

SB

250

HFIN

FILE

(1i)

Date Referred: April 18, 1994

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

Date of Committee Action: 4/27/94

The FINANCE Committee considered:

CSSB 250(FIN) am

CS FOR SENATE BILL NO. 250(FIN) am

REVISE OLDER ALASKANS COMMISSION

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

RECOMMENDATIONS:

be replaced with

HCS (S SB 250 (FIN))

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) Admin 1/14/94

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Donald J. Larson</i> Larson	X				
<i>Mark Hanley</i> Hanley	X				
<i>Terry Martin</i> Martin	X				
<i>Paul R. Farrell</i> Farrell	X				
<i>Ben Grussendorf</i> Grussendorf	X				
<i>Therese Herlihy</i> Herlihy	X				
<i>Richard Foster</i> Foster	X				
<i>Orville Lawrence</i> Lawrence	X				

Donald J. Larson
CO-CHAIRMAN'S SIGNATURE
Larson

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSSB 250 (FIN) am

Revision Date: _____
 Title: "Relating to OAC, Alaska Pioneers' Home Advisory Board and Services for Older Alaskans."
 Sponsor: Rules Committee
 Requestor: _____

Department Affected: Administration
 BRU: Senior Services
 Component: Senior Services Administration
 COMPONENT SERIAL NO. 1981

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUNDING SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Connie J. Sipe, Director
 Division: Senior Services

Phone: 465-4422
 Date: 4/15/94

Approved by Commissioner: Nancy Bear Usara
 Agency: Department of Administration

Date: 4/19/94

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adopted

AMENDMENT TO CSSB 250(FIN) am

{Amendment for the purpose of giving voting privileges on the Alaska Commission on Aging to the three executive branch members, and the chair of the Pioneers' Homes Advisory Board (a citizen appointee), all of whom, under current law, serve as non-voting members of the commission. The executive branch appointees are the commissioners of Administration, Community & Regional Affairs, and Health & Social Services. With this change, the Commission on Aging would have eight citizen members and three executive branch members, all with votes.}

Insert a new section 6. on page 3. starting at line 5:

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

(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.

{Note: And re-number subsequent sections of the bill.}

adopted

8-GS2001U.1 ✓
Lauterbach
4/22/94

AMENDMENT 1

amended -

OFFERED IN THE HOUSE

BY REPRESENTATIVE MARTIN

TO: CSSB 248(RLS) am

Page 11, line 26:

Delete "a new section"

Insert "new sections"

Page 11, after line 26:

Insert new material to read:

"Sec. 47.24.130. TREATMENT THROUGH SPIRITUAL MEANS. This chapter may not be construed to mean that a person is abused, neglected, self-neglected, vulnerable, unable to consent, abandoned, exploited, or in need of emergency or protective services for the sole reason that the person relies on or is being furnished treatment by spiritual means through prayer alone in accordance with the tenets and practices of a church or religious denomination of which the person is a member or adherent."

provided to the person consents
by spiritual means

provided that the person consents to the
treatment through spiritual means only.

MEMORANDUM

State of Alaska Department of Administration

To: Richard Eliason
Legislative Liaison
Office of the Governor

Date: April 7, 1994

From: Nancy Bear Usara
Commissioner
Department of Administration

Phone: 465-2200

Subject: Proposed Amendment to SB 248 (Fin) From Christian Science Committee

The Department of Administration has reviewed this amendment and recommends against its inclusion in the bill. We believe it is unnecessary and would only serve to add controversy to an otherwise universally accepted bill. However, the department does not believe it will fatally flaw the bill provided that the amendment is clarified to ensure that the person who is the subject of the section consents to treatment by spiritual means only. Also, this amendment should be put into a separate new section rather than within the general definitions section of the bill.

The department discussed this change briefly with Deputy Attorney General Elizabeth Shaw, who has expertise in this area, and she agrees that requiring consent would be an improvement and that she would not anticipate this type of situation, with a controversy over faith healing for an adult, arising very often.

The department's suggested changes to this amendment are as follows:

Sec. 13. AS 47.24 is amended by adding a new section to read:

Sec. 47. .130. EXCEPTIONS TO CHAPTER. Nothing in this chapter shall be construed to mean a person is abused, neglected, self-neglected, vulnerable, unable to consent, abandoned, exploited, or in need of emergency or protective services for the sole reason that he or she relies on or is being furnished treatment by spiritual means through prayer alone in accordance with the tenets and practices of a church or religious denomination of which he or she is a member or adherent, provided that the person consents to the treatment by spiritual means only.

(Note: Subsequent sections of the bill would have to be renumbered following this insertion.)

NBU/nl

cc: Roberley Waldron
Deputy Commissioner

Connie Sipe, Director
Division of Senior Services

Post-it Fax Note	7671	Date	# of pages
To	Tudy	From	Eileen Platte
Co/Dept	Rep Lawson	Co.	DOA
Phone #	3878	Phone #	56609
Fax #	6867	Fax #	2135

DEPARTMENT OF ADMINISTRATION

COMMITTEE SUBSTITUTE FOR SENATE BILL 250 (FIN) am

RELATING TO THE OLDER ALASKANS COMMISSION AND THE PIONEERS' HOMES ADVISORY BOARD

This bill is one of three introduced by Governor Hickel as part of his plan to improve and reorganize state services to Alaska's seniors. A detailed analysis of the bill follows this page. First, let us highlight the improvements which would be effected by CSSB 250 (FIN)(am). When enacted, Senate Bill 250 will:

- Re-name the Older Alaskans Commission as the Alaska Commission on Aging
- Reduce the number of mandatory annual meetings for both the Commission and the Board to reflect current practice and fiscal resources
- Add the chairperson of the Commission on Aging to the Pioneers' Homes Board
- Establish 8 year maximum terms for Pioneers' Homes Board members, allow current members to serve up to 8 more years, and transition the board to staggered terms
- Clarify that the Commission on Aging administers programs through its executive director
- Clarify that the Commission sets policy for administration of its programs and selects recipients of grant awards
- Allow the Commission flexibility to reduce or waive local "match" requirements for grantees operating "pilot projects" when waiver is in public interest

DETAILED ANALYSIS OF CS FOR SENATE BILL 250 (FIN)(am)

Section 1, AS 18.56.700(b), changes the name of the commission in the Alaska Housing Finance statutes relating to coordination of senior housing efforts.

Section 2 amends AS 44.21.110 to reduce the mandated number of meetings for the Pioneers' Homes Advisory Board from twice to once a year.

Section 3 rewrites AS 44.21.120 to add the chairperson of the Commission on Aging to the Pioneers' Homes Advisory Board; and to set the Board members' terms at a maximum of eight consecutive years. The bill also adds a new provision stating that the voting members of the board shall elect a chair.

Section 4 amends As 44.21.200(a) to re-name the Older Alaskans Commission as the Alaska Commission on Aging.

Section 5 amends As 44.21.210(a) to reduce the mandatory annual number of meetings of the commission from six to four.

Section 6 adds a new section, AS 44.21.225, on the duties of the Executive Director of the Commission: to formulate the state plan for older Alaskans for the commission and to administer federal and state grants for senior services.

Section 7 amends AS 44.21.230(a) to clarify that the Commission approves the state plan formulated by its staff; makes recommendations directly to both the governor and the legislature; sets policy for the administration of federal and state grants for senior services; and evaluates and awards the grants.

Sections 8 and 9 merely amend the Commission's name in other references in existing laws, AS 44.21.240(1) and 44.66.010(a)(10).

Sections 10 through 12 amend the existing elder abuse reporting law to use the new name for the Commission. AS 47.24.010(a), 47.24.070, and 47.24.075.

Section 13 amends the Mental Health Trust Lands Settlement Act, As 47.30.016(b), to use the new name for the Commission in references to one member of the Commission serving on the panel of persons who make recommendations to the Governor on appointments to the Mental Health Trust Authority.

Sections 14 and 15 amend the existing law authorizing state-funded service grants by the Commission so as to amend the Commission's name. AS 47.65.010 and .040(a).

Section 16 amends current law, AS 47.65.040, by adding a new subsection (f), which would allow the Commission to establish by regulations standards for granting

waivers of the required sponsor contribution ("match") when such a waiver is in the public interest, and the grant is a "pilot project" as defined in another section of current law.

Section 17 amends the name of the Commission in AS 47.65.290(3).

Section 18 provides for a transition period for members of the Pioneers' Homes Advisory Board, so that current members may be reappointed after July 1, 1994 to serve up to eight consecutive years, but also specifying that any other persons appointed after that date will have their terms of office staggered so as to establish the staggering of terms of members.

Section 19 states that the changes in the Mental Health Settlement Act relative to the Commission will occur only when and if both this bill and chapter 66, SLA 1991 are effective.

Section 20 provides for an effective date of July 1, 1994 for all other sections of the bill.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

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TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Connie J. Sipe, Director
Division: Senior Services

Phone: 465-4422
Date: 4/15/94

Approved by Commissioner: Nancy Bear Usery
Agency: Department of Administration

Date: 4/19/94

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Older Alaskans Commission

April 25, 1994

The Honorable Ron Larson, Chair
House Finance Committee
Room 502 State Capitol
Juneau, AK 99801-1182

Re: CSSB 250(FIN)am - dealing with the Older Alaskans Commission and the
Pioneers' Homes Advisory Board also CSSB 248(RLS)am and CSSB 249(HES)

Dear Representative Larson:

CSSB 250 (FIN)am is now scheduled to be heard before the House Finance Committee on April 27. The Older Alaskans Commission wishes to go on record asking the House to amend the Senate bill to reverse an amendment made on the Senate floor.

In the Senate floor session, an amendment was passed which deleted the former section 6 of the bill, which would have given commission voting privileges to the four current members of our commission who serve without the right of full participation. The four non-voting members are the chairman of the Pioneers' Homes Advisory Board and the Commissioners of Administration, Community & Regional Affairs, and Health & Social Services. They sit on the commission with the seven citizen members appointed by the governor (of course, the chair of the Pioneers' Board is also a citizen appointee).

The Older Alaskans Commission's legislative subcommittee discussed this amendment on April 20, and we voted in support of seeking to have this amendment overturned.

The Commission believes strongly that the citizen chairman of the Pioneers' Homes and the three executive branch members who work with us should be given the right to vote on commission business. The Commission believes that these four positions represent very important components of our work to bring about a well-coordinated system of services for seniors in our state. To ask persons to work with us, but not to acknowledge their opinions through the commission's voting process, would not promote the best level of participation and accountability. Because the commission

Representative Larson
Page 2
April 25, 1994

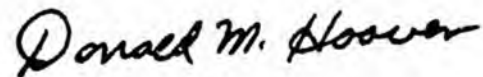
would have eight citizen members and only three executive branch members, we feel the "citizen board" character of the commission would not be diminished by the change in voting status.

The Commission urges your consideration of the enclosed amendment, and your committee's early passage of CSSB 250(FIN)am.

In addition, we wanted to take this opportunity to urge your committee's early passage of CSSB 248(RLS)am, on protection of vulnerable adults, and CSSB 249(HES), to create assisted living homes. The Commission strongly supports the passage of all three of these bills, which we believe will greatly benefit all Alaskan seniors.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Donald M. Hoover". The signature is written in a cursive style with a large initial "D".

Donald M. Hoover, Chair
Older Alaskans Commission

Enclosure: Suggested Amendment to CSSB 250(FIN)am

DEPARTMENT OF ADMINISTRATION

COMPARISON OF COMPANION BILLS

CSHB 378 (STA) AND CSSB 250 (FIN) am

RELATING TO THE OLDER ALASKANS COMMISSION
AND THE PIONEERS' HOMES ADVISORY BOARD

These bills make minor changes in the statutes governing the Older Alaskans Commission and the Pioneers' Homes Advisory Board, to bring those boards and their statutes into harmony with the recent reorganization of senior services into one division within the state executive branch.

Differences between the bills:

The bills are identical with the exception of four subsections.

Section 3:

• AS 44.21.120(c):

A Senate floor amendment inserted a new subsection (c), which states that the members of the Pioneers' Home Advisory Board shall elect the chairperson of the board.

• AS 44.21.210(6):

A Senate floor amendment deleted a paragraph amending AS 44.21.210(6) (Section 6) and re-numbering subsequent sections. This amendment leaves the composition of the Alaska Commission on Aging in it's present status, with seven citizen members having voting privileges, and the chairperson of the Pioneers' Homes board and three commissioners of executive agency departments sitting as members without voting privileges.

Section 16: The Senate Finance Committee Substitute changed Section 16, (which amends AS 47.65.040.

In the House version, as proposed by the Governor, the Alaska Commission on Aging would have gained the new power to grant waivers of "local sponsor contribution" (local match) when making a grant for senior services in a situation where the "public interest" warranted a waiver of local match.

In the Senate Finance CS, the proposed new discretionary power of the Commission is now limited to granting waivers of local sponsor contribution only for "pilot project" grants, with pilot project grants already defined in an adjacent section of the current law and companion regulations.

The type of "start-up" grants that would qualify as pilot projects are fairly coincident with the concerns that the Commission wished to address with this new section.

Section 18: The Senate CS also made three technical, or editorial, changes in Section 18, Transition for Pioneers' Home Advisory Board. There is no substantive change.

WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 14, 1994

1213 293
The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the Older Alaskans Commission, the Alaska Pioneers' Homes Advisory Board, and certain programs and services for older Alaskans.

The bill changes the name of the Older Alaskans Commission to the Alaska Commission on Aging, decreases the number of required yearly commission meetings, and extends the termination date of the commission. The bill also makes changes in the allocation of functions of the commission, the commission's executive director, and the commissioner of administration. For example, the commission, with the approval of the commissioner of administration, will set policy for the administration of federal programs under the federal Older Americans Act. The executive director, with the commissioner of administration's approval, will administer those programs. The executive director for the commission also will be responsible for the formulation and presentation to the commission of the comprehensive statewide plan that identifies the concerns and needs of older Alaskans. The commission will be responsible for approving a final plan.

The bill also makes certain changes in the composition and duties of the Alaska Pioneers' Homes Advisory Board. The board will be increased from seven to eight members; the new member will be the chairperson of the Alaska Commission on Aging. (Under existing law, the chair of the Alaska Pioneers' Homes Advisory Board is a member of the Older Alaskans Commission.) The bill also decreases the number of board meetings that must be held during a year.

Additionally, the Department of Administration plans to administratively establish a division of senior services to better coordinate services to older Alaskans. The Alaska Commission on Aging and the Alaska Pioneers' Homes Advisory Board would be located administratively in that new division. The new division would replace the

*The Honorable Rick Halford
January 14, 1994
Page 2*

existing division of pioneers' benefits and would assume responsibility for activities currently assigned to that division, which include administration of the pioneers' homes and the longevity bonus program.

The enactment of this bill into law, along with the administrative creation of the new division, will assure improved, coordinated efforts to address the varied problems confronting older Alaskans.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel". The signature is written in black ink and is positioned above the printed name and title.

*Walter J. Hickel
Governor*