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and Pioneers, State Affairs and Finance

6-1367E

BY SEN. KERTTULA

1 IN THE SENATE

2

SENATE BILL NO. 337

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act creating a new department in the executive
7 branch to coordinate and operate programs relating to
8 pioneers and senior citizens; transferring functions
9 and agencies to the new department; requiring certain
10 agencies to consult the new department on certain
11 matters; changing the membership of the Alaska Med-
12 ical Facilities Authority to accommodate the addition
13 of the new commissioner as a member; and providing
14 for an effective date."

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

16 * Section 1. FINDINGS; PURPOSE. The legislature finds that better
17 coordination and focus of the major programs affecting pioneers and senior
18 citizens would enhance the effectiveness of those programs. The best way
19 to achieve the desired coordination and focus would be to put the programs
20 and agencies that administer those programs under the direction of a new
21 department that would be solely concerned with the needs of pioneers and
22 senior citizens. Therefore, the purpose of this Act is to establish the
23 Department of Pioneers' and Senior Citizens' Affairs to plan, administer,
24 and coordinate programs for pioneers and senior citizens.

25 * Sec. 2. AS 44 is amended by adding a new chapter to read:

26 CHAPTER 40. DEPARTMENT OF PIONEERS' AND SENIOR
27 CITIZENS' AFFAIRS.

28 Sec. 44.40.010. COMMISSIONER OF PIONEERS' AND SENIOR CITIZENS'
29 AFFAIRS. The principal executive officer of the Department of

1 Pioneers' and Senior Citizens' Affairs is the commissioner of pio-
2 neers' and senior citizens' affairs.

3 Sec. 44.40.020. DUTIES OF DEPARTMENT. (a) The Department of
4 Pioneers' and Senior Citizens' Affairs shall coordinate, evaluate, and
5 administer programs relating to pioneers and senior citizens, includ-
6 ing the following:

- 7 (1) longevity bonus program;
- 8 (2) Pioneers' Home;
- 9 (3) service programs for older Alaskans;
- 10 (4) reporting of abuse of elderly persons;
- 11 (5) housing programs for senior citizens.

12 (b) The department shall also

13 (1) provide assistance to other agencies, at their request
14 or when specifically required by law, to help ensure coordination and
15 focus in programs affecting pioneers and senior citizens;

16 (2) develop long-range plans for programs, services, and
17 activities for pioneers and senior citizens;

18 (3) receive and disburse all federal and state funds allo-
19 cated to the department and solicit, accept, and administer grants,
20 including federal grants or gifts made to the department or to the
21 state for the benefit of pioneers or senior citizens;

22 (4) provide technical, training, and program assistance to
23 private and public agencies and organizations that provide services or
24 activities for pioneers and senior citizens;

25 (5) stimulate more effective use of existing resources and
26 services and develop programs, opportunities, and services that are
27 not currently provided with the aim of developing a comprehensive and
28 coordinated system for the delivery of social and medical services to
29 pioneers and senior citizens;

1 (6) serve within government and in the state as an advocate
2 for pioneers and senior citizens by holding hearings and conducting
3 studies or investigations concerning matters affecting the health,
4 safety, and welfare of pioneers and senior citizens, and by assisting
5 pioneers and senior citizens to apply for and receive services and to
6 be given fair hearings when services are denied;

7 (7) make recommendations for legislative action to the
8 governor and the legislature to address the needs of pioneers and
9 senior citizens;

10 (8) maintain a clearinghouse of information related to the
11 needs and interests of pioneers and senior citizens; and

12 (9) adopt regulations to carry out its purposes.

13 * Sec. 3. AS 08.70.050 is amended by adding a new subsection to read:

14 (c) When developing or revising standards for licensing nursing
15 home administrators under this section, the board shall consult the
16 Department of Pioneers' and Senior Citizens' Affairs. The Department
17 of Pioneers' and Senior Citizens' Affairs shall, on request of the
18 board, assist the board in developing and revising standards for
19 licensing nursing home administrators so that adequate knowledge and
20 continued competency are required in relation to the needs of resi-
21 dents in a nursing home who are 60 years of age and older.

22 * Sec. 4. AS 18.07.111(9) is amended to read:

23 (9) "health care facility" means a private, municipal,
24 state or federal hospital, psychiatric hospital, tuberculosis hospi-
25 tal, skilled nursing facility, kidney disease treatment center (in-
26 cluding freestanding hemodialysis units), intermediate care facility,
27 and ambulatory surgical facility; the term excludes

28 (A) an Alaska Pioneers' Home administered by the
29 Department of Pioneers' and Senior Citizens' Affairs

1 [ADMINISTRATION UNDER AS 44.21.020(10) AND AS 47.25.010 - 47.25.-
2 100]; and

3 (B) the offices of private physicians or dentists
4 whether in individual or group practice;

5 * Sec. 5. AS 18.20.060 is amended by adding a new subsection to read:

6 (b) The department shall consult with the Department of Pio-
7 neers' and Senior Citizens' Affairs when developing regulations and
8 standards required under (a) of this section. The Department of
9 Pioneers' and Senior Citizens' Affairs shall, on request of the De-
10 partment of Health and Social Services, provide assistance in the
11 development of the regulations and standards required under (a) of
12 this section so that the needs of persons in hospitals who are 60
13 years of age and older are adequately addressed.

14 * Sec. 6. AS 18.26.030(a) is amended to read:

15 (a) The authority shall be managed and controlled by a nine-
16 person [SEVEN-PERSON] board of directors, who serve at the pleasure of
17 the governor, consisting of

18 (1) the commissioner of revenue, who shall also chair the
19 board;

20 (2) the commissioner of health and social services;

21 (3) the commissioner of pioneers' and senior citizens'
22 affairs;

23 (4) the commissioner of community and regional affairs; and

24 (5) five [(4) FOUR] public members, appointed by the
25 governor from among the nominees submitted by the following:

26 (A) each health systems agency in the state, organized
27 and operated in accordance with 42 U.S.C. 3001-1, which shall
28 submit three nominees from among the members of that agency;

29 (B) the statewide health coordinating council,

1 established by AS 18.07.011, which shall submit two nominees from
2 among the members.

3 * Sec. 7. AS 18.26.030(b) is amended to read:

4 (b) The [FOUR] public members appointed under (a) [(4)] of this
5 section serve for staggered five-year [FOUR-YEAR] terms. Each must be
6 a resident of the state and a qualified voter at the time of appoint-
7 ment and shall comply with the requirements of AS 39.50 (conflict of
8 interest). Each member shall hold office for the term of the appoint-
9 ment and until a successor has been appointed and qualified. A member
10 is eligible for reappointment. A vacancy on the board of directors
11 occurring other than by expiration of term shall be filled in the same
12 manner as the original appointment but for the unexpired term only.
13 Each member of the board before entering upon the duties of office
14 shall take and subscribe to an oath to perform the duties of office
15 faithfully, impartially, and justly to the best of the member's abil-
16 ity. A record of the oath shall be filed in the Office of the Gover-
17 nor.

18 * Sec. 8. AS 18.26.040(a) is amended to read:

19 (a) Five [FOUR] members of the board constitute a quorum for the
20 transaction of business or the exercise of a power or function at a
21 meeting of the board. All decisions of the board must be initiated by
22 motion or resolution and the vote and decision must be recorded in the
23 board's minute book which is a public record. The affirmative votes
24 of not less than two of the public members and two commissioners are
25 required for the passage of any motion or resolution. Notice of all
26 meetings must be given in accordance with regulations adopted by the
27 board. All meetings of the board must be open to the public, except
28 that the board may convene in executive session in the manner provided
29 in AS 44.62.310(b) to consider subject matter under AS 44.62.310(c).

1 * Sec. 9. AS 44.17.005 is amended to read:

2 Sec. 44.17.005. OFFICES AND DEPARTMENTS. There are in the state
3 government the following principal offices and departments:

- 4 (1) Office of the Governor;
- 5 (2) Department of Administration;
- 6 (3) Department of Law;
- 7 (4) Department of Revenue;
- 8 (5) Department of Education;
- 9 (6) Department of Health and Social Services;
- 10 (7) Department of Labor;
- 11 (8) Department of Commerce and Economic Development;
- 12 (9) Department of Military and Veterans' Affairs;
- 13 (10) Department of Natural Resources;
- 14 (11) Department of Fish and Game;
- 15 (12) Department of Public Safety;
- 16 (13) [REPEALED
- 17 (14) REPEALED
- 18 (15)] Department of Transportation and Public Facilities;
- 19 (14) [(16)] Department of Environmental Conservation;
- 20 (15) [(17)] Department of Community and Regional Affairs;
- 21 (16) [(18)] Department of Corrections;
- 22 (17) Department of Pioneers' and Senior Citizens' Affairs.

23 * Sec. 10. AS 44.21.200(a) is amended to read:

24 (a) The Older Alaskans Commission is established in the Depart-
25 ment of Pioneers' and Senior Citizens' Affairs [ADMINISTRATION]. The
26 members of the commission include

- 27 (1) the commissioner of pioneers' and senior citizens'
28 affairs [ADMINISTRATION] or the commissioner's designee;
- 29 (2) the commissioner of community and regional affairs or

1 the commissioner's designee;

2 (3) the commissioner of health and social services or the
3 commissioner's designee;

4 (4) the chairman of the Pioneers' Homes Advisory Board
5 appointed under AS 44.21.120; and

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

9 * Sec. 11. AS 44.47.620(a) is amended to read:

10 (a) There is created in the Department of Pioneers' and Senior
11 Citizens' Affairs [DEPARTMENT] a senior citizens housing development
12 fund. Subject to direct appropriation or through proceeds of a bond
13 issue the Department of Pioneers' and Senior Citizens Affairs [DEPART-
14 MENT] shall make grants to municipalities or public or private non-
15 profit corporations designated as tax exempt under 26 U.S.C. 501(c)(3)
16 and (4) (Internal Revenue Code of 1954) for the purpose of developing
17 senior citizen housing. A grant from the proceeds of a bond issue may
18 be made only to municipalities.

19 * Sec. 12. AS 47.07.050 is amended by adding a new subsection to read:

20 (b) When implementing the medical assistance program in ways
21 that affect persons 60 years of age and older, such as in the areas of
22 home or community-based services and long-term institutional care, the
23 department shall consult with the commissioner of pioneers' and senior
24 citizens' affairs. The commissioner of pioneers' and senior citizens'
25 affairs shall, on request of the Department of Health and Social
26 Services, provide assistance to the department to help ensure that the
27 needs of persons 60 years of age and older are effectively addressed
28 in the medical assistance program within the restrictions of federal
29 law.

1 * Sec. 13. AS 47.24.010(a) is amended to read:

2 (a) The following persons who, in the performance of their
3 professional duties, have reasonable cause to believe that an elderly
4 person has suffered harm shall, not later than 24 hours after first
5 having cause for the belief, report the harm to the Department of
6 Pioneers' and Senior Citizens' Affairs [HEALTH AND SOCIAL SERVICES]:

7 (1) a physician or other licensed health care provider;

8 (2) a mental health professional as defined in AS 47.30.-
9 915(11);

10 (3) a pharmacist;

11 (4) an administrator of a nursing home, residential care or
12 health care facility;

13 (5) a guardian or conservator;

14 (6) a police officer;

15 (7) a village public safety officer;

16 (8) a village health aide;

17 (9) a social worker;

18 (10) a member of the clergy;

19 (11) a staff employee of a project funded by the Older
20 Alaskans Commission;

21 (12) an employee of a homemaker program or home health aide
22 program; or

23 (13) an emergency medical technician or a paramedic in the
24 mobile intensive care program.

25 * Sec. 14. AS 47.24.100(4) is amended to read:

26 (4) "department" means the Department of Pioneers' and
27 Senior Citizens' Affairs [HEALTH AND SOCIAL SERVICES];

28 * Sec. 15. AS 47.25.010 is amended to read:

29 Sec. 47.25.010 MAINTENANCE OF ALASKA PIONEERS' HOME. (a) The

1 state shall maintain an institution for the care of needy persons,
2 known as the Alaska Pioneers' Home. The principal home shall be
3 maintained at Sitka, and a branch may be maintained at a site or sites
4 designated by the commissioner of pioneers' and senior citizens'
5 affairs [ADMINISTRATION].

6 (b) The Department of Pioneers' and Senior Citizens' Affairs
7 [ADMINISTRATION] shall formulate general policies, but has no adminis-
8 trative or executive functions other than those set out in AS 47.25.-
9 010 - 47.25.100. It may hold hearings and subpoena witnesses and
10 documents and may administer oaths in connection with them.

11 (c) The Department of Pioneers' and Senior Citizens' Affairs
12 [ADMINISTRATION] shall

13 (1) cooperate with the federal government in matters per-
14 taining to the welfare of Alaskan pioneers, make the reports in the
15 form and containing the information the federal government from time
16 to time desires, and accepts funds allotted by the federal government,
17 its agencies or instrumentalities, in establishing, extending and
18 strengthening services for pioneers of Alaska;

19 (2) adopt regulations necessary for the conduct of the
20 business of the Pioneers' Home and for carrying out the provisions of
21 AS 47.25.010 - 47.25.100, require bonds and undertakings from persons
22 employed by it as in its judgment are necessary [,] and pay the premi-
23 ums on them, and establish regional and local offices and the advisory
24 groups which are necessary or considered expedient to carry out or
25 assist in carrying out a duty or authority assigned to it;

26 (3) perform all executive or administrative duties neces-
27 sary and advisable to carry out the purpose of AS 47.25.010 - 47.25.-
28 100, including the power to make contracts and to make disbursements
29 on vouchers against funds for the purpose of AS 47.25.010 - 47.25.100,

1 within the limit of funds available;

2 (4) study the needs of Alaska's pioneers and submit recom-
3 mendations for new regulations and proposed legislation;

4 (5) prepare an annual report to the legislature.

5 (d) The Department of Pioneers' and Senior Citizens' Affairs
6 [ADMINISTRATION] may employ the necessary subordinate officers and
7 employees, and shall prescribe methods for operation of the Pioneers'
8 Home, standards of care and service to residents, and rules governing
9 personnel and rewarding employees on a merit basis.

10 * Sec. 16. AS 47.35 is amended by adding a new section to read:

11 Sec. 47.35.077. FACILITIES AND DEPENDENT ADULTS. Before a
12 municipality or the Department of Health and Social Services adopts
13 guidelines for licensure of facilities that would be authorized to
14 care for dependent adults, the municipality or the department shall
15 consult with the Department of Pioneers' and Senior Citizens' Affairs.
16 The Department of Pioneers' and Senior Citizens' Affairs shall provide
17 assistance, on request, to a municipality or the Department of Health
18 and Social Services in the development and enforcement of licensing
19 standards for facilities that are authorized to care for dependent
20 adults so that the needs of persons 60 years of age or older are
21 specifically addressed.

22 * Sec. 17. AS 47.45.010(a) is amended to read:

23 (a) A person who is 65 years of age or over, who resides in the
24 state for at least one year immediately preceding application for a
25 longevity bonus under this chapter, may apply to the commissioner of
26 pioneers' and senior citizens' affairs [ADMINISTRATION] for qualifica-
27 tion to receive a monthly bonus of \$250.

28 * Sec. 18. AS 47.65.010 is amended to read:

29 Sec. 47.65.010. OLDER ALASKANS SERVICE PROGRAMS ACCOUNT. The

1 older Alaskans service programs account is established in the Depart-
2 ment of Pioneers' and Senior Citizens' Affairs [ADMINISTRATION]. An
3 amount to carry out the provisions of this chapter may be appropriated
4 annually by the legislature to the account. The amount appropriated
5 to the account shall be fully distributed by the Older Alaskans Com-
6 mission to sponsors of older Alaskans service programs in accordance
7 with the provisions of this chapter.

8 * Sec. 19. AS 44.21.020(10) is repealed.

9 * Sec. 20. EDITORIAL INSTRUCTIONS. (a) To be consistent with changes
10 made in this Act, wherever in the Alaska Statutes and in the regulations
11 adopted under those statutes, the terms "commissioner of administration"
12 and "Department of Administration" are used in reference to the Pioneers'
13 Home, the longevity bonus program, the Older Alaskans Commission, or ser-
14 vice programs for older Alaskans, they shall be read as referring to the
15 "commissioner of pioneers' and senior citizens' affairs" and "Department of
16 Pioneers' and Senior Citizens' Affairs." Under AS 01.05.031, the revisor
17 of statutes shall implement this subsection in the statutes, and under
18 AS 44.62.125(b)(6), the regulations attorney shall implement this subsec-
19 tion in the administrative regulations.

20 (b) The revisor of statutes may renumber statutes and make other
21 appropriate editorial changes to implement the intent of this Act and to
22 provide for an orderly arrangement of Alaska Statutes. The renumbered
23 statutes may include

- 24 (1) AS 44.21.100 - 44.21.130 (Pioneers' Home Advisory Board);
25 (2) AS 44.21.200 - 44.21.240 (Older Alaskans Commission);
26 (3) AS 44.47.610 - 44.47.620 (senior citizens housing develop-
27 ment);
28 (4) AS 47.24 (elder abuse reporting);
29 (5) AS 47.25 (Pioneers' Home);

- 1 (6) AS 47.45 (longevity bonus program);
2 (7) AS 47.60 (multi-purpose senior centers);
3 (8) AS 47.65 (service programs for older Alaskans).

4 * Sec. 21. TRANSITIONAL PROVISION. Notwithstanding the changes made in
5 AS 18.26.030(b) by sec. 7 of this Act, the terms of public members of the
6 board of directors of the Alaska Medical Facility Authority remain four
7 years for those persons holding membership on June 30, 1991. When those
8 four-year terms expire, the succeeding members serve five-year terms.

9 * Sec. 22. This Act takes effect July 1, 1991.