years remaining  
10 to people over the age of 60 are years of good health, honor, and dignity by

11 (1) providing a full range of social services, health services,  
12 employment services, and educational opportunities to older Alaskans;

13 (2) giving special attention to the needs of older Alaskans in  
14 the planning and delivery of state and local programs;

15 (3) improving the delivery of all public services essential to  
16 the lives of older Alaskans; and

17 (4) requiring that the planning and provision of programs of  
18 benefit to older Alaskans will be undertaken with the participation, knowl-  
19 edge, advice, and comments of people served.

20 (c) It is the intent of this Act to exclude the Alaska Pioneers' Homes  
21 and the longevity bonus program from the provisions of this Act, and to  
22 exempt the Alaska Pioneers' Homes and the longevity bonus program from the  
23 scope of the authority and responsibility of the Older Alaskans Commission.

24 \* Sec. 2. AS 44.21 is amended by adding new sections to read:

25 ARTICLE 4. OLDER ALASKANS COMMISSION.

26 Sec. 44.21.200. OLDER ALASKANS COMMISSION. (a) The Older  
27 Alaskans Commission is established in the Department of Administration.  
28 The members of the commission include

29 (1) the commissioner of the Department of Administration or

the commissioner's designee;

(2) the commissioner of the Department of Community and Regional Affairs or the commissioner's designee;

(3) the commissioner of the Department of Health and Social Services or the commissioner's designee;

(4) the chairman of the Pioneers' Homes Advisory Board appointed under AS 44.21.100 - 44.21.130; and

(5) seven Alaskans selected on the basis of their knowledge and demonstrated interest in the concerns of older Alaskans, appointed by the governor in accordance with (b) of this section.

(b) After requesting from senior citizens organizations the names of persons who are qualified for and interested in serving on the commission, the governor shall appoint the members of the commission under (a)(5) of this section. Appointments shall be made by the governor to assure representation of low-income persons and minorities, and representation from rural and urban areas of the state, and to secure statewide geographical representation on the commission. At least six of the persons appointed by the governor shall be 60 years of age or older. At least two of these persons shall be 65 years of age or older. Each member appointed by the governor shall be a resident of the state.

(c) The persons appointed under (a)(5) of this section serve overlapping four-year terms, and serve at the pleasure of the governor. A member may be reappointed, but no member appointed under (a)(5) of this section may serve more than two consecutive terms or eight consecutive years, whichever is longer.

(d) If a person appointed under (a)(5) of this section fails to attend three consecutive meetings of the commission, a majority of the members of the commission may request the governor to terminate the

1 membership of the member and to fill the vacancy.

2 (e) A vacancy in the membership of persons appointed under (a)(5)  
3 of this section shall be filled by appointment by the governor. The  
4 person appointed shall serve for the unexpired portion of the term.

5 Sec. 44.21.210. MEETINGS. (a) The commission shall meet at the  
6 call of the chairperson, at the request of a majority of the members, or  
7 at a regularly scheduled time as determined by a majority of the mem-  
8 bers. The commission shall meet at least six times each year.

9 (b) The members of the commission listed in AS 44.21.200(a)(1) -  
10 (4) may not vote on matters before the commission. A majority of the  
11 members of the commission listed in AS 44.21.200(a)(5) constitutes a  
12 quorum for conducting business and exercising the powers of the commis-  
13 sion.

14 (c) The commission shall elect one of its members as chairperson,  
15 and may select other officers it considers necessary.

16 Sec. 44.21.220. COMPENSATION. Members of the commission receive  
17 no compensation for their services, but are entitled to per diem and  
18 travel allowances authorized by law for other boards and commissions  
19 under AS 39.20.180.

20 Sec. 44.21.230. POWERS, DUTIES, AND LIMITATIONS. (a) The commis-  
21 sion shall

22 (1) formulate a comprehensive statewide plan that identi-  
23 fies the concerns and needs of older Alaskans and, with reference to  
24 the plan adopted, prepare and submit to the governor and legislature an  
25 annual analysis and evaluation of the services that are provided to  
26 older Alaskans;

27 (2) make recommendations directly to the governor and legis-  
28 lature with respect to legislation, regulations, and appropriations for  
29 programs or services that benefit older Alaskans;

(3) encourage and aid the development of municipal commissions serving older Alaskans and community-oriented programs and services for the benefit of older Alaskans;

(4) employ an executive director who serves at the pleasure of the commission;

(5) help older Alaskans lead dignified, independent, and useful lives;

(6) request and receive reports and audits from state agencies and local institutions concerned with the conditions and needs of older Alaskans;

(7) administer, with the approval of the commissioner of administration, federal programs as provided under the Older Americans Act, P.L. 89-73, as amended; and

(8) administer, with the approval of the commissioner of administration, state programs as provided under AS 47.65.010 - 47.65.060.

(b) To accomplish its duties, the commission may

(1) review, evaluate, and comment upon state programs concerned with the problems and the needs of older Alaskans;

(2) collect facts and statistics, and make studies of conditions and problems pertaining to the employment, health, financial security, social welfare, and other concerns that bear upon the well-being of older Alaskans;

(3) provide information about public programs that would be of interest or benefit to older Alaskans;

(4) appoint special committees, which may include persons who are not members of the commission, to complete necessary studies;

(5) promote community education efforts regarding the problems and concerns of older Alaskans;

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1 (6) contract for necessary services;

2 (7) consult and cooperate with persons, organizations, and  
3 groups interested in or concerned with programs of assistance to older  
4 Alaskans;

5 (8) advocate improved programs of benefit to older Alaskans;  
6 and

7 (9) set standards for levels of services for older Alaskans  
8 for programs administered by the commission.

9 (c) The commission may not investigate, review, or undertake any  
10 responsibility for the longevity bonus program (AS 47.45.010 - 47.45.-  
11 170) or the Alaska Pioneers' Homes (AS 47.25.010 - 47.25.110).

12 Sec. 44.21.240. DEFINITIONS. In AS 44.21.200 - 44.21.240, "com-  
13 mission" means the Older Alaskans Commission.

14 \* Sec. 3. AS 39.25.120 is amended by adding a new paragraph to read:

15 (19) the executive director, but not other staff, of the  
16 Older Alaskans Commission located in the Department of Administration.

17 \* Sec. 4. AS 44.66.010(a) is amended by adding a new paragraph to read:

18 (10) Older Alaskans Commission (AS 44.21.200) -- June 30,  
19 1985.

20 \* Sec. 5. AS 47.65.010 is amended to read:

21 Sec. 47.65.010. OLDER ALASKANS SERVICE PROGRAMS ACCOUNT. The  
22 older Alaskans service programs account is established in the Department  
23 of Administration. An amount to carry out the provisions of this  
24 chapter may be appropriated annually by the legislature to the account.  
25 The amount appropriated to the account shall be fully distributed by  
26 the Older Alaskans Commission [OFFICE ON AGING] to sponsors of older  
27 Alaskans service programs in accordance with the provisions of this  
28 chapter.

29 \* Sec. 6. AS 47.65.020 is amended to read:

Sec. 47.65.020. GRANTS FOR COMMUNITY SERVICE PROGRAMS. Not less than 60 percent of the amount appropriated by the legislature to the account established in AS 47.65.010 shall be allocated annually by the commission [OFFICE ON AGING] as community program grants to sponsors of older Alaskans service programs. Payments shall be made on the basis of applications submitted to the commission [OFFICE ON AGING] by sponsors of community programs.

\* Sec. 7. AS 47.65.030 is amended to read:

Sec. 47.65.030. PILOT PROJECT GRANTS. (a) The balance of the amount appropriated to the account established in AS 47.65.010 not allocated under AS 47.65.020 shall be allocated annually by the commission [OFFICE ON AGING] as grants to support pilot projects for the benefit of older Alaskans under this section.

(b) The commission [OFFICE ON AGING] shall adopt standards for pilot project grants and, after adoption of the standards as regulations, in accordance with the Administrative Procedure Act, shall apply the standards to determine eligibility of applicants for pilot project grants. In awarding pilot project grants, the commission [OFFICE ON AGING] shall

(1) enter into agreements with the project sponsor to operate one or more of the selected pilot projects consistent with the standards adopted;

(2) monitor and evaluate, in a written report, each pilot project; the report shall include

(A) a description of the project and of the persons served by it;

(B) the problems presented by the persons served by the project;

(C) a description of the problems most effectively

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1 handled by the project; and

2 (D) an estimate of projected cost of operation of the  
3 project for the next three succeeding years.

4 \* Sec. 8. AS 47.65.040 is amended to read:

5 **Sec. 47.65.040. REQUIRED CONTRIBUTION BY SPONSOR.** A sponsor  
6 receiving a grant under this chapter shall contribute to the total cost  
7 of the program or project. The contribution may be in cash or in-kind  
8 services. The amount of the sponsor's required contribution is deter-  
9 mined by the application of the formula (average per capita full and  
10 true value of all property in the municipality or community in which  
11 the project or program takes place/average per capita full and true  
12 value of all property in the state) x contribution percentage to the  
13 estimated total program or project cost as determined by the commission  
14 [OFFICE ON AGING] at the time of approval of a grant application.  
15 However, the amount of the sponsor's contribution may not amount to more  
16 than 10 percent of the total program or project cost. For purposes of  
17 this section

18 (1) the contribution percentage for

19 (A) a program or project in a municipality or community  
20 having a population of 5,000 or less is 10 percent of the total  
21 program or project cost;

22 (B) a program or project in a municipality or community  
23 having a population of 5,001 to 10,000 is 20 percent of the total  
24 program or project cost; and

25 (C) a program or project in a municipality or community  
26 having a population of more than 10,000 is 30 percent of the total  
27 program or project cost;

28 (2) if an application is submitted for a program or project  
29 in a municipality or community for which no average per capita full and

true property value determination has been made,

(A) if the population of the municipality or community is 750 or more, the commission [OFFICE ON AGING] shall request the state assessor to compute the average per capita full and true property value of that municipality or community and report it;

(B) if the population is less than 750, the commission [OFFICE ON AGING] may substitute for the average per capita full and true value of property in the municipality or community an amount equal to the average per capita full and true value of property in the smallest municipality for which that amount has been determined by the state assessor;

(3) the required contribution rate of the sponsor may not exceed the contribution percentage established in (1) of this section;

(4) the grant awarded by the commission [OFFICE ON AGING] may not exceed the estimated total program or project cost as determined by the commission [OFFICE ON AGING] less the contribution by the sponsor determined in accordance with this section.

\* Sec. 9. AS 47.65.050 is amended to read:

Sec. 47.65.050: ADMINISTRATIVE REQUIREMENTS. Payments received by a sponsor under this chapter may be used only to meet costs of services which the commission [OFFICE ON AGING] has determined directly benefit older Alaskans. A payment may not be made by the commission [OFFICE ON AGING] under this section unless the commission [OFFICE ON AGING] determines that

(1) the sponsor meets accepted standards of fiscal accountability for public funds;

(2) the sponsor can demonstrate, when requested, the actual cost of services which it is providing for the benefit of older Alaskans; and

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(3) the sponsor agrees to make available, upon request, all fiscal information relating to service for which payments are provided under this chapter.

\* Sec. 10. AS 47.65.060(4) is amended by adding a new subparagraph to read:

(C) an educational institution.

\* Sec. 11. AS 47.65.060 is amended by adding a new paragraph to read:

(5) "commission" means the Older Alaskans Commission established in AS 44.21.200.

\* Sec. 12. AS 47.65.060(1) is repealed.

\* Sec. 13. INITIAL MEMBERSHIP AND MEETING OF COMMISSION. (a) Of the seven public members first appointed by the governor to the Older Alaskans Commission under AS 44.21.200(a)(5),

(1) three shall serve a term of two years;

(2) two shall serve a term of three years;

(3) two shall serve a term of four years.

(b) In making appointments of the first public members of the Older Alaskans Commission under AS 44.21.200(a)(5), the governor shall designate an expiration date of the terms of members first appointed in accordance with (a) of this section.

(c) The governor shall determine the date and place of the first meeting of the Older Alaskans Commission; however, that meeting shall be held not later than 60 days after the effective date of this Act.

\* Sec. 14. TRANSFER OF PROGRAM RESPONSIBILITIES. The following are transferred to the Older Alaskans Commission in the Department of Administration:

(1) the programs conducted under the Older Americans Act, P.L. 89-73, as amended, and the persons who administer those programs in the division of adult and aging services, Department of Health and Social

Services;

(2) the programs conducted under AS 47.65.010 - 47.65.060, and the persons who administer those programs in the division of adult and aging services, Department of Health and Social Services; and

(3) the Governor's Advisory Committee on Aging.

\* Sec. 15. CONTINUING RESPONSIBILITY OF THE DEPARTMENT OF ADMINISTRATION.

This Act does not affect the responsibility of the Department of Administration for the Alaska longevity bonus program (AS 47.45.010 - 47.45.170) or the Alaska Pioneers' Homes (AS 47.25.010 - 47.25.110).

\* Sec. 16. Sections 1 - 4, 10, 13 and 15 of this Act take effect July 1, 1981.

\* Sec. 17. Sections 5, 9, 11 - 12 and 14 of this Act take effect January 1, 1982.