

S B

48

Bridge Number 562-2867

SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER SB 48

SPONSOR Fahrenkamp, et al

BILL TITLE Extend Older Alaskans Commission

DATE REFERRED 1-17-89

HEARING SCHEDULED 1-23-89

FISCAL NOTE PREPARED yes

SPONSOR CONTACTED ✓ Joan 3834

INTERESTED PARTIES CONTACTED

Beattie and Joan will be with them

yes Connie Sipe, OAC 3250

present Dean Gotcher, DDA 2200

present Jim Fox will attend - Q's only

(Dave Kull - may come)

yes but not sure who

✓ AARP Bob Pavitt State Leg Chair 586-2066
(Bob Thibodeau)

yes ✓ Joe Alter 586-6680
Pioneer Home Advisory Board (Anos)

Commission Members / Leg Committee

yes Tok Melie Teruiger, Chair
Anch Peggy Burgin, Past Chair
J. Homer Hazel Heath

OTHER

✓ Requested audit copies (M. Greany) 1-19-89

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 1-19-89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER FIN

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE 1-23-89

1/9/89

Mr. President:

~~THE~~ STATE AFF Committee considered SB 48
extending the termination date of the Older Alaskans Commission; efd

and recommended:

- replace with CS _____ same title
- attached amendment(s) and new title
- _____ letter of intent adopted
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

FISCAL NOTE(S) attached zero fiscal impact
 appropriation no FN attached Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Ge Adams

Jan Smith

Tim Kelly

[Signature]
Chairman signature and recommendation

Committee backup attached

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, RESOURCES COMMITTEE
119 N. CUSHMAN STREET, SUITE 201
FAIRBANKS, ALASKA 99701
OFFICE (907) 452-4882
HOME (907) 456-2899



Senate

WHILE IN JUNEAU
PO. BOX V
JUNEAU, ALASKA 99811
CAPITOL, ROOM 125
OFFICE (907) 465-3834
HOME (907) 780-6027

M E M O R A N D U M

TO: All Senators

FROM: Senator Bettye Fahrenkamp

DATE: February 2, 1989

SUBJECT: Senate Bill 48
An Act extending the termination date of the Older Alaskans Commission; and providing for an effective date.

BILL SUMMARY:

SB 48 would extend the Older Alaskans Commission until June 30, 1993.

FISCAL IMPACT:

There is a zero fiscal note from the Department of Administration.

PREVIOUS COMMITTEE ACTION:

The Senate State Affairs and Finance Committees heard the bill. All members signing recommended "do-pass".

DEPARTMENT POSITION:

The Department of Administration supports passage of this bill.

ABOUT THE COMMISSION:

The OAC is a seven-member body created in 1981. The Commission acts as the state agency responsible for administering federal grant programs under the Older Americans Act. It is responsible for formulating a comprehensive statewide plan for senior needs, encouraging programs to serve seniors, and making policy recommendations to the governor and legislature.

The Commission's membership includes the commissioners of Administration, Health and Social Services, and Community and Regional Affairs.

The Legislative Budget and Audit Committee recommends continuation of the Commission.



Alaska State Legislature

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Senate State Affairs Committee Members
FROM: Senator Pat Pourchot, Chairman *Pat*
RE: January 23 Committee Hearing
DATE: January 20, 1989

On Monday, January 23 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

SCR 10, Relating to the promotion of Colonel Lars L. Johnson to major general in the Alaska National Guard.

SCR 10 requests that the Governor appoint Colonel Johnson as a major general in the Alaska National Guard. Johnson is now retired. The promotion would be honorary, in recognition of his service and achievements. Johnson was the first Adjutant General of the Alaska National Guard and organizer of the Alaska Air National Guard. The Guard would like to honor Johnson with this promotion at its annual awards ceremony on February 12. The appointment would be subject to legislative confirmation.

SCR 10 has a zero fiscal note. A biographical sketch of Colonel Johnson is attached.

SB 48, An Act extending the termination date of the Older Alaskans Commission.

SB 48 would continue the Older Alaskans Commission through June 30, 1993.

The Older Americans Act of 1965 (PL 100-175) provides grants to the states for programs for senior citizens, and requires that a state agency be designated to administer the grant programs. The Older Alaskans Commission was established in 1981 to perform this function. In addition, the commission is charged with developing a statewide plan for senior needs and advocating for the elderly within the state.

The commission, located within the Department of Administration, consists of seven senior citizens appointed by the Governor and representatives of DHSS, DOA, DCRA, and the Pioneers Homes Advisory Board.

SB 48 has a zero fiscal note, with funding being continued in the Governor's proposed FY 90 operating budget. A copy of the recently performed sunset audit of the Older Alaskans Commission, which recommends continuation, is attached.

SB 91, Relating to methods of appointment to the Alaska Public Offices Commission.

SB 91 clarifies that all members of APOC shall be appointed by the Governor and confirmed by the legislature.

APOC has five members. Current law provides that four of the members shall be appointed by the Governor from nominees made by political parties, and that these four members shall then appoint one public member. The legality of this provision has been questioned on the grounds that it conflicts with Article III, Section 26 of the State Constitution which requires that the Governor appoint members of boards and commissions.

SB 91 would clear up the legal question by providing for the Governor to appoint the fifth APOC member from nominees made by the other four members. The Alaska Public Offices Commission supports the bill. SB 91 has a zero fiscal note.

SB 94, Limiting liability for activities of the Alaska National Guard.

SB 94 will prevent suits against the State for injuries or damage resulting from federally mandated and controlled National Guard activities. Federal law was amended in 1981 to permit such suits against the United States. Alaska is one of the few states that has not enacted protective legislation to ensure that the state is not held liable in such cases. SB 91 would not affect the liability of the State during periods of state active duty (i.e. duty called by the Governor).

Because SB 94 would reduce the civil liability exposure of the state, the Department estimates an annual savings of \$50,000 in insurance costs charged by the Division of Risk Management.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: SB 43
PUBLISH DATE: _____

FISCAL NOTE

REQUEST: _____

REVISION DATE: _____
TITLE: Continuing Older
Alaskans Commission
SPONSOR: Fahrenkamp
REQUESTOR: _____

AGENCY: Dept. of Administration
BRU: Older Alaskans Commission
COMPONENTS: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERS. SERVICES	784.0	784.0	784.0	784.0	784.0	784.0
TRAVEL	68.5	68.5	68.5	68.5	68.5	68.5
CONTRACTUAL	238.8	238.8	238.8	238.8	238.8	238.8
SUPPLIES	10.8	10.8	10.8	10.8	10.8	10.8
EQUIPMENT	0	0	0	0	0	0
LAND/BUILD.	0	0	0	0	0	0
GRANTS/CLAIMS	8418.5	8418.5	8418.5	8418.5	8418.5	8418.5
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	9520.6	9520.6	9520.6	9520.6	9520.6	9520.6
CAPITAL						
REVENUE						

FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUNDS	2865.9	2865.9	2865.9	2865.9	2865.9	2865.9
FEDERAL FUNDS	5693.7	5693.7	5693.7	5693.7	5693.7	5693.7
OTHER I/A Rec	52.8	52.8	52.8	52.8	52.8	52.8
TOTAL GF/Match	908.2	908.2	908.2	908.2	908.2	908.2
TOTAL	9520.6	9520.6	9520.6	9520.6	9520.6	9520.6
POSITIONS:						
FULL-TIME	15.0	15.0	15.0	15.0	15.0	15.0
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: The above funding represents FY 89 authorized.

PREPARED BY: _____

Rick Uehling
SENATOR RICK UEHLING, CO-CHAIRMAN
SENATE FINANCE COMMITTEE

DATE: February 2, 1989

PHONE No.: 465-4821

DEPARTMENT OF ADMINISTRATION
POSITION PAPER

DIVISION: Older Alaskans Commission

BILL NUMBER: SB 48

BILL TITLE: An act extending the termination date of the Older Alaskans Commission

The Older Alaskans Commission and the Department of Administration support the passage of SB 48.

SB 48 will extend for an additional four years the important functions of the Older Alaskans Commission, as enumerated in AS 44.21 and AS 47.65. The Commission will also continue as the State of Alaska's designated State Unit on Aging for the purpose of receiving funds from the federal Administration on Aging.

The Commission, with its seven senior citizen members, serves as a sounding board for seniors throughout the state on local, state and national issues affecting the dignity and quality of life of Alaska's elders. The Commission, with its reserved seats for representatives from three state agencies and the Pioneers Home board, works at the heart of state government to assess and respond to senior needs, and to coordinate policy decisions and services by various agencies.

The Older Alaskans Commission believes strongly that the people to be served by government should have a direct voice in the planning, monitoring and evaluation of those services. The Commission is that voice on the state level.

The Commission operates through an executive director and small staff, and its office is located within the administrative structure of the Department of Administration. The Commission's administration of all grants and programs is subject to the approval of the Commissioner of Administration.

Both the Department and the Commission strongly urge the renewal of the Older Alaskans Commission statute.

APPROVED:

Director: Connie J. Sipe

Signature: *Connie J. Sipe*

Date: January 19, 1989

Commissioner: John M. Andrews

Signature: *JMA*

Date: 1/19/89

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Dept. of Administration
 Title: An act continuing the Older Alaskans BRU: Older Alaskans Commission
Commission and provide effective date
 Sponsor: Fahrenkamp Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	

CAPITAL						
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REVENUE		-0-	-0-	-0-	-0-	
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Zero impact. The ongoing funding for this BRU is included in the FY 90 Budget Request.

Prepared by: Cornie J. Lipe, Executive Director Phone: 465-3250
 Division: Older Alaskans Commission Date: _____

Approved by Commissioner: [Signature] Date: 1/19/89
 Agency: Dept. of Administration

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)



Older Alaskans Commission

Box C
Juneau, Alaska 99811-0209
907/465-3250

SB 48 OVERVIEW OF THE COMMISSION

I. Federal Statutory Role of the Older Alaskans Commission (OAC)

The Older Americans Act of 1965 (amended 1987), Public Law 100-175, provides grants for programs for senior citizens (over 60) to the states, and requires that each state designate one state agency as the "sole State agency" to administer these grant programs within the state. Section 305. Since 1981, the Older Alaskans Commission has performed this function.

The Older Americans Act requires the State Unit on Aging to (1) develop a State Plan for senior programs, (2) coordinate all state activities related to the Older Americans Act, and (3) serve as an advocate for the elderly within the state, including review, comment, and technical assistance to any agency or individual.

II. State Statutory Role of the Older Alaskans Commission

- A. AS 44.21.200, passed in 1981, created the Older Alaskans Commission, placing it in the Department of Administration.

The Commission members include seven Alaskan citizens appointed by the Governor, and the commissioners of Administration, Health and Social Services, and Community and Regional Affairs, and the chair of the Pioneers Homes Advisory Board.

Summary of duties and responsibilities: The Older Alaskans Commission must "formulate a comprehensive statewide plan" for senior needs, make recommendations to the governor and legislature regarding issues affecting seniors, encourage local senior commissions and programs to serve seniors.

The Commission is also charged with the responsibility to administer--with the approval of the Commissioner of Administration--federal programs under the Older Americans Act, and state programs funded with state general funds under AS 47.55.010.

Overview of Older Alaskans Commission

B. AS 47.65, passed in 1980 and amended in 1981, authorizes state funds to be awarded as grants for "Community Service Programs" for "older Alaskans," which is defined as "over 60." AS 47.65 also sets required contribution--or matching--levels for the recipient of a grant.

III. OAC program components include the following programs, with their FY 89 budget noted:

- Home and Community Services to Seniors -- Grants of state and federal funds to community organizations to provide nutrition, access, and supportive services. (\$ 6,432,329)
- Senior Job Training and Community-Service Employment-- Grants of state and federal funds to train and employ low-income persons over 55. (\$ 1,601,400)
- The Office of the Long-Term Care Ombudsman--Federal and state funding of an advocate for residents of nursing homes. (\$ 127,900)
- Training of the Senior Network--Federal (only) grant administered by OAC to train members of the aging network statewide. (\$ 90,900)
- Federal Discretionary Grant to Alaska for the Alzheimer's Disease Family Support Group Project on providing respite care to families of victims. (Grant concluded December, 1988--total funding, \$ 78,100.)
- Legal Services Development--OAC staff produce or arrange seminars and educational publications on current legal issues. (In general administrative budget)

OLDER ALASKANS COMMISSION

12/88

VOTING MEMBERS

Bertha 'Adsuna
P.O. Box 426
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443-2328

Alton Ashcraft
2633 Badger Road
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488-2318

Peggy Burgin
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563-7367 or 278-2102 (H)

Dr. Robert W. Carpenter
Vice Chair
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Dove M. Kull
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Mellie Terwilliger, Chair
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883-5351

NON VOTING MEMBERS

Bob Gore, Chairman
Pioneers' Home Advisory
Council
119 Austin St., #911
Ketchikan, AK 99901-5917
225-6949

John M. Andrews, Commissioner
Dept. of Administration
P.O. Box C
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465-2200
Designee: James Fox, Deputy
Commissioner

David Hoffman, Commissioner
Dept. of Community & Regional
Affairs
P.O. Box B
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465-4700
Designee: Marty Rutherford
Director, Div. of Mun. &
Regional Assistance

Myra Munson, Commissioner
Dept. of Health & Social
Services
P.O. Box H
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465-3030
Designee: Jay Livey, Special
Assistant to the Commissioner

EXECUTIVE DIRECTOR

Connie J. Sipe
Older Alaskans Commission
P.O. Box C
Juneau, AK 99811-0209
465-3250

Governor's FY 90 Budget O.A.C.

03-02-06-05-00 (0-02-03530-0036)

STATE OF ALASKA -- COMPONENT BUDGET SUMMARY

SALSFRMA 10:01 .2/30/88

AGENCY: DEPARTMENT OF ADMINISTRATION
CATEGORY: SOCIAL SERVICES

PROGRAM: OLDER ALASKANS COMMISSION
SUB-PROGRAM: OLDER ALASKAN SERVICES

LEG. FIN.

----- F I S C A L Y E A R 1 9 9 0 -----

EXPENDITURES & FUNDING	(01) FY88 ACT	(02) FY89 CC	(03) COL 03	(24) FY89 ATH	(25) FY90BASE	(26) FY90ADJB	(27) FY90 AGY	(28) FY90 GOV	(09) HOUSE	(10) SENATE	(11) C. C.	(12) BILLS	(13) LEG.REC.
01 PERS. SERV.	695.3	697.3		784.0	768.9	807.2	861.2	793.1					
02 TRAVEL	83.0	58.0		68.5	59.0	59.0	59.0	59.0					
03 CONTRACTUAL	88.6	231.5		238.8	233.5	195.2	195.2	195.2					
04 COMMODITIES	13.2	9.0		10.8	10.5	10.5	10.5	10.5					
05 EQUIPMENT	8.0												
06 LANDS/BLDGS													
07 GRANTS, CLMS	8470.3	8418.5		8418.5	8409.4	8409.4	9479.3	8409.4					
08 MISC.													
** TOTAL EXPEND	9358.4	9414.3		9520.6	9481.3	9481.3	10605.2	9467.2					
09 1-A TRANSFER		101.9		101.9	101.9	101.9	101.9	101.9					
1002 FED RCPTS	5659.1	5680.3		5693.7	5707.8	5707.8	5693.7	5693.7					
1003 G/F MATCH	902.3	908.2		908.2	915.5	915.5	915.5	915.5					
1004 GEN FUND	2797.0	2825.8		2865.9	2858.0	2858.0	3996.0	2858.0					
1007 I/A RCPTS				52.8									
15 FULL TIME	13.0	13.0		15.0	14.0	16.0	16.0	16.0					
16 PART TIME	2.0	2.0		2.0	2.0								
17 TEMPORARY													
18 STAFF MONTHS	168.4	168.4		192.4	192.4	204.0	204.0	204.0					

1057.8

3773.5

Article 4. Older Alaskans Commission.

Section	Section
200 Older Alaskans Commission	230 Powers, duties, and limitations
210 Meetings	240 Definitions
220 Compensation	

Sec. 44.21.200. Older Alaskans Commission. (a) The Older Alaskans Commission is established in the Department of Administration. The members of the commission include

- (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 a member appointed under (a)(5) of this section may not 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 membership of the member and to fill the vacancy.

(e) A vacancy in the membership of persons appointed under (a)(5) of this section shall be filled by appointment by the governor. The person appointed shall serve for the unexpired portion of the term. (§ 2 ch 79 SLA 1981)

Cross references. For provisions related to the commission's initial membership, see § 13, ch 79, SLA 1981, in the

Temporary and Special Acts Editor's notes. Section 13, ch 79, SLA 1981, provides "INITIAL MEM.

RESHIP 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 September 13, 1981.

Sec. 44.21.210. Meetings. (a) The commission shall meet at the call of the chairperson, at the request of a majority of the members, or at a regularly scheduled time as determined by a majority of the members. The commission shall meet at least six times each year.

(b) The members of the commission listed in AS 44.21.200(a)(1) — (4) may not vote on matters before the commission. A majority of the members of the commission listed in AS 44.21.200(a)(5) constitutes a quorum for conducting business and exercising the powers of the commission.

(c) The commission shall elect one of its members as chairperson, and may select other officers it considers necessary. (§ 2 ch 79 SLA 1981)

Sec. 44.21.220. Compensation. Members of the commission receive no compensation for their services, but are entitled to per diem and travel allowances authorized by law for other boards and commissions under AS 39.20.180. (§ 2 ch 79 SLA 1981)

Sec. 44.21.230. Powers, duties, and limitations. (a) The commission shall

- (1) formulate a comprehensive statewide plan that identifies the concerns and needs of older Alaskans and, with reference to the plan adopted, prepare and submit to the governor and legislature an annual analysis and evaluation of the services that are provided to older Alaskans;
- (2) make recommendations directly to the governor and legislature with respect to legislation, regulations, and appropriations for 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;

see supplements attached

(10) charge a state agency or other governmental agency for the cost of the automatic data processing services provided or procured by the department for the agency.

(c) The department may cooperate with political subdivisions of the state in the development and operation of data processing systems and may allow for the use of state facilities by political subdivisions.

(d) In accordance with the state information systems plan adopted by the Telecommunications Information Council, the department and the University of Alaska may develop and implement a plan for the integration of automatic data processing facilities of the university with the state facilities.

(e) If the action is not contrary to the state information systems plan adopted by the Telecommunications Information Council, this section does not prohibit

(1) the department from obtaining necessary contractual assistance for automatic data processing activities;

(2) the legislature from recruiting and employing data processing personnel or from obtaining necessary contractual assistance for automatic data processing activities;

(3) the judicial branch from establishing independent data processing policies and implementation procedures; however, the policies and procedures must permit information exchange and implementation procedures compatible with other branches of government whenever practical.

(f) The department shall provide for the effective transfer of information by telecommunications through the establishment of compatible systems and common standards.

(g) The department shall provide or procure automatic data processing services under AS 44.21.150 — 44.21.170 for the judicial branch to the extent requested by that branch, and may charge the branch for the services.

(h) The commissioner of administration shall separately account for data processing services fees charged to political subdivisions and deposited in the general fund. The annual estimated balance in the account may be used by the legislature to make appropriations to the department to carry out the purposes of this section. (§ 2 ch 170 SLA 1972; am E.O. No. 50, § 8 (1981); am §§ 2 — 4 ch 123 SLA 1986; am § 68 ch 138 SLA 1986; am §§ 4 — 7 ch 53 SLA 1987; am § 38 ch 85 SLA 1988)

Revisor's notes. — Subsection (h) was enacted as (g). Renumbered in 1986.

Effect of amendments. — The first 1986 amendment at the beginning of subsection (a) substituted "Except as otherwise provided in (g) of this section, the" for "The"; in subsection (b) substituted "the" for "all" preceding "branches" in

paragraph (5), deleted "all" following "review" in paragraph (8), added paragraphs (10) and (11) and made a minor, related punctuation change, and added subsection (g).

The second 1986 amendment added subsection (h).

The 1987 amendment in subsection (a)

substituted "comply with the state information systems plan adopted by the Telecommunications Information Council in the Office of the Governor in providing" for "provide" and deleted "and procure, operate and staff all automatic data processing equipment facilities used by state government" at the end of the subsection, in subsection (b) in the introductory language added the language beginning "consistent with the state information systems," in paragraph (1) substituted "executive and legislative" for "executive, legislative and judicial," in paragraph (3) inserted "Telecommunications Information Council and the," inserted "executive and legislative" in paragraph (5), deleted former paragraph (10), which read "require each state agency to procure its automatic data processing services from the department," and designated former para-

graph (11) as present paragraph (10), in subsection (d) substituted "In accordance with the state information systems plan adopted by the Telecommunications Information Council, the department and the University of Alaska" for "The department" at the beginning of the subsection, substituted "university" for "University of Alaska" in the first sentence and deleted the former second sentence, which read "However, the integration plan authorized by this subsection may not be put into operation until approved by the President of the University of Alaska and the department"; and rewrote subsection (e).

The 1989 amendment, effective June 2, 1988, substituted "department shall provide" for "division of data processing shall coordinate with the division of telecommunications in providing" in subsection (1).

Article 4. Older Alaskans Commission.

Section	Section
230 Powers, duties, and limitations	236 Immunity from liability
231 Office of the long term care ombudsman	237 Interference with the long term care ombudsman and retaliation prohibited
232 Duties and powers of the long term care ombudsman	238 Legal counsel for the long term care ombudsman
233 Training and certification of staff	239 Cooperative agreements
234 Access to long term care facilities, older Alaskans, and records	240 Definitions
235 Confidentiality	

Sec. 44.21.230. Powers, duties, and limitations. (a) The commission shall

(1) formulate a comprehensive statewide plan that identifies the concerns and needs of older Alaskans and, with reference to the plan adopted, prepare and submit to the governor and legislature an annual analysis and evaluation of the services that are provided to older Alaskans;

(2) make recommendations directly to the governor and legislature with respect to legislation, regulations, and appropriations for 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 42 U.S.C. 3001 — 3045i (Older Americans Act), 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;

(6) contract for necessary services;

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

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

(9) set standards for levels of services for older Alaskans for programs administered by the commission; and

(10) adopt regulations necessary for the administration of AS 44.21.200 — 44.21.240 and to comply with federal law.

(c) The commission may not investigate, review, or undertake any responsibility for the longevity bonus program (AS 47.45.010 — 47.45.170) or the Alaska Pioneers' Homes (AS 47.25.010 — 47.25.100). (§ 2 ch 79 SLA 1981; am § 1 ch 108 SLA 1988)

Effect of amendments. The 1988 "and" at the end of paragraph (8) and amendment, in subsection (b), added added paragraph (10).

Sec. 44.21.231. Office of the long term care ombudsman.

(a) The office of the long term care ombudsman is established in the commission.

(b) The ombudsman shall be hired by the commission. A member of the commission who has a financial interest in a long term care facility in the state, or who has any other conflict of interest, may not participate in the hiring of the ombudsman. The ombudsman is a full-time position in the classified service.

(c) The ombudsman may not have a financial interest in a long term care facility in the state. The commission shall adopt regulations to ensure that the ombudsman, and employees and volunteers of the office, do not have a conflict of interest or an appearance of a conflict of interest. (§ 2 ch 108 SLA 1988)

Sec. 44.21.232. Duties and powers of the long term care ombudsman. (a) The ombudsman shall investigate and resolve a complaint made by or on behalf of an older Alaskan who resides in a long term care facility in the state if the complaint relates to a decision, action, or failure to act by a provider or a representative of a provider of long term care services, or by a public agency or social services agency, that may adversely affect the health, safety, welfare, or rights of the older Alaskan.

(b) The ombudsman may investigate and resolve a complaint made by or on behalf of an older Alaskan relating to the long term care or residential circumstances of the older Alaskan. Complaints under this subsection may relate to any issue not covered under (a) of this section, including the older Alaskan's landlord, senior citizen housing, a public assistance program, a public grant program for services to older Alaskans, public utilities, health care facilities, and health care providers.

(c) The ombudsman may

(1) subpoena witnesses, compel their attendance, require the production of evidence, administer oaths, and examine any person under oath in connection with a complaint described under (a) of this section; the powers described in this paragraph shall be enforced by the superior court;

(2) pursue administrative, legal, or other appropriate remedies on behalf of an older Alaskan who resides in a long term care facility in the state. (§ 2 ch 108 SLA 1988)

Sec. 44.21.233. Training and certification of staff. (a) The ombudsman shall provide for the training and certification of office staff, including volunteers and other representatives of the office. Training must include instruction in federal, state, and local laws and policies relating to long term care facilities in the state, and in investigative techniques. The ombudsman may require other appropriate training. The ombudsman may decertify a person under this section for good cause in accordance with regulations adopted by the commission.

(b) An employee, volunteer, or other representative of the office may not investigate a complaint under AS 44.21.232 unless certified as having completed training under this section and approved by the ombudsman as qualified to investigate the complaint. (§ 2 ch 108 SLA 1988)

Sec. 44.21.234. Access to long term care facilities, older Alaskans, and records. (a) A person may not deny access to a long term care facility or to an older Alaskan by the ombudsman or an employee, volunteer, or other representative of the office.

(b) Notwithstanding the provisions of AS 44.21.232(c)(1), the ombudsman may obtain medical or other records of an older Alaskan who resides in a long term care facility in the state only with the consent of the older Alaskan or the older Alaskan's legal guardian or, if the older Alaskan is unable or incompetent to consent and does not have a legal guardian, only with a court order. (§ 2 ch 108 SLA 1988)

Sec. 44.21.235 Confidentiality. (a) Records obtained or maintained by the ombudsman are confidential, are not subject to inspection or copying under AS 09.25.110 — 09.25.120 and, except as provided in (b) of this section, may be disclosed only at the discretion of the ombudsman.

(b) The identity of a complainant or an older Alaskan on whose behalf a complaint is made may not be disclosed without the consent of the identified person or the person's legal guardian, unless required by court order. (§ 2 ch 108 SLA 1988)

Sec. 44.21.236. Immunity from liability. (a) A person who, in good faith, makes a complaint described in AS 44.21.232 is immune from civil or criminal liability that might otherwise exist for making the complaint.

(b) The ombudsman, or an employee, volunteer, or other representative of the office, is immune from civil or criminal liability for the good faith performance of official duties. (§ 2 ch 108 SLA 1988)

Sec. 44.21.237. Interference with the long term care ombudsman and retaliation prohibited. (a) A person may not intentionally interfere with the ombudsman, or an employee, volunteer, or representative of the office, in the performance of official duties under AS 44.21.232.

(b) If a person makes a good faith complaint described in AS 44.21.232, an employer or supervisor of the person, or a public or private agency or entity that provides benefits, services, or housing to the person, may not discharge, demote, transfer, reduce the pay or benefits or work privileges of, prepare a negative work performance evaluation of, deny or withhold benefits or services, evict, or take other detrimental action against the person because of the complaint. The person making the complaint may bring a civil action for compensatory and punitive damages against an employer, supervisor, agency, or entity that violates this subsection. In the civil action there is a rebuttable presumption that the detrimental action was retaliatory if it was taken within 90 days after the complaint was made.

(c) A person who violates this section is guilty of a class B misdemeanor. (§ 2 ch 108 SLA 1988)

Sec. 44.21.238. Legal counsel for the long term care ombudsman. The attorney general shall provide legal advice and representation in connection with any matter relating to the powers, duties, and operation of the office, and in any legal action brought against the ombudsman or an employee, volunteer, or other representative of the office. If the attorney general cannot provide legal advice or representation because of a conflict of interest, the ombudsman may employ private legal counsel. (§ 2 ch 108 SLA 1988)

Sec. 44.21.239. Cooperative agreements. The commission shall enter into cooperative agreements concerning the operations of the office, including protocols for investigations, with state and local agencies that have jurisdiction over long term care facilities or over the abuse and neglect of older Alaskans. (§ 2 ch 108 SLA 1988)

Sec. 44.21.240. Definitions. In AS 44.21.200 — 44.21.240,

(1) "commission" means the Older Alaskans Commission;

(2) "long term care facility" means a foster home or other residential facility for dependent adults that is required to be licensed under AS 47.35 and a nursing home as defined in AS 08.70.180;

(3) "office" means the office of the long term care ombudsman;

(4) "older Alaskan" means a resident who is 60 years of age or older;

(5) "ombudsman" means the long term care ombudsman hired under AS 44.21.231;

(6) "senior citizen housing" has the meaning given in AS 44.47.620(c). (§ 2 ch 79 SLA 1981; am § 3 ch 108 SLA 1988)

Effect of amendments. — The 1988 44.21.230, (omitted) became the Older Alaskans Commission amendment rewrite and restructured this section, which read "In AS 44.21.200 —

Article 5. Alaska Council on Science and Technology.

Secs. 44.21.241 — 44.21.255. (Repealed. § 61 ch 21 SLA 1985)

Article 6. Alaska Public Broadcasting Commission.

Section

266. Duties of the commission

268. Powers of the commission

Sec. 47.60.040. Powers of corporations. A nonprofit corporation which undertakes the development and operation of multi-purpose senior centers may:

- (1) operate in one or more home rule and general law municipalities;
- (2) issue notes, bonds or other obligations for the purpose of developing and operating multi-purpose senior centers;
- (3) perform other functions necessary to carry out the purposes of this chapter. (§ 1 ch 87 SLA 1974)

Sec. 47.60.050. Acceptance and use of assistance, cooperation and contributions. A nonprofit corporation may accept and use the assistance, cooperation and contributions of private persons, charitable organizations and public agencies for the purpose of establishing and operating a multi-purpose senior center. (§ 1 ch 87 SLA 1974)

Sec. 47.60.060. Lease of property from state. The Department of Administration may lease property under its jurisdiction, suitable for use as a multi-purpose senior center, to a nonprofit corporation which undertakes the development and operation of a multi-purpose senior center. (§ 1 ch 87 SLA 1974)

Sec. 47.60.070. Municipal contributions. The governing body of a home rule or general law municipality may give financial assistance to a nonprofit corporation which undertakes the development and operation of a multi-purpose senior center. (§ 1 ch 87 SLA 1974)

Sec. 47.60.080. Exemption from taxation. A multi-purpose senior center developed and operated by a nonprofit corporation under this chapter is not subject to real or personal property taxation by a home rule or general law municipality. The exemption granted under this section continues in force only while the multi-purpose senior center is owned and operated by a nonprofit corporation under the provisions of this chapter. (§ 1 ch 87 SLA 1974)

Sec. 47.60.090. Federal regulation. Nothing in this chapter may be construed as a limitation on the power of the federal government to regulate the development and operation of multi-purpose senior centers. (§ 1 ch 87 SLA 1974)

Chapter 65. Service Programs for Older Alaskans.

Section	Section
10 Older Alaskans service programs account	30 Pilot project grants
20 Grants for community service programs	40 Required contribution by sponsor
	50 Administrative requirements
	60 Definitions

Legislative history reports. — For conflicting views on the status of HB 611 and Senate memorandum of legislative council at page 1723, 1980 Senate Journal and the opinion of the Attorney General at 1980 Senate Journal page 1764 and 1980 House Journal page 2221.

Sec. 47.65.010. Older Alaskans service programs account. The older Alaskans service programs account is established in the Department of Administration. An amount to carry out the provisions of this chapter may be appropriated annually by the legislature to the account. The amount appropriated to the account shall be fully distributed by the Older Alaskans Commission to sponsors of older Alaskans service programs in accordance with the provisions of this chapter. (§ 1 ch 152 SLA 1980; am § 5 ch 79 SLA 1981)

Effect of amendments. — The 1981 amendment substituted "Older Alaskans Commission" for "Office on Aging" in the third sentence.

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 as community program grants to sponsors of older Alaskans service programs. Payments shall be made on the basis of applications submitted to the commission by sponsors of community programs. (§ 1 ch 152 SLA 1980; am § 6 ch 79 SLA 1981)

Effect of amendments. — The 1981 amendment substituted "commission" for "office on aging" in two places.

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 as grants to support pilot projects for the benefit of older Alaskans under this section.

(b) The commission shall adopt standards for pilot project grants and, after adoption of the standards as regulations, in accordance with the Administrative Procedure Act (AS 44.62), shall apply the standards to determine eligibility of applicants for pilot project grants. In awarding pilot project grants, the commission 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 handled by the project; and

(D) an estimate of projected cost of operation of the project for the next three succeeding years. (§ 1 ch 152 SLA 1980; am § 7 ch 79 SLA 1981)

Effect of amendments. — The 1981 amendment substituted "commission" for "office on aging" once in subsection (a) and twice in the introductory language of subsection (b).

Sec. 47.65.040. Required contribution by sponsor. (a) A sponsor receiving a grant under this chapter shall contribute to the total cost of the program or project. The contribution may be in cash or in-kind services. The amount of the sponsor's required contribution is determined by the application of the following formula: average per capita full and true value of all property in the municipality or community in which the project or program takes place divided by the average per capita full and true value of all property in the state, and then multiplied by the contribution percentage to the estimated total program or project cost as determined by the commission at the time of approval of a grant application. However, the amount of the sponsor's contribution may not amount to more than 10 percent of the total program or project cost.

(b) For purposes of this section

(1) the contribution percentage for

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

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

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

(c) If an application is submitted for a program or project in a municipality or community for which no average per capita full and true property value determination has been made,

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

(2) if the population is less than 750, the commission 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.

(d) The required contribution rate of the sponsor may not exceed the contribution percentage established in (b) of this section;

(e) The grant awarded by the commission may not exceed the estimated total program or project cost as determined by the commission less the contribution by the sponsor determined in accordance with this section. (§ 1 ch 152 SLA 1980; am § 8 ch 79 SLA 1981)

Effect of amendments. — The 1981 amendment added "required" preceding "contribution" and substituted "commission" for "office on aging" in the third sentence of the introductory language and added the fourth sentence of the introductory language. In paragraph (2), the amendment substituted "commission" for "office on aging" once in subparagraph (A) and once in subparagraph (B). In paragraph (4), the amendment substituted "commission" for "office on aging" in two places.

Revisor's notes. — Reorganized in 1984.

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 has determined directly benefit older Alaskans. A payment may not be made by the commission under this section unless the commission 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

(3) the sponsor agrees to make available, upon request, all fiscal information relating to service for which payments are provided under this chapter. (§ 1 ch 152 SLA 1980; am § 9 ch 79 SLA 1981)

Effect of amendments. — The 1981 amendment substituted "commission" for "office on aging" once in the first sentence of the section and twice in the second sentence of the section.

Sec. 47.65.060. Definitions. In this chapter,

(1) "commission" means the Older Alaskans Commission established in AS 44.21.200;

(2) "older Alaskan" means a resident of Alaska who is 60 years of age and older;

(3) "service program" means the following general categories of services to older Alaskans, including reasonable costs of administration:

(A) nutritional programs;

(B) volunteer programs;

(C) programs for leisure-time and recreational activities;

(D) health services;

(E) housing services;

(F) legal services and assistance;

(G) home health and homemaker services;

- (H) counseling;
- (I) information and referral services;
- (J) programs which train persons to work with or assist older Alaskans;
- (K) transportation services;
- (L) educational activities; and
- (M) employment services;
- (4) "sponsor" means the provider of one or more service programs or pilot projects for the benefit of older Alaskans, including
 - (A) a municipality of the state;
 - (B) a nonprofit corporation organized under the laws of the state; and
 - (C) an educational institution. (§ 1 ch 152 SLA 1980; am §§ 10-12 ch 79 SLA 1981)

Revisor's notes. — Reorganized in 1984 to alphabetize the terms defined. Effect of amendments. — The 1981 amendment added paragraph (1) and sub-paragraph (C) in paragraph (4) and repealed a paragraph that defined the office on aging.

Chapter 70. Interstate Compact on the Placement of Children.

Section	Section
10. Compact enacted	50. Delegation by agreement
20. Financial responsibility	60. Executive head
30. Designation of authority	70. Violations of compact
40. Agreements	80. Short title

Sec. 47.70.010. Compact enacted. The Interstate Compact on the Placement of Children as contained in this section is enacted into law and entered into on behalf of the state with any and all other states legally joining in it in a form substantially as follows:

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN.

ARTICLE I. PURPOSE AND POLICY

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

- (a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.
- (b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

- (c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.
- (d) Appropriate jurisdictional arrangements for the care of children will be promoted.

ARTICLE II. DEFINITIONS

As used in this compact:

- (a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.
- (b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.
- (c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.
- (d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

ARTICLE III. CONDITIONS FOR PLACEMENT

- (a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.
- (b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:
 - (1) The name, date and place of birth of the child.
 - (2) The identity and address or addresses of the parents or legal guardian.
 - (3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

SB 48, EXTENDING THE OLDER ALASKANS COMMISSION

TO TESTIFY:

CONNIE SIPE, EXECUTIVE DIRECTOR, O.A.C.

O.A.C. MEMBERS, ON TELECONFERENCE:

MELLIE TERWILLIGER, CHAIR (TOK)

PEGGY BURGIN, PAST CHAIR (ANCHORAGE)

HAZEL HEATH (HOMER)

SOMEONE FROM AMERICAN ASSOC. RETIRED PERSONS (BOB PAVITT ?)

JOE ALTER, LOCAL SENIORS COMMISSION

OTHERS (SEE WITNESS LIST)

*> 1 mil
16 people
13 "real" people
3 ticket vendors
1 nutritionist*

*14
Addito 1 EX.DV.
1 Propaganda
Ticket
TV
2 grant minutes
1 nutritionist
1 Ticket Admin
1 Asst
1 Asst
1 clerk
1 sec*

FYI:

FOR PURPOSES OF COMMISSION, SENIOR IS ANYONE OVER AGE 60

SUNSET AUDIT RECOMMENDATIONS:

1. USE CURRENT POPULATION FIGURES AND PROPERTY VALUES IN DETERMINING MATCHING CONTRIBUTION OF GRANTEES.

RESPONSE: O.A.C. USES MOST RECENT AVAILABLE "ALASKA TAXABLE" REPORT.

2. MAKE APPROPRIATE REVISIONS TO PILOT PROJECT GRANT REGULATION.

RESPONSE: REGS. REFERENCE "DIV. ADULT AND AGING SERVICES", THE ENTITY WHICH PRECEDED THE O.A.C. REDRAFTING OF THESE REGULATIONS IS UNDERWAY.

BUDGET ATTACHED (NOTE FEDERAL FUNDS)

LAST YEAR UEHLING PASSED LEGISLATION TO ESTABLISH OFFICE OF LONG TERM CARE OMBUDSMAN IN THE O.A.C. YOU MIGHT INQUIRE ABOUT ITS STATUS.

POLITICAL AFFILIATION OF PUBLIC MEMBERS:

ADSUNA	R	ASHCRAFT	D
BURGIN	D	CARPENTER	R
HEATH	R	KULL	D
TERWILLIGER	D		

OLDER ALASKANS COMMISSION

12/88

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Commissioner

David Hoffman, Commissioner
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Designee: Jay Livey, Special
Assistant to the Commissioner

EXECUTIVE DIRECTOR

Connie J. Sipe
Older Alaskans Commission
P.O. Box C
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465-3250



Older Alaskans Commission

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SB 48 OVERVIEW OF THE COMMISSION

I. Federal Statutory Role of the Older Alaskans Commission (OAC)

The Older Americans Act of 1965 (amended 1987), Public Law 100-175, provides grants for programs for senior citizens (over 60) to the states, and requires that each state designate one state agency as the "sole State agency" to administer these grant programs within the state. Section 305. Since 1981, the Older Alaskans Commission has performed this function.

The Older Americans Act requires the State Unit on Aging to (1) develop a State Plan for senior programs, (2) coordinate all state activities related to the Older Americans Act, and (3) serve as an advocate for the elderly within the state, including review, comment, and technical assistance to any agency or individual.

II. State Statutory Role of the Older Alaskans Commission

- A. AS 44.21.200, passed in 1981, created the Older Alaskans Commission, placing it in the Department of Administration.

The Commission members include seven Alaskan citizens appointed by the Governor, and the commissioners of Administration, Health and Social Services, and Community and Regional Affairs, and the chair of the Pioneers Homes Advisory Board.

Summary of duties and responsibilities: The Older Alaskans Commission must "formulate a comprehensive statewide plan" for senior needs, make recommendations to the governor and legislature regarding issues affecting seniors, encourage local senior commissions and programs to serve seniors.

The Commission is also charged with the responsibility to administer--with the approval of the Commissioner of Administration--federal programs under the Older Americans Act, and state programs funded with state general funds under AS 47.65.010.

Overview of Older Alaskans Commission

B. AS 47.65, passed in 1980 and amended in 1981, authorizes state funds to be awarded as grants for "Community Service Programs" for "older Alaskans," which is defined as "over 60." AS 47.65 also sets required contribution--or matching--levels for the recipient of a grant.

III. OAC program components include the following programs, with their FY 89 budget noted:

- Home and Community Services to Seniors -- Grants of state and federal funds to community organizations to provide nutrition, access, and supportive services. (\$ 6,432,329)
- Senior Job Training and Community-Service Employment-- Grants of state and federal funds to train and employ low-income persons over 55. (\$ 1,601,400)
- The Office of the Long-Term Care Ombudsman--Federal and state funding of an advocate for residents of nursing homes. (\$ 127,900)
- Training of the Senior Network--Federal (only) grant administered by OAC to train members of the aging network statewide. (\$ 90,900)
- Federal Discretionary Grant to Alaska for the Alzheimer's Disease Family Support Group Project on providing respite care to families of victims. (Grant concluded December, 1988--total funding, \$ 78,100.)
- Legal Services Development--OAC staff produce or arrange seminars and educational publications on current legal issues. (In general administrative budget)



Alaska State Legislature

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Senator Tim Kelly, President
Alaska State Senate

FROM: Senator Pat Pourchot, Chairman
Senate State Affairs Committee *Pat*

RE: Referral of SB 48, Relating to the Older Alaskans
Commission

DATE: January 13, 1989

This memo is to inform you of a question that has arisen regarding the referral of SB 48, a bill extending the termination date of the Older Alaskans Commission (OAC). Under the Uniform Rules matters involving the Department of Administration, of which the OAC is a part, are under the jurisdiction of the State Affairs Committees.

However, SB 48 was not referred to State Affairs; it received referrals to the Health, Education and Social Services Committee and the Finance Committee. I feel it would be appropriate to modify the referral to properly reflect committee jurisdictions, and appreciate your consideration of this request.

I would be happy to discuss this with you further at your convenience.

A PERFORMANCE REPORT
ON THE
DEPARTMENT OF ADMINISTRATION
OLDER ALASKANS COMMISSION

July 1, 1984 - June 30, 1988

Audit Control Number

02-1347-89-R

Commissioner, Department of
Administration

John M. Andrews

Deputy Commissioners, Department
of Administration

James J. Fox
Charles Taylor

Members of the
Older Alaskans Commission

Chairperson
Member
Member
Member
Member
Member
Member

Mellie Terwillinger
Alton Ashcraft
Bertha Adsuna
Hazel Heath
Dove Kull
Peggy A. Burgin
Robert Carpenter

STATE OF ALASKA

THE LEGISLATURE
BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
P.O. BOX W
JUNEAU, ALASKA 99811-3300

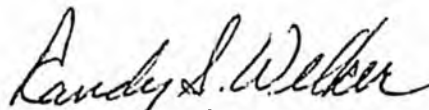
October 26, 1988

Members of the Legislative Budget
and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "sunset" review of the Department of Administration, the Older Alaskans Commission.

At the request of the Chairman, during Fiscal Year 1988 budget deliberations, the Audit Division's budget was revised to reflect certain changes in the organization of the Committee's two Divisions. The revised budget of the Audit Division reflected efficiencies that might be obtained by utilizing the staff of the Legislative Finance Division on selected audit assignments during the interim.

As a result, the audit of the Older Alaskans Commission was conducted and this report has been prepared by the Legislative Finance Division. We feel this report discharges our responsibility under Titles 24 and 44. The report is submitted for your review.



Randy S. Welker, CPA
Legislative Auditor
Division of Legislative Audit

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
P.O. BOX WF
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

October 21, 1988

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and 44 of the
Alaska Statutes (sunset legislation), the attached report is
submitted for your review.

A PERFORMANCE REPORT
ON THE
DEPARTMENT OF ADMINISTRATION
OLDER ALASKANS COMMISSION

July 1, 1984 - June 30, 1988

Audit Control Number

20-1347-89-R

MGREANY

Mike Greany, Director
Division of Legislative Finance

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PURPOSE AND SCOPE OF THE REPORT

Purpose

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have examined the activities of the Older Alaskans Commission (OAC) for the past four fiscal years to determine if the Commission has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether OAC should be reestablished. The law now specifies that the Commission will terminate June 30, 1989, and will have one year from that date to conclude its affairs.

Scope

The major areas of our examination were program performance, administrative functions, and commission proceedings. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Tests of files and documents.
3. Interviews with program personnel.
4. Complaints filed with the Attorney General's office and the Ombudsman's Office.
5. Discussions with Commission members.
6. Minutes of Commission meetings and correspondence files.

The policy and audit approach utilized by the Division of Legislative Finance for Performance Review can best be described as "audit by exception."

This methodology focuses audit effort on areas of an auditee's operations that have been identified by a preliminary survey as having a high degree of probability for needing improvements.

Therefore, by design, finite audit resources are used to identify where and how improvement can be made and little time is devoted to reviewing well-run operations or programs. Consequently, this report highlights those areas needing improvement and does not emphasize those operations and programs that are properly functioning.

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ORGANIZATION AND FUNCTION

Pursuant to Alaska Statute 44.21, the Older Alaskans Commission was created in July of 1981 and was established within the Department of Administration. The Commission consists of seven members who are selected based upon their knowledge and demonstrated interest in the concerns of older Alaskans. Commission members serve overlapping four year terms.

The Commission is authorized to administer and coordinate State programs for the elderly and to administer Federal programs provided under the Older Americans Act (42 U.S.C. 3001-3045i). Together, the provisions of Alaska Statute 44.21 and the Older Americans Act define the purpose, scope of work, and authority of the Commission. The Commission conducts four primary functions:

Allocation: To determine the appropriate distribution of state and federal funds to purchase needed programs and services for older Alaskans;

Advocacy: To advocate for the needs and interests of older Alaskans at both state and local levels;

Coordination: To increase the coordination of both state and local resources available to address the needs of older Alaskans; and

Resource and System Development: To develop or expand services to older Alaskans as well as to ensure a more systematic and thorough approach to meeting their needs.

The board scope of this legislative mandate, opens nearly all the concerns of older Alaskans to the consideration of the Commission. However, AS 44.21 further stipulates that the Commission may not investigate, review, or undertake any responsibility for the longevity bonus program or the Alaska Pioneers' Homes.

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REPORT CONCLUSION

Policy Issues

This report contains policy and/or procedural issues raised as a result of our evaluation of various Commission practices. The final decisions affecting these practices are not within the scope of this report, but requires legislative consideration. In debating these issues, the oversight committees should take into consideration the findings and recommendations presented in this report so the potential impact of changes can be evaluated.

Report Conclusion

In our opinion, the Older Alaskans Commission should be reestablished. The intent of creating the Commission by the Legislature was to assure the remaining years of citizens over the age of 60 are years of good health, honor, and dignity. The Commission has implemented this mandate by:

1. Providing services in the areas of health, transportation, employment, education, home care, and housing to older Alaskans.
2. Advocating for the needs of older Alaskans in the planning and delivery of state programs.
3. Requiring the participation of senior citizens in the planning and development of programs that benefit older Alaskans.

However, the Findings and Recommendation's section, describes areas where program weaknesses were observed. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Commission.

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

To determine the matching contribution of grantees participating in the State's Community Service grant program, the Older Alaskans Commission (OAC) should use current population figures and property values.

In accordance with the provisions of AS 47.65, an applicant receiving a grant under the Community Service program shall contribute to the total cost of the program or project. The contribution may be cash or in-kind support, such as personnel, space or supplies. The contribution requirement of each grantee is based upon population and property values in the community where the services will be provided.

The staff of OAC has utilized the population figures and property values from the report titled, Alaska Taxable. The report is published by the Department of Community and Regional Affairs, Division of Municipal and Regional Assistance and is distributed to State agencies during January of each year.

For grants awarded in FY89, grantee contribution percentages were based upon an Alaska Taxable, dated January 1987. Instead of a more current report, which was available, dated January 1988. If the current report would have been used, the matching contribution to projects would have increased by approximately \$9,000. It should be noted that for the majority of grants, the matching contribution consists of in-kind support; and most grantees contribute an amount above the required match.

Nevertheless, to stay within the intent of AS 47.65, OAC should utilize current information to determine a grantee's contribution to a program or project.

Recommendation No. 2

OAC should review the regulations for the pilot project grants and seek the appropriate revisions where necessary.

The Older Alaskans Pilot Project Grant regulations (7 AAC 79) were promulgated July of 1981. The Department of Health and Social Services, Division of Adult and Aging Services administered the program responsibilities under the federal Older Americans Act. However, Section 14 of Chapter 79, SLA 1981 provided for the transfer of program responsibilities and personnel from the Division of Adult and Aging Services to the newly established Older Alaskans Commission. At that time, the Division of Adult and Aging Services was dissolved.

The regulations, have never been changed to reflect the transfer of responsibility. The regulations refer to the Division of Adult and Aging Services. Additionally, there are temporary procedures within the chapter that apply toward grants initially awarded in FY81 and FY82.

Alaska Statutes 47.65 provide general provisions for OAC to administer and promulgate regulations concerning pilot projects. The Commission should review the regulations for obsolescence and propose appropriate changes where necessary.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses of Commission's activities relate to the public need factors defined in the "sunset" law. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission, or program has operated in the public interest.
 - A. The Commission has served the public through planning, coordinating, and providing services to persons who are 60 years of age and over in areas of employment, nutrition, transportation, information and referral, housing, health care, in-home services, legal services, long-term care, advocacy, and outreach.
 - B. The Commission has held six meetings a year for the past two fiscal years.

- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 - A. The Commission appointed members to a housing task force committee to make recommendations regarding the coordination and efficient delivery of housing-related services. The committee's final report containing recommendations was issued May 1985.
 - B. A newsletter titled "Healthlinks" is issued periodically to seniors. The newsletter comments on health matters and topics of general interest to seniors.

- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

The Commission supported Senate Bill 442 which related to the protection of elderly persons and established the office of long term care ombudsman. The bill was signed by the Governor and amended the statutes, effective September 1988.

- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

The Commission has solicited public input on matters affecting senior citizens. This has been demonstrated by the Commission requesting public opinion on the October 1986 State Plan.

- V. The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

OAC has advertised in newspapers and distributed notices to interested associations encouraging the public to participate in senior citizen issues.

- VI. The efficiency with which public inquires or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.

Since July 1984, there have been 16 complaints filed with the Ombudsmans Office. Only one of these complaints was found to be fully justified. The complaint alleged the Commission was unfair to limit FY88 grant disbursements to only FY87 grantees. In response to the Ombudsman's findings, the Commission amended grant disbursement policies.

- VII. The extent to which a board or commission which regulated entry into an occupation or profession has presented qualified applicants to serve the public.

OAC does not regulate any occupations or professions.

- VIII. The extent to which state personnel practice, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.

The Equal Employment Opportunity Office has received no complaints related to the Commission's personnel practices.

- IX. The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to the previous section, Findings and Recommendations.

APPENDIX

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APPENDIX A

DEPARTMENT OF ADMINISTRATION
OLDER ALASKANS COMMISSION
Schedule of Operating Appropriations and Funded Positions
For the Fiscal Years Ended June 30, 1987, 1988, and 1989

(Unaudited)

	(In Thousands)		
	<u>Appropriations</u>		
	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>
<u>Expenditure Accounts</u>			
Personal Services	753.6	612.1	784.0
Travel	64.0	58.0	68.5
Contractual	249.6	231.5	238.8
Commodities	9.0	9.0	10.8
Grants	<u>8,476.6</u>	<u>8,072.4</u>	<u>8,418.5</u>
<u>Total Budget Allocations</u>	<u>9,552.8</u>	<u>8,983.0</u>	<u>9,520.6</u>
 <u>Appropriation Fund Sources</u>			
General Fund	4,220.5	3,695.1	3,774.1
Federal Fund	5,332.3	5,287.9	5,693.7
Interagency Receipts			52.8
<u>Total Appropriation</u> <u>Fund Sources</u>	<u>9,552.8</u>	<u>8,983.0</u>	<u>9,520.6</u>
 <u>Positions Funded</u>			
Full Time	14	13	15
Part Time	2	2	2

Note 1: Source of information was the Conference Committee Report for the fiscal years reported.

Note 2: FY89 includes \$106.3 to establish the Office of Long Term Care Ombudsman. Two full time positions were approved for the program.

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STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF ADMINISTRATION

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OFFICE OF THE COMMISSIONER

December 21, 1988

Mr. Randy Welker
Legislative Auditor
Legislative Audit Division
P.O. Box W
Juneau, AK 99811-3300

DEC 21 1988

LEGISLATIVE
AUDIT

Dear Mr. Welker:

I appreciate the effort of your staff in the performance of this audit. The following is offered in response to the findings and recommendations in your preliminary report No. 20-1347-88-R for the period July 1, 1984 - June 30, 1988.

The findings and recommendations are addressed sequentially:

Recommendation No. 1

To determine the matching contribution of grantees participating in the State's Community Service grant program, the Older Alaskans Commission (OAC), should use current population figures and property values.

The OAC does use the most current information available at the time that our Request for Proposals (RFPs) are issued. Generally, the Alaska Taxable report is available in mid-to-late January and we are able to use it as our source for current data. The State Assessor's office had difficulty compiling information for the 1988 Alaska Taxable and the document did not go to the printer until January 28, 1988. The printed copies of the report were not available until early March. Since the report is sent to the printer as soon as the information is compiled, it would have been extremely difficult for us to have acquired the 1988 information prior to issuing the RFP.

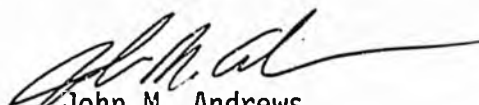
The OAC recognizes the advisability of using the most current data possible even though the actual impact of year old data is generally not significant. We have revised our RFP procedures to allow for the possibility of the late issuance of the Alaska Taxable. If the Alaska Taxable information is not available at the time we issue our RFPs, we will indicate that match information will be sent in the form of an addendum. We believe that this procedural change will assure that current information is always used in determining the match contribution requirements for grantees.

Recommendation No. 2

OAC should review the regulations for the pilot project grants and seek the appropriate revisions where necessary.

The OAC is in the process of drafting grant regulations and has incorporated the pilot project grants regulations in this new set of regulations. We intend to repeal the current pilot project grants regulations. Our timetable for the new grant regulations calls for review by the Department of Law in January.

Sincerely,


John M. Andrews
Commissioner

JMA/MM/tln
8/1D3/121605-8
cc: Division of Administrative Services
Department of Administration