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Offered: 6/11/81

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 17(R1s) am S

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to older Alaskans; establishing an
7 Older Alaskans Commission; amending the law providing
8 service programs for older Alaskans; and providing for
9 an effective date."

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

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

19 (1) an adequate income in accordance with a decent standard of
20 living;

21 (2) sound physical and mental health, without regard to economic
22 status or condition;

23 (3) suitable housing, selected, designed, and located with refer-
24 ence to the special needs and concerns of older Alaskans at reasonable cost;

25 (4) full restorative health services for those older Alaskans in
26 need of institutional care;

27 (5) opportunity for employment without discrimination based on an
28 individual's age;

29 (6) pursuit of meaningful activity within a wide range of civic,

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

1 the commissioner's designee;

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

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

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

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

11 (b) After requesting from senior citizens organizations the names
12 of persons who are qualified for and interested in serving on the
13 commission, the governor shall appoint the members of the commission
14 under (a)(5) of this section. Appointments shall be made by the gover-
15 nor to assure representation of low-income persons and minorities, and
16 representation from rural and urban areas of the state, and to secure
17 statewide geographical representation on the commission. At least six
18 of the persons appointed by the governor shall be 60 years of age or
19 older. At least two of these persons shall be 65 years of age or
20 older. Each member appointed by the governor shall be a resident of
21 the state.

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

27 (d) If a person appointed under (a)(5) of this section fails to
28 attend three consecutive meetings of the commission, a majority of the
29 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 which 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 which 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 which benefit older Alaskans;

1 (3) encourage and aid the development of municipal commis-
2 sions serving older Alaskans and community-oriented programs and ser-
3 vices for the benefit of older Alaskans;

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

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

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

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

14 (8) administer, with the approval of the commissioner of
15 Administration, state programs as provided under AS 47.65.010 - 47.65.-
16 060.

17 (b) To accomplish its duties, the commission may

18 (1) review, evaluate and comment upon state programs con-
19 cerned with the problems and the needs of older Alaskans;

20 (2) collect facts and statistics, and make studies of condi-
21 tions and problems pertaining to the employment, health, financial
22 security, social welfare, and other concerns which bear upon the well-
23 being of older Alaskans;

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

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

28 (5) promote community education efforts regarding the prob-
29 lems and concerns of older Alaskans;

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:

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

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

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

14 (b) The commission [OFFICE ON AGING] shall adopt standards for
15 pilot project grants and, after adoption of the standards as regula-
16 tions, in accordance with the Administrative Procedure Act, shall apply
17 the standards to determine eligibility of applicants for pilot project
18 grants. In awarding pilot project grants, the commission [OFFICE ON
19 AGING] shall

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

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

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

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

29 (C) a description of the problems most effectively

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 subsection

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 municipality or community
26 having a population or 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

1 true property value determination has been made,

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

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

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

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

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

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

25 (1) the sponsor meets accepted standards of fiscal account-
26 ability for public funds;

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

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

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

6 (C) an educational institution.

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

8 (5) "commission" means the Older Alaskans Commission estab-
9 lished in AS 44.21.200.

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

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

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

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

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

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

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

24 * Sec. 14. TRANSFER OF PROGRAM RESPONSIBILITIES. The following are
25 transferred to the Older Alaskans Commission in the Department of Administra-
26 tion:

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

1 Services;

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

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

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

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

10 * Sec. 16. Sections 1 - 4, 10, 13 and 15 of this Act take effect July 1,
11 1981.

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

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