

HOUSE BILL NO. 378

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/14/94

Referred: State Affairs, Health, Education & Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Older Alaskans Commission and staff of the commission;
2 changing the name of the Older Alaskans Commission to the Alaska Commission
3 on Aging and extending the termination date of the commission; relating to the
4 Alaska Pioneers' Homes Advisory Board; relating to services and programs for
5 older Alaskans; and providing for an effective date."

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

7 * Section 1. AS 18.56.700(b) is amended to read:

8 (b) In order to avoid duplication of efforts and to benefit from the
9 commission's expertise, the office shall consult with the Alaska [OLDER
10 ALASKANS] Commission on Aging in the performance of the office's duties under
11 AS 18.56.700 - 18.56.799 so that the housing needs of senior citizens can be met most
12 efficiently and effectively.

13 * Sec. 2. AS 44.21.110 is amended to read:

1 **Sec. 44.21.110. PURPOSE OF THE BOARD.** The board shall conduct annual
2 inspections of the property and procedures of the Alaska Pioneers' Homes and
3 recommend to the governor changes and improvements. The board shall meet on an
4 annual [A SEMI-ANNUAL] basis to review admissions[,] procedures and to consider
5 complaints.

6 * **Sec. 3.** AS 44.21.120 is repealed and reenacted to read:

7 **Sec. 44.21.120. COMPOSITION OF THE BOARD.** (a) The Alaska Pioneers'
8 Homes Advisory Board consists of

9 (1) seven members appointed by the governor from among citizens of
10 the state; and

11 (2) one member who is the chairperson of the Alaska Commission on
12 Aging (AS 44.21.200).

13 (b) The term of office of a member of the board appointed under (a)(1) of this
14 section is four years. No member of the board may serve more than eight consecutive
15 years. The members of the board appointed under (a)(1) of this section serve at the
16 pleasure of the governor.

17 (c) The governor shall designate one board member as the chair of the board.

18 * **Sec. 4.** AS 44.21.200(a) is amended to read:

19 (a) The Alaska [OLDER ALASKANS] Commission on Aging is established
20 in the Department of Administration. The members of the commission include

21 (1) the commissioner of administration or the commissioner's designee;

22 (2) the commissioner of community and regional affairs or the
23 commissioner's designee;

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

26 (4) the chairperson [CHAIRMAN] of the Pioneers' Homes Advisory
27 Board designated [APPOINTED] under AS 44.21.120; and

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

31 * **Sec. 5.** AS 44.21.210(a) is amended to read:

1 (a) The commission shall meet at the call of the chairperson, at the request of
2 a majority of the members, or at a regularly scheduled time as determined by a
3 majority of the members. The commission shall meet at least four [SIX] times each
4 year.

5 * Sec. 6. AS 44.21.210(b) is amended to read:

6 (b) [THE MEMBERS OF THE COMMISSION LISTED IN
7 AS 44.21.200(a)(1) - (4) MAY NOT VOTE ON MATTERS BEFORE THE
8 COMMISSION.] A majority of the members of the commission [LISTED IN
9 AS 44.21.200(a)(5)] constitutes a quorum for conducting business and exercising the
10 powers of the commission.

11 * Sec. 7. AS 44.21.210(c) is repealed and reenacted to read:

12 (c) The governor shall designate, as the chair of the commission, a member
13 appointed under AS 44.21.200(a)(5).

14 * Sec. 8. AS 44.21 is amended by adding a new section to read:

15 Sec. 44.21.225. EXECUTIVE DIRECTOR. The executive director of the
16 commission shall

17 (1) formulate a comprehensive statewide plan that identifies the
18 concerns and needs of older Alaskans and present that plan to the commission;

19 (2) administer, with the approval of the commissioner of administration,
20 federal programs as provided under 42 U.S.C. 3001 - 3045i (Older Americans Act),
21 as amended; and

22 (3) administer, with the approval of the commissioner of administration,
23 state programs as provided under AS 47.65.

24 * Sec. 9. AS 44.21.230(a) is amended to read:

25 (a) The commission shall

26 (1) approve [FORMULATE] a comprehensive statewide plan that
27 identifies the concerns and needs of older Alaskans and, with reference to the
28 approved plan [ADOPTED], prepare and submit to the governor and legislature an
29 annual analysis and evaluation of the services that are provided to older Alaskans;

30 (2) make recommendations directly to the governor and the legislature
31 with respect to legislation, regulations, and appropriations for programs or services that

- 1 benefit older Alaskans;
- 2 (3) encourage [AND AID] the development of municipal commissions
3 serving older Alaskans and community-oriented programs and services for the benefit
4 of older Alaskans;
- 5 (4) employ an executive director who serves at the pleasure of the
6 commission;
- 7 (5) help older Alaskans lead dignified, independent, and useful lives;
- 8 (6) request and receive reports and audits from state agencies and local
9 institutions concerned with the conditions and needs of older Alaskans;
- 10 (7) [ADMINISTER,] with the approval of the commissioner of
11 administration, set policy for the administration of federal programs as provided
12 under 42 U.S.C. 3001 - 3045i (Older Americans Act), as amended and evaluate grant
13 applicants and make grant awards under those programs;
- 14 (8) [ADMINISTER,] with the approval of the commissioner of
15 administration, set policy for the administration of state programs as provided under
16 AS 47.65 and evaluate grant applicants and award grants under those programs;
- 17 (9) give assistance, on request, to the senior housing office in the
18 Alaska Housing Finance Corporation in administration of the senior housing loan
19 program under AS 18.56.710 - 18.56.799 and in the performance of the office's other
20 duties under AS 18.56.700.
- 21 * Sec. 10. AS 44.21.240(1) is amended to read:
- 22 (1) "commission" means the Alaska [OLDER ALASKANS]
23 Commission on Aging;
- 24 * Sec. 11. AS 44.66.010(a)(10) is amended to read:
- 25 (10) Alaska [OLDER ALASKANS] Commission on Aging
26 (AS 44.21.200) -- June 30, 1996 [1993];
- 27 * Sec. 12. AS 47.24.010(a) is amended to read:
- 28 (a) The following persons who, in the performance of their professional duties,
29 have reasonable cause to believe that an elderly person has suffered harm shall, not
30 later than 24 hours after first having cause for the belief, report the harm to the
31 Department of Health and Social Services:

- 1 (1) a physician or other licensed health care provider;
- 2 (2) a mental health professional as defined in AS 47.30.915(11) and
- 3 including a marital and family therapist licensed under AS 08.63;
- 4 (3) a pharmacist;
- 5 (4) an administrator of a nursing home, residential care or health care
- 6 facility;
- 7 (5) a guardian or conservator;
- 8 (6) a police officer;
- 9 (7) a village public safety officer;
- 10 (8) a village health aide;
- 11 (9) a social worker;
- 12 (10) a member of the clergy;
- 13 (11) a staff employee of a project funded by the Alaska [OLDER
- 14 ALASKANS] Commission on Aging;
- 15 (12) an employee of a homemaker program or home health aide
- 16 program;
- 17 (13) an emergency medical technician or a mobile intensive care
- 18 paramedic.

19 * Sec. 13. AS 47.24.070 is amended to read:

20 Sec. 47.24.070. REGULATIONS. Regulations to implement AS 47.24.010 -
21 47.24.100 shall be approved by the Alaska [OLDER ALASKANS] Commission on
22 Aging (AS 44.21.200) before adoption by the department.

23 * Sec. 14. AS 47.24.075 is amended to read:

24 Sec. 47.24.075. QUARTERLY REPORT. The department shall submit to the
25 Alaska [OLDER ALASKANS] Commission on Aging each quarter a statistical report
26 of the department's activities related to the protection of elderly persons in the state.
27 The report may not disclose the identity of victims or perpetrators of the harm.

28 * Sec. 15. AS 47.30.016(b) is amended to read:

29 (b) The board consists of seven members appointed by the governor. The
30 members appointed under this subsection shall be appointed

31 (1) based upon their ability in financial management and investment,

1 in land management, or in services for the beneficiaries of the trust;

2 (2) after the governor has considered a list of persons prepared by a
3 panel of six persons who are beneficiaries, or who are the guardians, family members,
4 or representatives of beneficiaries; the panel shall consist of

5 (A) one person selected by the Alaska Mental Health Board
6 (AS 47.30.661);

7 (B) one person selected by the Governor's Council on
8 Disabilities and Special Education (AS 47.80.030);

9 (C) one person selected by the Advisory Board on Alcoholism
10 and Drug Abuse (AS 44.29.110);

11 (D) one person selected by the Alaska [OLDER ALASKANS]
12 Commission on Aging (AS 44.21.200);

13 (E) one person selected by the Alaska Native Health Board; and

14 (F) one person selected by the authority.

15 * Sec. 16. AS 47.65.010 is amended to read:

16 Sec. 47.65.010. OLDER ALASKANS SERVICE PROGRAMS ACCOUNT.

17 The older Alaskans service programs account is established in the Department of
18 Administration. An amount to carry out the provisions of AS 47.65.010 - 47.65.050
19 may be appropriated annually by the legislature to the account. The amount
20 appropriated to the account shall be fully distributed by the Alaska [OLDER
21 ALASKANS] Commission on Aging to sponsors of older Alaskans service programs
22 in accordance with the provisions of AS 47.65.010 - 47.65.050.

23 * Sec. 17. AS 47.65.040(a) is amended to read:

24 (a) Except as provided in (f) of this section, a [A] sponsor receiving a grant
25 under AS 47.65.010 - 47.65.050 shall contribute to the total cost of the program or
26 project. The contribution may be in cash or in-kind services. The amount of the
27 sponsor's required contribution is determined by the application of the following
28 formula: average per capita full and true value of all property in the municipality or
29 community in which the project or program takes place divided by the average per
30 capita full and true value of all property in the state, and then multiplied by the
31 contribution percentage to the estimated total program or project cost as determined

1 by the commission at the time of approval of a grant application. However, the
2 amount of the sponsor's contribution may not amount to more than 10 percent of the
3 total program or project cost.

4 * Sec. 18. AS 47.65.040 is amended by adding a new subsection to read:

5 (f) When awarding a grant to support a program or project under
6 AS 47.65.010 - 47.65.050, the commission may waive all or part of the sponsor
7 contribution required under this section if waiver is in the public interest. The
8 commission shall adopt regulations establishing standards for granting waivers under
9 this subsection.

10 * Sec. 19. AS 47.65.290(3) is amended to read:

11 (3) "commission" means the Alaska [OLDER ALASKANS]
12 Commission on Aging established in AS 44.21.200;

13 * Sec. 20. TRANSITION FOR PIONEERS' HOMES ADVISORY BOARD. The terms
14 of those who are members of the Alaska Pioneers' Homes Advisory Board (AS 44.21.120)
15 on June 30, 1994 terminate July 1, 1994. Notwithstanding the limitations set by
16 AS 44.21.120(b), enacted by sec. 3 of this Act, the governor may appoint to the Alaska
17 Pioneers' Homes Advisory Board a person who served on that board before July 1, 1994; that
18 person's service on the board after July 1, 1994 may not exceed the limitations of
19 AS 44.21.120(b) as enacted by sec. 3 of this Act. The terms of persons initially appointed to
20 the board on or after July 1, 1994 must be set as provided in AS 39.05.055 so as to establish
21 the staggering of terms of members.

22 * Sec. 21. (a) Section 15 of this Act takes effect only if ch. 66, SLA 1991 takes effect.

23 (b) If the condition in (a) of this section is met, sec. 15 of this Act takes effect July 1,
24 1994 or on the effective date of ch. 66, SLA 1991, whichever is later.

25 * Sec. 22. Sections 1 - 14 and 16 - 20 of this Act take effect July 1, 1994.