

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES,

1993-1994

1198

272

1 regulations adopted under this chapter;

2 (3) investigate license applicants and licensees for compliance with this
3 chapter; and

4 (4) enforce the standards established by this chapter and regulations
5 adopted under this chapter.

6 (e) The Department of Administration and the Department of Health and
7 Social Services shall jointly adopt regulations to implement the provisions of (c) of this
8 section, including regulations providing procedures and standards for determining the
9 appropriate licensing agency for an assisted living home and for relinquishing and
10 replacing a license issued under this chapter.

11 (f) Under procedures and standards of operation established by the licensing
12 agency by regulation, a licensing agency may contract with private or municipal
13 agencies to investigate and make recommendations to the licensing agency for the
14 licensing of assisted living homes.

15 Sec. 47.33.420. STANDARD FORMS. The Department of Health and Social
16 Services and the Department of Administration shall cooperatively develop standard
17 forms that assisted living homes may use to comply with the requirements of this
18 chapter.

19 Sec. 47.33.430. AUTHORITY OF STATE AGENCIES TO IMPOSE
20 ADDITIONAL REQUIREMENTS. The provisions of this chapter do not preclude
21 a state agency from imposing additional requirements or standards on an assisted living
22 home in order for the home to receive state or federal payment for services.

23 ARTICLE 5. COMPLAINT, INVESTIGATION, AND ADJUDICATORY
24 PROCEDURES; SANCTIONS; PENALTIES.

25 Sec. 47.33.500. COMPLAINT. (a) A person who believes that a provision
26 of this chapter or of a regulation adopted under this chapter has been violated may file
27 a complaint with the appropriate licensing agency.

28 (b) The licensing agency shall investigate a complaint filed under this section
29 unless the agency reasonably concludes that the complaint is without merit.

30 (c) Unless disclosure is required by court order, the licensing agency may not
31 disclose the identity of a complainant, or of a resident on whose behalf a complaint

1 is filed, without the consent of the complainant or the resident or the resident's
2 representative.

3 Sec. 47.33.510. IMMUNITY. A person who files a complaint concerning a
4 suspected violation of this chapter or of a regulation adopted under this chapter, or
5 who testifies in an administrative or judicial proceeding arising from a complaint
6 concerning a suspected violation of this chapter or of a regulation adopted under this
7 chapter, is immune from civil liability for the filing or testifying unless the person
8 acted in bad faith or with malicious purpose.

9 Sec. 47.33.520. INVESTIGATION. (a) A licensing agency may investigate
10 an assisted living home at any time to determine whether the home is in compliance
11 with this chapter and regulations adopted under this chapter.

12 (b) An assisted living home that is the subject of an investigation shall give
13 the licensing agency access to

- 14 (1) the home;
- 15 (2) all records relating to the operation of the home;
- 16 (3) all resident files; and
- 17 (4) the residents and employees of the home.

18 (c) The licensing agency shall prepare a written report of the investigation that
19 summarizes its findings, and shall provide a copy of the report to the assisted living
20 home that is the subject of the investigation and to the complainant, if any, if the
21 complainant requests a copy.

22 (d) The assisted living home may submit to the licensing agency a written
23 response to the investigation report. The licensing agency shall retain the home's
24 response with the record of the complaint.

25 (e) Except as otherwise provided in AS 47.33.500(c), completed investigation
26 reports and responses from homes are public records.

27 Sec. 47.33.530. NOTICE OF VIOLATION. (a) If the licensing agency
28 determines that an assisted living home has violated a provision of this chapter or of
29 a regulation adopted under this chapter, the licensing agency shall prepare a written
30 notice of violation that contains

- 31 (1) a description of the violation;

- 1 (2) a citation to the statute or regulation that has been violated;
2 (3) an order requiring the home to correct the violation by the time
3 specified in the order, not to exceed 90 days after the date the home receives the
4 notice of violation;
5 (4) a statement of the requirement for filing a report of compliance
6 under AS 47.33.540;
7 (5) notice of the sanctions that may be imposed under this chapter if
8 the home fails to timely file a report of compliance or fails to correct the violation;
9 and
10 (6) notice of the right to apply for a variance, if applicable under
11 licensing agency regulations.

12 (b) The licensing agency shall serve the notice of violation on the home in
13 person, or by certified mail, return receipt requested.

14 Sec. 47.33.540. REPORT OF COMPLIANCE. (a) After correcting a violation
15 described in a notice of violation served under AS 47.33.530, an assisted living home
16 shall submit to the licensing agency a report of compliance regarding the correction.

17 (b) Each licensing agency shall adopt regulations specifying the contents of
18 and establishing procedures for reports of compliance, including the time period for
19 submission to the licensing agency under (a) of this section.

20 Sec 47.33.550. ADMINISTRATIVE SANCTIONS. (a) A licensing agency
21 may revoke an assisted living home license, deny renewal of an assisted living home
22 license, suspend operations of an assisted living home, suspend admissions to an
23 assisted living home, or assess an administrative fine, as the agency considers
24 appropriate, on one or more of the following grounds:

25 (1) a violation of a provision of this chapter, a regulation adopted under
26 this chapter, an order in a notice of violation issued under this chapter, or a term of
27 a license issued under this chapter;

28 (2) a criminal conviction of an administrator of an assisted living home
29 if the conviction

30 (A) is for an offense involving a resident of the home;

31 (B) is a felony; or

1 (C) is a misdemeanor involving alcohol, a controlled substance,
2 an imitation controlled substance, or physical or sexual abuse;

3 (3) obtaining, retaining, or attempting to obtain or retain a license under
4 this chapter by fraud or misrepresentation.

5 (b) An administrative fine assessed under this section may not exceed \$500 a
6 day for each day that a violation continues, and may not exceed a total of \$5,000 for
7 a violation.

8 (c) Before imposing an administrative sanction under (a) of this section, the
9 licensing agency shall give the assisted living home a written notice of the imposition
10 of administrative sanction. The notice must contain a form for requesting a hearing
11 under (d) of this section, and must describe

- 12 (1) each sanction to be imposed;
- 13 (2) the violation that is the basis of each sanction; and
- 14 (3) the home's right to request a hearing to contest the sanctions.

15 (d) An assisted living home may contest a licensing agency's decision to
16 impose an administrative sanction by filing a written request for a hearing, on the form
17 provided by the licensing agency, no later than 10 days after receipt of the notice of
18 administrative sanction.

19 (e) Unless an administrative sanction is related to a violation that presents an
20 imminent danger to the health or safety of the residents of an assisted living home, the
21 sanction may not be imposed until

- 22 (1) the time period for requesting a hearing under (d) of this section has
23 passed without a hearing being requested; or
- 24 (2) the licensing agency renders a final decision following a hearing
25 requested under (d) of this section.

26 (f) If an assisted living home requests a hearing under (d) of this section the
27 hearing shall be held within 60 days after the licensing agency receives the request.
28 The department's decision following a hearing under this section is a final
29 administrative order.

30 (g) If an assisted living home does not request a hearing under (d) of this
31 section, the licensing agency's notice of administrative sanction constitutes a final

1 administrative order, for which the licensing agency may seek the court's assistance
2 in enforcing.

3 (h) A licensing agency shall provide notice of the agency's final action
4 regarding imposition of an administrative sanction on an assisted living home to

- 5 (1) each resident of the home;
- 6 (2) the agencies that provide treatment to the residents;
- 7 (3) the residents' service coordinators; and
- 8 (4) adult protective services.

9 (i) Imposition of an administrative sanction under this section does not
10 preclude imposition of a criminal penalty under AS 47.33.570.

11 Sec. 47.33.560. ADMINISTRATIVE PROCEDURE. (a) Except as
12 otherwise provided in this chapter, administrative proceedings involving the denial,
13 limitation, suspension, or revocation of a license or the assessment of an administrative
14 fine under this chapter shall be conducted under AS 44.62 (Administrative Procedure
15 Act).

16 (b) An administrative hearing held under this chapter shall be open to the
17 public unless the hearing officer determines that the hearing should be closed to protect
18 the privacy of a resident of an assisted living home.

19 (c) A resident may intervene as a party in an adjudicatory proceeding held
20 under this chapter if the home in which that individual resides is a party to the
21 proceeding.

22 (d) At least 30 days before a hearing is held under this chapter, the licensing
23 agency shall give notice of the hearing to each resident of the assisted living home that
24 is the subject of the hearing.

25 Sec. 47.33.570. CRIMINAL PENALTY. A person who violates
26 AS 44.33.400(a) or (b) is guilty of a class B misdemeanor.

27 **ARTICLE 6. GENERAL PROVISIONS.**

28 Sec. 47.33.910. FEES. A licensing agency may charge and collect fees for
29 application and licensure under this chapter.

30 Sec. 47.33.920. REGULATIONS. The commissioner of health and social
31 services and the commissioner of administration each may adopt regulations to carry

1 out the provisions of this chapter, including regulations regarding licensure and
2 renewal requirements, license application and renewal procedures; application and
3 license fees; types, duration, renewal, and transferability of licenses; staffing and home
4 operation standards; and variances to licensure and operating standards. Regulations
5 adopted under this chapter may provide for the waiver or modification of the
6 requirements of this chapter for homes with fewer than six residents.

7 Sec. 47.33.990. DEFINITIONS. In this chapter,

8 (1) "activities of daily living" means walking, eating, dressing, bathing,
9 toileting, and transfer between a bed and a chair;

10 (2) "administrator" means an individual who has general administrative
11 charge and oversight of an assisted living home;

12 (3) "adult" means an individual 18 years of age or older who is not a
13 ward of the state under AS 47.10.080;

14 (4) "advocate" means a public or private officer, agency, or
15 organization designated by federal or state statute, or a state plan developed under a
16 federal or state statute, to represent the interests of and speak on behalf of a resident
17 of an assisted living home;

18 (5) "aging in place" means choosing to remain in a familiar living
19 environment and manage the risks associated with the physical or mental decline that
20 can occur with increasing age;

21 (6) "assisted living home" has the meaning given in AS 47.33.010;

22 (7) "assisted living plan" means a written description of

23 (A) an individual's functional capabilities;

24 (B) the individual's needs and preferences for assistance with
25 the activities of daily living; and

26 (C) the services to be provided to meet the individual's
27 reasonable wants and needs;

28 (8) "controlled substance" has the meaning given in AS 11.71.900;

29 (9) "health-related services" means services described in
30 AS 47.33.020(a) - (g);

31 (10) "home" means an assisted living home;

1 (11) "imitation controlled substance" has the meaning given in
2 AS 11.73.099;

3 (12) "imminent danger" means a danger that could reasonably be
4 expected to cause death or serious physical harm to a resident;

5 (13) "individual with a developmental disability" has the meaning given
6 the term "person with a developmental disability" in AS 47.80.900;

7 (14) "instrumental activities of daily living" means doing laundry,
8 cleaning of living areas, food preparation, managing money and conducting business
9 affairs, using public transportation, writing letters, obtaining appointments, using the
10 telephone, and engaging in recreational or leisure activities;

11 (15) "licensing agency" means the state agency given authority under
12 AS 47.33.410 to license an assisted living home;

13 (16) "personal assistance" means the provision by an assisted living
14 home of one or more of the following personal services to a resident of the home:

15 (A) assisting a resident in obtaining supportive services as
16 provided for in the resident's assisted living plan;

17 (B) assisting a resident in obtaining instrumental activities of
18 daily living, as provided for in the resident's assisted living plan;

19 (C) being aware of a resident's general whereabouts while the
20 resident is traveling independently in the community;

21 (D) monitoring a resident's activities while on the home
22 premises to provide for the resident's and others' safety and well-being;

23 (17) "physician's statement" means a written statement by an
24 individual's primary physician that includes

25 (A) a medical history and physical, not older than six months,
26 of the individual;

27 (B) a listing of the individual's complete current medicine
28 regimen; and

29 (C) a statement of current therapy regimen necessary to
30 maintain or increase the individual's functioning, mobility, or independence;

31 (18) "resident" means an adult who has been admitted to and resides

1 in an assisted living home;

2 (19) "representative" means a guardian, conservator, attorney in fact,
3 or other person designated by a court, or in writing by a legally competent individual,
4 to act on behalf of that individual;

5 (20) "service coordinator" means an individual who is responsible for

6 (A) coordinating the services of community agencies that
7 provide services to a resident of an assisted living home;

8 (B) participating in inter-agency case management for a
9 resident; or

10 (C) planning for the placement of an individual in an assisted
11 living home;

12 (21) "supportive services" means recreational and leisure activities,
13 transportation, social services, legal services, financial management services,
14 educational and vocational services, medical, dental, and other health care services,
15 habilitation or rehabilitation services, respite services, case management, day care, and
16 other services required to meet a resident's needs.

17 * Sec. 2. AS 36.30.850(b)(19) is amended to read:

18 (19) contracts for home health care provided under regulations
19 adopted by the Department of Health and Social Services and for adult residential
20 [AND FOSTER] care services provided under regulations adopted by the Department
21 of Health and Social Services or by the Department of Administration;

22 * Sec. 3. AS 44.21.240(2) is amended to read:

23 (2) "long term care facility" means an assisted living home [A
24 FOSTER HOME OR OTHER RESIDENTIAL FACILITY FOR DEPENDENT
25 ADULTS] that is required to be licensed under AS 47.33 [AS 47.35] and a nursing
26 home as defined in AS 08.70.180.

27 * Sec. 4. AS 44.62.330(a) is amended by adding a new paragraph to read:

28 (59) the Department of Health and Social Services and the Department
29 of Administration as to the licensing and regulation of assisted living homes under
30 AS 47.33.

31 * Sec. 5. AS 47.35.010(a) is amended to read:

1 (a) The department may
2 (1) license and supervise boarding homes, foster homes, group homes,
3 nurseries, and institutions caring for children [AND FOSTER HOMES, GROUP
4 HOMES AND INSTITUTIONS CARING FOR DEPENDENT ADULTS];
5 (2) investigate and supervise licensees;
6 (3) enforce the standards established by it;
7 (4) contract with private or municipal agencies to investigate and make
8 recommendations to the department for the licensing and supervision of boarding
9 homes, foster homes, group homes, nurseries, and institutions caring for children
10 [AND FOSTER HOMES, GROUP HOMES AND INSTITUTIONS CARING FOR
11 DEPENDENT ADULTS] under procedures and standards of operation established by
12 the department; contracts with private agencies under this paragraph are governed by
13 AS 36.30 (State Procurement Code).

14 * Sec. 6. AS 47.35.020 is amended to read:

15 Sec. 47.35.020. LICENSE OR PERMIT REQUIRED FOR CERTAIN CARE
16 FACILITIES. A person may not, without a license or permit to do so,

17 (1) maintain or conduct, for more than 90 days, a boarding home, foster
18 home, group home, institution, or other place for the regular reception or care of
19 children under 16 years of age[, OR A FOSTER HOME, GROUP HOME, OR
20 INSTITUTION FOR THE CARE OF DEPENDENT ADULTS]; or

21 (2) engage in the business of receiving or caring for children under 14
22 years of age, with or without compensation, in a nursery in which five or more
23 children not related by blood or marriage, or legal adoption, to the owner, operator, or
24 manager of the business are lodged.

25 * Sec. 7. AS 47.35.035(a) is amended to read:

26 (a) A person may not be licensed under this chapter to maintain or conduct a
27 foster home for children under the age of 18 unless the person has completed an
28 orientation for foster parents approved by the department. An orientation required
29 under this subsection must provide information about foster care regulations, policies,
30 and procedures; practical instruction about the realities of caring for a child who is
31 placed in a foster home; and other appropriate information.

1 * Sec. 8. AS 47.35.040(e) is amended to read:

2 (e) The department shall give written notice of revocation or modification under
3 (b) of this section 30 days before the effective date of the action. However, if the
4 health or well-being of children [OR DEPENDENT ADULTS] is in jeopardy, the
5 revocation or modification action is effective immediately upon the issuance of written
6 notice by the department.

7 * Sec. 9. AS 47.35.060 is amended to read:

8 Sec. 47.35.060. RECORDS REQUIRED. Each licensee or permit holder shall
9 keep records regarding each child [OR ADULT] in its control and care, or placed by
10 it, that the department prescribes, and shall report to the department the facts that the
11 department requires with reference to the children [OR ADULTS]. All records
12 regarding individuals placed for care in an institution or home under this chapter are
13 confidential and shall be safeguarded from improper disclosure by the agency or
14 department.

15 * Sec. 10. AS 47.35.900(3) is amended to read:

16 (3) "facility" means the administration, program, and physical plant of
17 a nursery caring for children, or a foster home, group home, or institution caring for
18 children [OR DEPENDENT ADULTS];

19 * Sec. 11. AS 47.80.140 is amended to read:

20 Sec. 47.80.140. LICENSING AND CERTIFICATES OF NEED. (a) A person
21 may not establish or operate a residential facility without first obtaining a license to
22 do so. The department by regulation shall provide for licensing of residential facilities
23 that are not within the licensing provisions of AS 18.20.010 - 18.20.130, AS 47.33,
24 AS 47.35.010 - 47.35.080 or other law requiring state licensing of such facilities.
25 Regulations of the department must include but need not be limited to (1) standards
26 of operation promoting and protecting public health, safety, and welfare, and (2)
27 procedures governing applications for and issuance of licenses and duration, renewal,
28 and revocation of licenses for cause. The department may at reasonable times inspect
29 and examine residential facilities licensed under this subsection for conformity with
30 licensing requirements.

31 (b) A certificate of need is required as a prerequisite for licensing a residential

1 facility established after July 1, 1978 and not otherwise provided for in AS 18.07.031 -
2 18.07.111. A certificate shall be issued and regulated in the same manner as provided
3 in AS 18.07.031 - 18.07.111 for certificates of need for health care facilities. This
4 subsection does not apply to an assisted living home licensed under AS 47.33.

5 * Sec. 12. AS 47.35.075 is repealed.

6 * Sec. 13. TRANSITION. Regulations relating to licensure of residential facilities for
7 dependent adults, adopted by the Department of Health and Social Services under authority
8 of AS 47.35 and in effect before January 1, 1995, remain in effect, and may be implemented
9 and enforced by the Department of Health and Social Services, until regulations relating to
10 assisted living homes are adopted by the Department of Health and Social Services and the
11 Department of Administration under AS 47.33, and take effect. Litigation, hearings,
12 investigation, and other proceedings pending under a law amended or repealed by this Act,
13 or in connection with functions transferred by this Act, continue in effect and may be
14 continued and completed notwithstanding a transfer, amendment, or repeal provided for in this
15 Act.

16 * Sec. 14. REGULATIONS. Notwithstanding sec. 16 of this Act, the Department of
17 Health and Social Services and the Department of Administration may proceed to adopt
18 regulations necessary to implement the changes made by this Act. The regulations may not
19 take effect before January 1, 1995.

20 * Sec. 15. Section 14 of this Act takes effect immediately under AS 01.10.070(c).

21 * Sec. 16. Sections 1 - 13 of this Act take effect January 1, 1995.

FISCAL NOTE

No. 2

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 249

(S) Publish Date: 1-14-94

Revision Date: _____ Dept. Affected: Administration
 Title: An act relating to assisted living homes BRU: Senior Services
 Component: Senior Services Administration
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 1981

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: \$ _____

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 in necessary)

Adequate funding is included in the FY95 budget for the new Division of Senior Services to handle the responsibilities of this bill.

does not apply to CS

Prepared by: Connie J. Sipe, Director Phone: 563-5654
 Division: Senior Services Date: _____

Approved by Commissioner: NRUCED Date: 12/27/93
 Agency: Administration

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 14, 1994

The Honorable Ramona Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill related to assisted living homes. An assisted living home is a residential facility that serves adults, provides housing and food service, and provides or obtains for the residents assistance with activities of daily living, personal assistance or health-related services. Medical facilities licensed under AS 18.20, such as nursing homes and hospitals, and certain other types of residential facilities (including correctional facilities and emergency shelters) are not classified as assisted living homes under this bill.

Although assisted living homes are not health care or medical facilities, they may provide or obtain various health-related services for residents, such as intermittent nursing care, supervision of the resident's self-administration of medications, and needed care and comfort to terminally ill patients who are under the care of a doctor who verifies that the needs of the resident are being met in the assisted living home.

The bill is intended to promote the establishment of assisted living homes that will provide a home-like setting as well as certain health-related services or assistance with certain personal activities. Such services will allow the elderly to age in place, rather than having to be transferred to a more institutionalized nursing-home setting, and will allow adults with a physical or mental disability to become integrated into their community.

Currently, the Department of Health and Social Services, under AS 47.35, licenses and regulates certain facilities that care for dependent adults. Under this bill, that licensing structure will be deleted and replaced by a new chapter (AS 47.33) that provides for assisted living homes. Responsibility for licensing and regulating the homes will be split between the Department of Health and Social Services and the Department of Administration.

The Honorable Ramona Barnes

January 14, 1994

Page 2

The Department of Administration will be responsible for licensure of assisted living homes that will be providing care primarily to individuals who are elderly, who have a physical disability, or who suffer from dementia, but who are not diagnosed as chronically mentally ill. Licensure of assisted living homes that will be providing care primarily to individuals with a mental or developmental disability will be the responsibility of the Department of Health and Social Services. Provision is made for joint agency determination of the appropriate licensing agency in cases in which that designation cannot easily be made. The Department of Health and Social Services, division of family and youth services, will continue to license residential homes and facilities for children under AS 47.35. The respective licensing agencies will be responsible for investigating complaints filed regarding assisted living homes and for taking necessary action to protect residents through administrative actions.

The main body of the bill is contained in sec. 1 of the bill, which defines "assisted living home," describes certain services, sets certain operating standards, and provides for licensing and regulations. For example, sec. 1 specifically provides for the safeguarding of money that a resident of an assisted living home deposited with the home for safekeeping and management. Section 1 also requires assisted living homes to keep records regarding residents' care, as well as provide their residents with information regarding residents' rights at the home, including timely notice regarding closure or relocation, notice of any change in rates, and protections in case of an action for involuntary discharge from the home.

Furthermore, the bill states that an individual may not be admitted to an assisted living home without that person's consent, or, if the individual is not competent, the consent of the individual's representative. In addition, an individual may not be admitted as a resident of an assisted living home unless an admission contract has been signed by the individual (or the individual's representative, if appropriate) and the home. The bill also requires that an assisted living plan for a resident be developed, and approved by the resident (or the resident's representative, if appropriate), within 30 days after that resident was admitted to the home. The plan is designed to identify the reasonable wants and needs of the resident and the ways in which those wants and needs will be met.


Section 1 of the bill also contains a lengthy list of residents' rights. These rights are designed to protect the residents' privacy and independence and to allow residents to be able to participate in grievance procedures or other remedial actions relating to resident complaints regarding how an assisted living home is providing care. Under the bill, certain complaints may be filed with the appropriate licensing agency; the licensing agencies have investigatory and sanction authority.

The Honorable Ramona Barnes
January 14, 1994
Page 3

Sections 2 through 12 of the bill amend existing statutory provisions to acknowledge the provisions in sec. 1 of the bill. Section 13 of the bill contains transition provisions regarding regulations and pending proceedings. Sections 14 and 15 allow the Department of Health and Social Services and the Department of Administration to prepare and adopt, before the effective date of the bill, regulations necessary to implement the bill. The new regulations cannot take effect before the effective date of the bill (January 1, 1995).

I urge your support of this important legislation.

Sincerely,

A handwritten signature in black ink, reading "Walter J. Hickel". The signature is written in a cursive style with a large, prominent "W" and "H".

Walter J. Hickel
Governor

STATE COMMITTEE REPORT

just DATE: 3/10/94

FURTHER: Finance

DATE TURNED INTO OFFICE: 3-21-94

State Affairs Committee considered SENATE BILL NO. 249

"An Act relating to assisted living homes; repealing references to residential facilities for dependent adults; and providing for an effective date."

and recommends: *reminds e has cs be adopted and repts it to the floor*

- replace with _____ CS _____
- or adopt previous _____ CS SB 249 (HES)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

FOR SENATE

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DOA	3.10.94	<input checked="" type="checkbox"/>	
H3SS	3.10.94	<input checked="" type="checkbox"/>	
H3SS	3.10.94	<input checked="" type="checkbox"/>	
H3SS	1.14.94		154.3

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

_____ (12) Mike Miller NO REC

_____ (2) Adria L. Taylor NO REC

(1) *Alex A. Leman* DO PASS

Chair: Signature and Recommendation

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

DATE: 1/14/94

FURTHER State Affairs
Finance

Date of 5-Day Notice: 1/27/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/10/94

HESS Committee considered SENATE BILL NO. 249

~~"An Act relating to assisted living homes; repealing references to residential facilities for dependent adults; and providing for an effective date."~~

and a majority of the committee recommends it be replaced with

and recommends:

[] replace with _____ CS SB 249 (HES) [] same title
 [] attaches amendment(s) and do pass [] new title
 [] technical title change (HB only)

[] adopts _____ Letter of Intent

[] further referral to the _____

[] do pass

[] do not pass

[] no recommendation

[] individual recommendations

*2 FIN'S
3 FIN'S*

New -				FISCAL NOTE INFORMATION			
Department	Date	Zero	Fiscal	Department	Date	Zero	Fiscal
Health Services	1/14/94		154.3	CS Gov's - HESS	1/14	+	154.3
+SB HESS/Medicaid	2/23		✓				
+SB HESS/ " Claims	2/23		✓				
3 only ADW/Pioneer	3/8	✓					

[] Appropriation No Fiscal Note Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Donna Sharp
Andrew D. ...
Judith S. Salosab...
...

Ellis NO REC.
...

Steve King Du Pass
 Chair: Signature and Recommendation

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

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office.

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	Judy	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

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 Usery
Agency: Department of Administration

Date: 4/19/94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

Branch Office:
3601 C St., Ste. 260
Frontier Bldg.
Anchorage, AK 99503
(907) 563-5654
FAX: 562-3040



Main Office:
P.O. Box 110209
Juneau, AK 99811-0209
(907) 465-3250
FAX: 465-4716

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

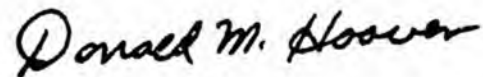
would have eight citizen members and only three executive branch members, we feel the "citizen board" character of the commission would not be diminished by the change in voting status.

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 cursive script that reads "Donald M. Hoover".

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*

SB

250

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/14/94

FURTHER:

DATE TURNED INTO OFFICE: 3-23-94

The Finance Committee considered **SENATE BILL NO. 250**

Older Alaskans Commission and staff; changing the name of the Older Alaskans Commission to the Alaska Commission on Aging and extending the termination date; relating to the Alaska Pioneers' Homes Advisory Board; relating to services and programs for older Alaskans; efd.

and recommends:

- replace with CS SB 250 (FINANCE)
- or adopt previous CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
<u>DOA</u>	<u>11-11-93</u>	<u>0</u>	

Appropriation No Fiscal Note

DO PASS.

Tom Kelly

Steve Rein

Jack [unclear]

[unclear]

1. Irue Pearce. 10/25/95

Co-Chair: Signature/Recommendation

OTHER RECOMMENDATIONS:

2.

Co-Chair: Signature/Recommendation

FISCAL NOTE

No. 1

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB250

(S) Publish Date: 1-14-94

Revision Date: _____ Dept. Affected: Administration
 Title: Relating to OAC, Alaska BRU: Commission on Aging
Pioneer Home Advisory Brd and services for Component: Commission on Aging
 Sponsor: Governor older Alaskans
 Requestor: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
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
-------------------------------	---	---	---	---	---	---

FUND SOURCE

(Thousands of Dollars)

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

Estimate of any current year (FY94) 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)

Changes in CSSB 250 STA
 have no fiscal impact. This
 fiscal note is appropriate.
3/11/94 /date JKB Comte Aide (initial)

Prepared by: Roberley Waldron
 Division: Commissioner's Office
 Approved by Commissioner: Nancy Bear Usafa
 Agency: Administration

Phone 258-6117
 Date: _____
 Date: 11/16/93

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

not taken up

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: SB 250

Page 3, lines 11 - 13:

Delete all material.

Renumber the following bill sections accordingly.

Page 7, line 22:

Delete "Section 15"

Insert "Section 14"

Page 7, line 23:

Delete "sec. 15"

Insert "sec. 14"

Page 7, line 25:

Delete "Sections 1 - 14 and 16 - 20"

Insert "Sections 1 - 13 and 15 - 19"

SENATE FINANCE
COMMITTEE

Amendment Number: 1

Bill Number: SB 250

Sponsor: SHARP Date: 3/22/94

Logged In By: (Signature)

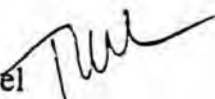
**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 23, 1994

SUBJECT: Amendment to SB 250 (Work Order 8-GS2003\A.1)
TO: Senator Bert Sharp
FROM: Terri Lauterbach
Legislative Counsel 

Enclosed is the amendment you requested that would change sec. 7 of SB 250 so that commission members would choose their own chairperson. Section 7 of SB 250 currently repeals and reenacts AS 44.21.210(c) with language allowing the governor to designate a chairperson.

The enclosed amendment achieves your purpose by simply removing sec. 7 from the bill. This would leave AS 44.21.210(c) as it currently reads in the statutes:

(c) The commission shall elect one of its members as chairperson, and may select other officers it considers necessary.

Please let me know if I can be of further assistance.

TML:gc
94-153.glc

Enclosure

*amended
on pg 7 →*

CS FOR SENATE BILL NO. 250(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 3/14/94

Referred: Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

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

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

13 (b) The term of office of a member of the board appointed under (a)(1) of this
14 section is four years. A member of the board may not serve more than eight
15 consecutive years. The members of the board appointed under (a)(1) of this section
16 serve at the pleasure of the governor.

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

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

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

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

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

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

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

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

31 (a) The commission shall meet at the call of the chair [CHAIRPERSON], at

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

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

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

10 * Sec. 7. AS 44.21 is amended by adding a new section to read:

11 Sec. 44.21.225. EXECUTIVE DIRECTOR. The executive director of the
12 commission shall

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

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

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

20 * Sec. 8. AS 44.21.230(a) is amended to read:

21 (a) The commission shall

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

26 (2) make recommendations directly to the governor and the legislature
27 with respect to legislation, regulations, and appropriations for programs or services that
28 benefit older Alaskans;

29 (3) encourage [AND AID] the development of municipal commissions
30 serving older Alaskans and community-oriented programs and services for the benefit
31 of older Alaskans;

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

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

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

6 (7) [ADMINISTER,] with the approval of the commissioner of
7 administration, set policy for the administration of federal programs as provided
8 under 42 U.S.C. 3001 - 3045i (Older Americans Act), as amended and evaluate grant
9 applicants and make grant awards under those programs;

10 (8) [ADMINISTER,] with the approval of the commissioner of
11 administration, set policy for the administration of state programs as provided under
12 AS 47.65 and evaluate grant applicants and award grants under those programs;

13 (9) give assistance, on request, to the senior housing office in the
14 Alaska Housing Finance Corporation in administration of the senior housing loan
15 program under AS 18.56.710 - 18.56.799 and in the performance of the office's other
16 duties under AS 18.56.700.

17 * Sec. 9. AS 44.21.240(1) is amended to read:

18 (1) "commission" means the Alaska [OLDER ALASKANS]
19 Commission on Aging;

20 * Sec. 10. AS 44.66.010(a)(10) is amended to read:

21 (10) Alaska [OLDER ALASKANS] Commission on Aging
22 (AS 44.21.200) -- June 30, 1996 [1993];

23 * Sec. 11. AS 47.24.010(a) is amended to read:

24 (a) The following persons who, in the performance of their professional duties,
25 have reasonable cause to believe that an elderly person has suffered harm shall, not
26 later than 24 hours after first having cause for the belief, report the harm to the
27 Department of Health and Social Services:

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

29 (2) a mental health professional as defined in AS 47.30.915(11) and
30 including a marital and family therapist licensed under AS 08.63;

31 (3) a pharmacist;

- 1 (4) an administrator of a nursing home, residential care or health care
2 facility;
- 3 (5) a guardian or conservator;
- 4 (6) a police officer;
- 5 (7) a village public safety officer;
- 6 (8) a village health aide;
- 7 (9) a social worker;
- 8 (10) a member of the clergy;
- 9 (11) a staff employee of a project funded by the Alaska [OLDER
10 ALASKANS] Commission on Aging;
- 11 (12) an employee of a homemaker program or home health aide
12 program;
- 13 (13) an emergency medical technician or a mobile intensive care
14 paramedic.

15 * Sec. 12. AS 47.24.070 is amended to read:

16 Sec. 47.24.070. REGULATIONS. Regulations to implement AS 47.24.010 -
17 47.24.100 shall be approved by the Alaska [OLDER ALASKANS] Commission on
18 Aging established under [(AS 44.21.200)] before adoption by the department.

19 * Sec. 13. AS 47.24.075 is amended to read:

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

24 * Sec. 14. AS 47.30.016(b) is amended to read:

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

27 (1) based upon their ability in financial management and investment,
28 in land management, or in services for the beneficiaries of the trust;

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

- 1 (A) one person selected by the Alaska Mental Health Board
- 2 (AS 47.30.661);
- 3 (B) one person selected by the Governor's Council on
- 4 Disabilities and Special Education (AS 47.80.030);
- 5 (C) one person selected by the Advisory Board on Alcoholism
- 6 and Drug Abuse (AS 44.29.110);
- 7 (D) one person selected by the Alaska [OLDER ALASKANS]
- 8 Commission on Aging (AS 44.21.200);
- 9 (E) one person selected by the Alaska Native Health Board; and
- 10 (F) one person selected by the authority.

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

12 Sec. 47.65.010. OLDER ALASKANS SERVICE PROGRAMS ACCOUNT.
13 The older Alaskans service programs account is established in the Department of
14 Administration. An amount to carry out the provisions of AS 47.65.010 - 47.65.050
15 may be appropriated annually by the legislature to the account. The amount
16 appropriated to the account shall be fully distributed by the Alaska [OLDER
17 ALASKANS] Commission on Aging to sponsors of older Alaskans service programs
18 in accordance with the provisions of AS 47.65.010 - 47.65.050.

19 * Sec. 16. AS 47.65.040(a) is amended to read:

20 (a) Except as provided in (f) of this section, a [A] sponsor receiving a grant
21 under AS 47.65.010 - 47.65.050 shall contribute to the total cost of the program or
22 project. The contribution may be in cash or in-kind services. The amount of the
23 sponsor's required contribution is determined by the application of the following
24 formula: average per capita full and true value of all property in the municipality or
25 community in which the project or program takes place divided by the average per
26 capita full and true value of all property in the state, and then multiplied by the
27 contribution percentage to the estimated total program or project cost as determined
28 by the commission at the time of approval of a grant application. However, the amount
29 of the sponsor's contribution may not amount to more than 10 percent of the total
30 program or project cost.

31 * Sec. 17. AS 47.65.040 is amended by adding a new subsection to read:

*Amend #1
pilot*

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

6 * Sec. 18. AS 47.65.290(3) is amended to read:

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

9 * Sec. 19. TRANSITION FOR PIONEERS' HOMES ADVISORY BOARD. The terms
10 of the persons who are members of the Alaska Pioneers' Homes Advisory Board on June 30,
11 1994, terminate July 1, 1994. Notwithstanding the limitations set by AS 44.21.120(b), enacted
12 by sec. 3 of this Act, the governor may appoint to the Alaska Pioneers' Homes Advisory
13 Board a person who served on that board before July 1, 1994; that person's service on the
14 board after July 1, 1994, may not exceed the limitations of AS 44.21.120(b), as enacted by
15 sec. 3 of this Act. The terms of persons initially appointed to the board on or after July 1,
16 1994, shall be set as provided in AS 39.05.055 so as to establish the staggering of terms of
17 members.

18 * Sec. 20. (a) Section 14 of this Act takes effect only if ch. 66, SLA 1991, takes effect.

19 (b) If the condition in (a) of this section is met, sec. 14 of this Act takes effect July 1,
20 1994, or on the effective date of ch. 66, SLA 1991, whichever is later.

21 * Sec. 21. Sections 1 - 13 and 15 - 19 of this Act take effect July 1, 1994.

*Called
Legal
9:20am*

DEPARTMENT OF ADMINISTRATION

SENATE BILL 250 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 Senate Bill 250. When enacted, Senate Bill 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
- Add the chairperson of the Pioneers' Homes Boards and the Commissioners of Health & Social Services, Community & Regional Affairs, and Administration to the list of voting members on the Commission on Aging (now non-voting members)
- Empower the Governor to choose the chairpersons of the Commission and the Board
- 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 when waiver is in public interest

DETAILED ANALYSIS OF SENATE BILL 250

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; to set the Board members' terms at a maximum of eight consecutive years; and to clarify that the governor designates the chairperson of the Board.

Section 4 amends AS 44.21.200(a) to re-name the Older Alaskans Commission as the Alaska Commission on Aging, and to add to the seven laypersons who currently serve as voting members another four voting members: the citizen Chairperson of the Pioneers' Homes Board and the Commissioners of the Departments of Administration, Community and Regional Affairs, and Health and Social Services; bringing the total of voting members on the commission to eleven.

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 amends the quorum for voting by the commission and deletes references to non-voting members.

Section 7 rewrites AS 44.21.210(c) to state that the governor shall designate the chairperson of the commission from among the seven citizen members selected under AS 44.21.20(i)(5).

Section 8 adds a new section 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 9 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 10 and 11 merely amend the Commission's name in other references in existing laws.

Sections 12 through 14 amend the existing elder abuse reporting law to use the new name for the Commission.

Section 15 amends the Mental Health Trust Lands Settlement Act to use the new name for the Commission.

Sections 16 through 18 amend the existing law authorizing state-funded service grants by the Commission, to amend the Commission's name, and, in sec. 18, to 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.

Section 19 amends the name of the Commission in another citation in existing law.

Section 20 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 set so as to establish the staggering of terms of members.

Section 21 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 22 provides for an effective date of July 1, 1994 for the bill.

AGENET

Alaska
Geriatric
Exchange
NETwork

January 27, 1993

Velma Ellyson, President

3935 Svedlund St
Homer, AK 99603
235-7655
Fax: 235-3739
Area: South Central

Jill Sandleben, Vice President

419 6th St. CCS Wing
Juneau, AK 99801
586-6233
Fax: 586-9018
Area: Southeast

Shell Marie Reading, Sec: Treas

4450 Cordova St., Suite 120
Anchorage, AK 99503
1-800-478-1080
Fax: 561-3315
Area: Anchorage

Irving J. Igtanloc, Board

PO Box 69
Barrow, AK 99723
1-800-478-6506
Fax: 652-0372

Area: North Slope/Northwest

Rose Megli, Board

Box 889
Dillingham, AK 99576
842-1231
Fax: 842-5691
Area: Southwest

Cyndi Nation, Board

122 First Avenue
Fairbanks, AK 99712
452-8251, ext. 3152
Fax: 459-3850
Area: Interior

Patricia Porter, Board

361 Senior Ct.
Kenai, AK 99611
233-4156
Fax: 283-5353
Area: South Central

Interagency Task Force
c/o Older Alaskans Commission
3602 C Street Suite 260
Anchorage, Ak 99503

Dear Interagency Task Force,

We, the association of programs providing senior services through Older Alaska Commission grants, are in favor of a Division of Senior Services. This reorganization of programs that serve Older Alaskans into a combined Division of Senior Services will greatly assist us in being about to provide efficient, cost effective services to Alaskan seniors.

Sincerely,

Velma Ellyson

Velma Ellyson
President

JAN 29 1993
OLDER ALASKANS COMMISSION

AARP



Bringing lifetimes of experience and leadership to serve all generations.

CHAIR
Mary Lou Meiners
895 Gold Bell
Juneau, AK 99801
(907) 586-2568

ALASKA STATE LEGISLATIVE COMMITTEE

VICE CHAIRMAN
CCTF Coordinator
Joe Aiter
P.O. Box 20304
Juneau, AK 99802
(907) 536 6620

SECRETARY
Joan McKinnon
5201 Racchite Drive
Anchorage, AK 99504
(907) 337-9742

December 15, 1992

*Conrad J. Sipe
Executive Director
Older Alaskan Commission
P.O. Box 110209
Juneau, Alaska*

Dear Conrad,

During the December meeting of the State Legislative Committee of A.A.P., the proposed consolidation of Senior Services was discussed.

If and when such a centralization shall become a reality, the members of the Alaska State Legislative Committee go on record favoring the establishment of a Division of Senior Services within the Department of Community and Regional Affairs.

Thank you for this opportunity to express our opinion on this matter.

*Sincerely,
Mary Lou Meiners, Chair
Alaska State Legislative Comm.*

Branch Office:
3601 C St., Ste. 260
Frontier Bldg.
Anchorage, AK 99503
(907) 563-5654
FAX: 562-3040



Main Office
P.O. Box 110
Juneau, AK 99811-0110
(907) 465-1100
FAX: 465-1100

Older Alaskans Commission

October 7, 1993

The Honorable Nancy Bear Usera
Commissioner
Department of Administration
P.O. Box 110200
Juneau, AK 99811-0200

Re: Governor's Proposal
for Senior Reorganization

Dear Commissioner Usera:

On behalf of the Commission, I want to express our appreciation of the opportunity to review, with Deputy Commissioner Waldron, Governor Hickel's proposal to reorganize senior services in state government, including the summaries of the three proposed bills.

The commission fully endorses the concepts behind the three bills, and the plan to create a new division of senior services by administrative order. We appreciate your leadership in initiating the Task Force last year, and believe that your choice and direction of Task Force members led directly to this excellent proposal for a new approach to senior services.

The commission plans to work, both as a group and individually, to understand the bills in both concept and detail, and will advocate for their support among the seniors in our local and regional areas. We would like to receive a copy of the actual bills' language as soon as they are public.

The commission has three comments or suggestions for the bill regarding the Commission and the Pioneers' Homes Advisory Board:

1. We think the increased linkage of the two boards, by the designation of a voting seat on each board for the chairman of the other board, is an excellent improvement.
2. While we support the new voting power given to the three departmental commission members from the administration, we would urge addition of language that the chairman of the Alaska Commission on Aging must be selected from among the seven layperson members appointed by the Governor.

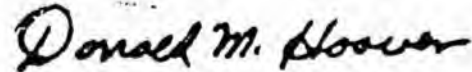
Commissioner Nancy Bear Usera
Page 2
October 7, 1993

3. We strongly feel that because commissioners are either selected by or retained at the pleasure of the current governor, the members of the commission should choose their own chairman. The citizen-led impetus to create a commission in 1980 appears to still reflect the general senior sentiment in our state that the wisdom and experience of seniors should be recognized by allowing them a strong role in managing senior affairs in our state government.

Finally, we wish to note our concern that there be adequate fiscal and personnel resources to successfully carry out the two important new functions of the new Division of Senior Services, namely, the licensing of Assisted Living homes and Adult Protective Services.

Again, thank you for the chance to comment upon this proposal. Please convey to Governor Hickel our strong support of his plan.

Sincerely,



Donald M. Hoover, Chairman
Older Alaskans Commission

Branch Office:
3601 C St., Ste. 260
Frontier Bldg.
Anchorage, AK 99503
(907) 563-5654
FAX: 562-3040



Main Office
P.O. Box 1102
Juneau, AK 99811-02
(907) 465-32
FAX: 465-47

Older Alaskans Commission

Position Paper on Senate Bill 250

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

The Older Alaskans Commission strongly urges passage of Senate Bill 250 introduced by Governor Hickel. This bill is part of the Governor's plan to improve and reorganize state services to Alaska's seniors and is vital to the smooth operation of the Division of Senior Services.

Senate Bill 250 changes the name of the Older Alaskans Commission to the Alaska Commission on Aging, identifying the purpose of the commission clearly in its name.

The commission strongly endorses the increased linkage between the Alaskan Commission on Aging and the Pioneers' Homes Advisory Board by designation of a voting seat on each board for the chairman of the other board. The commission supports the new voting power given to the three departmental commission members from the administration.

The commission strongly feels that because commissioners are either selected by or retained at the pleasure of the current governor, the members of the commission should elect their own chairman. The citizen led impetus to create a commission in 1980 appears to still reflect the general senior sentiment in our state that the wisdom and experience of seniors should be recognized by allowing them a strong role in managing senior affairs in our state government.

If the final version of the bill retains the provision for the governor to select a chairman, then the commission urges addition of language stating that the chairman of the Alaska Commission on Aging must be selected from among the seven layperson citizen members appointed by the Governor.

Donald M. Hoover

Donald M. Hoover, Chairman
Older Alaskans Commission

Date: _____

2/18/94



CITY OF FAIRBANKS
 James C. Hayes, Mayor
 410 CUSHMAN STREET
 FAIRBANKS, ALASKA 99701-4683
 OFFICE: 907-459-6793
 HOME OFFICE: 907-456-8637



SB 250

LO
 CC:WJH

February 11, 1994

The Honorable Walter J. Hickel
 Governor, State of Alaska
 P. O. Box A
 Juneau, AK 99811-0101

Dear Governor Hickel:

I am in receipt of your letter with regards to the three bills intending to provide better state services for our senior citizens.

I am in agreement with you that this is one area which needs to be addressed. I have become increasingly concerned about the scarcity of facilities and perpetual care for our senior citizens; as well as the seemingly endless paperwork that is entailed in order to receive any services. It appears that SB 250 and HB 378 will assist in alleviating some of the bureaucratic layers which are normally required.

Again, thank you for the letter. I appreciate your taking the time from your busy schedule to keep me informed.

With kindest personal regards, I am

Sincerely,
 CITY OF FAIRBANKS

James C. Hayes
 James C. Hayes
 Mayor

RECEIVED
 FEB 16 1994

GOVERNOR'S OFFICE

February 21, 1994

LO

DoA

Governor Walter Hickel
STATE OF ALASKA
P. O. Box 110001
Juneau, AK 99811-0001

Dear Governor Hickel:

I am pleased to report that in general we support SB 248, SB 249, and SB 250 as introduced by your office. However, we strongly suggest that Commission members be allowed to elect their own chair person, rather than an appointed chair as is proposed in SB 250, Sec. 7.

Thank you for your consideration.

With best wishes,

Bob Huffman

Bob Huffman, Chairman
Legislative & Govt. Affairs Comm.
GRAND IGLOO, PIONEERS OF ALASKA

CC. Bill Ray

RECEIVED
FEB 24 1994

GOVERNOR'S OFFICE

PIONEERS' HOMES ADVISORY BOARD



Amos "Joe" Alter, Chairman

October 15, 1993

P.O. Box 110211
Juneau, AK 99811-0211

Nancy Bear Usera, Commissioner
Alaska Department of Administration
P O Box 110200
Juneau, AK 99811-00200

Dear Nancy:

You and your hospitality are great and I am sure I speak for each and all of our Board Members as I thank you.

The opportunity to meet with you and discuss Administration priorities and concern was an excellent way for us to start our home visits. In the Board role of communicating your concerns to Pioneers' Homes residents and the public and visa versa we have the following findings to report to you:

1. The Board, residents, and the public are generally supportive of Administration proposals for reorganization of senior programs within a new division of aging with one exception. Predominate opinion prefers Board selection of its own chairman.
2. The proposed rate increases are generally acceptable.
3. More Mental Health Trust funds should be provided to complement current appropriations for Pioneers' Homes. Current efforts to serve the special needs of Alzheimer and related dementia needs of residents is commendable but inadequate. Planned staff training designed to enhance service to these special residents is essential and appreciated. A closer working relationship between this Board and the Mental Health Board is recommended.
4. Appropriate revisions should be made in current conditions governing employment of qualified part time staff to enhance availability of such staff.
5. There is general opposition to privatization of the homes.

Robert Gore, Board Member
John Dapceovich, Board Member

Vallie Byrdsong, Board Member
Stella Odsather, Board Member

Robert Kallenburg, Board Member
Peggy Amess, Board Member

6. Great appreciation and a minimum of dissatisfaction with the system was obvious. We urge continuing restructuring of the service model to address those future needs not met otherwise.

We thank you again for the opportunity to work with you and your dedicated Pioneers' Home staff.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe".

Amos J. Alter

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

*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 dark ink and is positioned above the printed name and title.

Walter J. Hickel
Governor

SENATE COMMITTEE REPORT

Final

DATE: 2/18/94

FURTHER: Finance

DATE TURNED INTO OFFICE: 3-11-94

Relates to this

State Affairs Committee considered SENATE BILL NO. 250

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

and recommends:
and recommends it be replaced with

replace with CS SB250 (STA)
or adopt previous CS
 attaches amendment(s)

same title
 new title
 technical title change (HB only)

and report it back as follows

adopts _____ Letter of Intent

further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

plant

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES *applies to CS*

Department	Date	Zero	Fiscal
DOA	1.14.94	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Appropriation No Fiscal Note

DO PASS:

(1) Lorman A. Lorman

OTHER RECOMMENDATIONS:

(3) Mike Miller no rec
(2) Phil Sellers no rec.
(2) Kevin L. Taylor no Rec

(1) Lorman A. Lorman do pass

SENATE COMMITTEE REPORT

DATE: 1/14/94

FURTHER STATE AFFAIRS
FINANCE

Date of 5-Day Notice: 1/27/94
(in accordance with Uniform Rule 23)

DATE TURNED
INTO OFFICE: 2/16/94

HES Committee considered SB 250 ←

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; relating to the Alaska Pioneers' Homes Advisory Board; relating to services/programs for older Alaskans; efd. and recommends:

- replace with _____ CS reports it back as follows same title
- or adopt previous _____ CS _____ new title
- attaches amendment(s) technical title change (HB only)

- adopts _____ Letter of Intent
- further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
<i>Administration</i>	<u>1/14/94</u>	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Gov's Bill

DO PASS:

OTHER RECOMMENDATIONS:

_____ *Mike Miller No Rec*

_____ *Judith Sals No Rec*

_____ *Bob Murphy N. Rec*

1
Steve King Do Pass
Chair: Signature and Recommendation

SB

251

HFIN

FILE

9.

HOUSE FINANCE COMMITTEE

MEETING OF 4/16/94

SUBJECT Am 1 2B 251

MEMBER	YES	NO
TERRIAULT	<input checked="" type="checkbox"/>	
BROWN		<input checked="" type="checkbox"/>
FOSTER	<input checked="" type="checkbox"/>	
GRUSSENDORF		
HANLEY		<input checked="" type="checkbox"/>
HOFFMAN		
MARTIN		<input checked="" type="checkbox"/>
NAVARRE		<input checked="" type="checkbox"/>
PARNELL		<input checked="" type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	
MACLEAN	<input checked="" type="checkbox"/>	

TOTAL _____

PASSED: _____

FAILED: 4-5

**DIVISION OF INVESTMENTS
ALASKA DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
COMMERCIAL FISHING REVOLVING LOAN FUND
HISTORICAL SUMMARY
(Dollars in Thousands)**

AS 16.10.300; enacted in 1972
3 AAC 80.010 - .090, .900

The Commercial Fishing Revolving Loan Fund consists of two sections, Section A and Section B, each with its own particular requirements. The loan program allows for prequalifications for loans to purchase limited entry permits and for assumptions of existing loans. Existing loans may be refinanced at a fixed rate of Prime plus 2%.

Section A loans may only be made to finance the purchase of limited entry permits.

Eligibility for Section A: Loans may be made to individual commercial fishermen who have been Alaska residents for the past two years and have been active in the applicable fishery during the past three out of five years.

Section B loans may be made for the repair, restoration or upgrading of existing vessels and gear, and for the purchase of limited entry permits, gear and vessels.

Eligibility for Section B: Loans may be made to individuals who have been Alaska residents for the past two years and, due to a lack of training or lack of employment opportunities in the area of residence, do not have occupational opportunities available other than commercial fishing or are economically dependent on commercial fishing for a livelihood.

Terms: Maximum loan amount: Section A - \$300.0; Section B - \$100.0
Maximum loan term - 15 years Interest rate - fixed rate at Prime + 2%

Total appropriations to RLF -	\$60,201.0	
Total appropriations from RLF -	<u>(44,234.3)</u>	
Net of appropriations	\$15,966.7	(through 12-31-93)

Last appropriation to RLF - \$3,710.0 in 1985

Total number of loans committed: 4,160 (through 12-31-93)
Total dollars committed: \$262,325.6 (through 12-31-93)

Current statistics (as of December 31, 1993):

Number of loans outstanding:	1,234
Principal amount outstanding:	\$65,269.3

Delinquency & default	Based on balance outstanding	Based on no. of loans outstanding
% Delinquent	27.7%	21.2%
% in default	0.7%	0.9%

Prepared by: Division of Investments
Revised January 20, 1994

- COMMERCIAL FISHING LOAN FUND -

CS for SB 251 (fin)

Bill Analysis

- 1) Current status -- passed Senate. Before House Finance Committee. Changes the Commercial Fisheries Revolving Loan Fund to allow fishermen to get loans to satisfy:
 - A) IRS debts that threaten ownership of a limited entry permit. One time loan. Capped at \$30,000. 3 year sunset provision.
 - B) Refinance loans from private lending sources.
 - C) For the purposes of upgrading vessels and gear to improve the quality of Alaska Seafood products
 - D) Allows 50% of surplus revenues from the Commercial Fisheries Revolving Loan Fund to be appropriated to the Fisheries Enhancement Revolving Loan Fund and vice versa.

SB 251 is supported by the Department of Commerce, Commercial Fisheries Entry Commission, Bristol Bay Native Association, Aleutians East Borough, Calista Corporation, Southwest Municipal Conference, Lower Yukon Economic Development Council and the Alaska Business Development Center and numerous fishermen statewide.

SB 251 has a zero fiscal note.

Div. of Investments -- Loan Priority

Loan priority is established through regulation. Present Order:

- 1) Limited Entry Permits
- 2) Vessels
- 3) Gear
- 4) Refinance Loans
- 5) Hatcheries

MAY 31 1994

RECEIVED

CSSB 251(FIN)am "An Act relating to the commercial fishing revolving loan fund and the fisheries enhancement revolving loan fund: and providing for an effective date."

CSSB 251(FIN)am amends the Commercial Fishing loan program to allow the Department to make loans:

1. under AS 16.10.310(a)(1)(A) to upgrade existing vessels to improve the quality of Alaska seafood products;
2. up to \$30,000 to satisfy past due federal tax obligations that may result in the loss of a limited entry permit through a foreclosure action (sunsets in three years); and
3. to refinance loans up to \$300,000 incurred by borrowers for the purchase of a commercial fishing vessel or gear.

In addition, CSSB 251(FIN)am provides authority to the Department to use up to 50% of any excess funds in the Commercial Fishing Revolving Loan Fund for the purposes of the Fisheries Enhancement Loan Fund.

CSSB 251(FIN)am also amends the Fisheries Enhancement program to provide authority to the Department to use excess funds in the Fisheries Enhancement Revolving Loan Fund for the purposes of the Commercial Fishing Revolving Loan Fund.

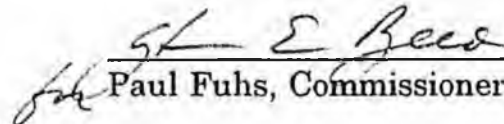
Passage of this legislation will provide the Department with additional flexibility to deal with problems associated with a rapidly changing seafood industry. Improving product quality as provided under Section 1 of the bill will assist Alaskan fishers in their efforts to compete in world markets. Providing financing to satisfy IRS obligations is aimed at preventing the loss of a limited entry permit and the economic ripple effect that can result. There are a number of Alaskan fishers that are facing financial hardships and are unable to meet their debt obligations. This legislation will allow some of those individuals to borrow, on a onetime only basis, enough funds to pay their IRS obligations and thereby protect their limited entry permits and means of making a living. The refinancing provision contained in the bill allows borrowers to lower their interest rates and obtain more flexible repayment schedules during poor fishing seasons.

Sections 5 and 7 of the bill allow the Department, under certain conditions, to utilize excess funds in one loan program for the purposes of another program. Although there are significant differences in the Commercial Fishing and

Position Paper
CSSB 251(FIN)am
Page Two

Fisheries Enhancement programs, they share a similar purpose in that they promote the enhancement or rehabilitation of the State's fisheries.

In summary, this legislation will assist Alaskans in their commercial fishing efforts and is consistent with the missions of the Commercial Fishing and Fisheries Enhancement programs. The Department supports the passage of CSSB 251(FIN)am.



Paul Fuhs, Commissioner

Date: _____

Adopted

8-LS1512X.1 ✓
Utermohle
4/8/94

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE MACLEAN

TO: CSSB 251(FIN) am

Page 6, line 8:

Delete "one-half of"

DIVISION OF INVESTMENTS
ALASKA DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

BACKGROUND INFORMATION FOR SB 251

The following information is intended to answer questions that have recently come up concerning the impact on the Commercial Fishing and Fisheries Enhancement loan funds if SB 251 were to pass in its present form (CSSB 251(L&C)).

Fisheries Fund

Total Outstanding Balance CFRLF	\$65,580,000	<i>← loan outside</i>
Total Appropriations to CFRLF	\$60,201,000	<i>← general fund app</i>
Total Appropriations from CFRLF	\$44,234,300	<i>← Fund</i>
Net of Appropriations	\$15,966,700	<i>← Returned</i>
Last Appropriation to CFRLF	\$3,710,000 in 1985	<i>← last GF app</i>

Hatchery Fund

Total Outstanding Balance FERLF	\$75,628,000	<i>← Outstanding</i>
Total Appropriations to FERLF	\$74,725,400	<i>← Total GF fun</i>
Total Appropriations from FERLF	\$3,495,200	<i>← Returned to C</i>
Net of Appropriations	\$71,230,200	<i>← GF outstare</i>
Loan Repayments Since FY 89	\$12,666,300	

General Fund Request as a Result of SB 251 Additional Personnel Required to Administer -0-

Funds Available for IFQ, IRS, Refrigeration and Refinancing Requests as a Result of SB 251 and SB 132 \$5,000,000

Funds Available for Transfer from CFRLF to FERLF if SB 251 and SB 132 Pass -0-

It is likely that loans for Individual Fishery Quota Shares (SB 132), IRS debts, refrigeration and refinancing will use up available funds for FY 95 eliminating the possibility of a transfer.

Criteria borrowers requesting onetime loans to pay IRS obligations will need to meet:

1. demonstrate that a limited entry permit is in danger of foreclosure by the IRS;
2. meet all eligibility requirements;
3. have adequate collateral to secure the loan;
4. demonstrate the ability to make loan repayments;
5. allow disbursement directly to IRS; and
6. not exceed a loan limit of \$30,000.

Prepared by Division of Investments February 22, 1994.

- Division of Investment - "Fact Sheet" -

**DIVISION OF INVESTMENTS
ALASKA DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
FISHERIES ENHANCEMENT REVOLVING LOAN FUND
HISTORICAL SUMMARY
(Dollars in Thousands)**

AS 16.10.500; enacted in 1976
3 AAC 81.010

Purpose: Loans are available for planning, construction, and operation of fish hatchery facilities, including preconstruction activities necessary to obtain a permit, construction activities to build the hatchery facility, and the costs to operate the facility.

Eligibility: Loans may be made to qualified regional associations or private, nonprofit corporations who have obtained a private, nonprofit hatchery permit from the Alaska Department of Fish and Game (ADF&G). Loans may also be made for planning and preconstruction purposes prior to receipt of a hatchery permit from ADF&G.

Terms:

Maximum loan amount: \$10,000.0
Maximum loan term: 30 years
Interest rate: fixed rate at Prime +1%

No repayment of the principal is required for an initial period of six to ten years; no interest on the principal shall accrue during that period.

Total appropriations to RLF -	\$74,725.4	
Total appropriations from RLF	(3,495.2)	
Net of appropriations	\$71,230.2	(through 12-31-93)

Total number of loans committed - 213 (through 12-31-93)

Total dollars committed - \$88,070.4 (through 12-31-93)

Current statistics (as of December 31, 1993):

Number of loans outstanding: 177
Principal amount outstanding: \$75,797.2

Delinquency and Default	Based on Balance Outstanding	Based on No. of Loans Outstanding
% Delinquent	0.0%	0.0%
% in Default	0.0%	0.0%

Prepared by: Division of Investments
Revised January 20, 1994

- ▼ -
- FISHERIES ENHANCEMENT FUND -

HOUSE COMMITTEE REPORT

(11)

Date Referred: March 23, 1994

FURTHER REFERRALS:

Date of Committee Action: 4/20/94

The FINANCE Committee considered:

CSSB 251(FIN) am

CS FOR SENATE BILL NO. 251(FIN) am

COMM'L FISH LOANS FOR CERTAIN OBLIGATIONS

"An Act relating to the commercial fishing revolving loan fund and the fisheries enhancement revolving loan fund; and providing for an effective date."

RECOMMENDATIONS:

be replaced with HCS CSSB 251 the same 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) DCCTD 2/18/94

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>EP Maclean</u>	<input checked="" type="checkbox"/>	<u>Paul J. Larson</u>		X	
<u>Jan Grossendorf</u>	<input checked="" type="checkbox"/>	<u>Mark Hanley</u>		X	
		<u>Terry Martin</u>		X	
		<u>Leah R. Parnell</u>		X	
		<u>Mike Navarre</u>		✓	
		<u>Jan Forgy Brown</u>		✓	
		<u>Gene Theriault</u>		X	
		<u>Therriault</u>			

Paul J. Larson EP Maclean
CHAIRMAN'S SIGNATURE

4/11/94
(H) FIN

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSSB 251(FIN)am

Revision Date: March 29, 1994
Title: An Act Relating to the Commercial Fishing and Fisheries Enhancement Loan Funds
Sponsor: Senators Jacko and Lincoln
Requestor: House Finance

Department Affected: Commerce and Economic Development
BRU: Investments
Component: _____
COMPONENT SERIAL NO. 0384

Expenditures/Revenues:

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
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
------------------------	---	---	---	---	---	---

FUND SOURCE

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

Estimate of 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.)

The Department is confident that they will be able to adequately handle loan requests generated as a result of this legislation with existing staff. This legislation will expand the loan demand for the Commercial Fishing Revolving Loan Fund. We are unable, at this time, to forecast the exact amount of this increase, but estimate it to be several million dollars.

Prepared by: Martin J. Richard
Division: Investments

Phone: (907) 465-2510
Date: 3/30/94

Approved by Commissioner: Paul Fuhs
Agency: Commerce and Economic Development

Date: 4/5/94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

HOUSE COMMITTEE REPORT

(11)
Date Referred: March 23, 1994

FURTHER REFERRALS:

Date of Committee Action: 4/20/94

The FINANCE Com. ttee considered:

CSSB 251(FIN) am

CS FOR SENATE BILL NO. 251(FIN) am COMM'L FISH LOANS FOR CERTAIN OBLIGATIONS

"An Act relating to the commercial fishing revolving loan fund and the fisheries enhancement revolving loan fund; and providing for an effective date."

- RECOMMENDATIONS: [] the same title
 be replaced with HCS CSSB 251 [] 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) DCCTD 2/18/94

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>EP Machean</u> <u>Machean</u>		<u>Ronald J. Larson</u> Larson		X	
<u>Jan Grussendorf</u> <u>Grussendorf</u>	X	<u>Mark Hanley</u> Hanley		X	
		<u>Terry Martin</u> Martin		X	
		<u>Leah R. Parnell</u> Parnell		X	
		<u>Mike Navarre</u> Navarre		✓	
		<u>Jay Brown</u> Brown		✓	
		<u>Gene Theriault</u> Theriault		X	

 EP Machean
 CHAIRMAN'S SIGNATURE

HOUSE CS FOR CS FOR SENATE BILL NO. 251(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS JACKO, Lincoln

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the commercial fishing revolving loan fund and the fisheries
2 enhancement revolving loan fund; and providing for an effective date."

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

4 * Section 1. AS 16.10.310(a) is amended to read:

5 (a) The department may

6 (1) make loans to

7 (A) individual commercial fishermen who have been state
8 residents for a continuous period of two years immediately preceding the date
9 of application for a loan under AS 16.10.300 - 16.10.370 and have had a
10 crewmember or commercial fishing license under AS 16.05.480 or a permit
11 under AS 16.43 for the year immediately preceding the date of application and
12 any other two of the past five years, and who actively participated in the
13 fishery during those periods,

14 (i) for the purchase of entry permits;

4/11/94
(H) FIN

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSSB 251(FIN)am

Revision Date: March 29, 1994
Title: An Act Relating to the Commercial Fishing and Fisheries Enhancement Loan Funds
Sponsor: Senators Jacko and Lincoln
Requestor: House Finance

Department Affected: Commerce and Economic Development
BRU: Investments
Component: _____
COMPONENT SERIAL NO. 0384

Expenditures/Revenues:

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
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
------------------------	---	---	---	---	---	---

FUND SOURCE

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

Estimate of 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.)

The Department is confident that they will be able to adequately handle loan requests generated as a result of this legislation with existing staff. This legislation will expand the loan demand for the Commercial Fishing Revolving Loan Fund. We are unable, at this time, to forecast the exact amount of this increase, but estimate it to be several million dollars.

Prepared by: Martin J. Richard
Division: Investments

Phone: (907) 465-2510
Date: 3/28/94

Approved by Commissioner: Paul Fuhs
Agency: Commerce and Economic Development

Date: 4/5/94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

See LAST Page

WALTER J. HICKEL, GOVERNOR

8800 GLACIER HWY, #109
JUNEAU, AK 99801
(907) 789-6150 Licensing Calls
(907) 789-6160 Other Business
(907) 789-6170 FAX

January 13, 1994

1 ~

Re: IRS v. Alaska Limited Entry Permits

Dear [Legislator]2 ~:

Last year we corresponded with you concerning the IRS and its claims against Alaska limited entry permits. This letter conveys a timely update which should provide a better grasp of the problem. See Attachment A (5 pages of correspondence).

After months of correspondence and meetings, the IRS has now shared with the Entry Commission statistics describing the extent of noncompliance among Alaska limited entry permit holders. See Attachment A (5 of 5). The statistics show that the areas of greatest noncompliance with federal tax obligations are the Rural areas of the State, where access to traditional fisheries is most important to our economy. The IRS has broken out statistics for two types of delinquent taxpayers: (1) those who have failed to file returns (for whom IRS can only estimate the amount owing); and (2) those who have filed but failed to pay taxes owed (for whom the IRS can provide a fairly accurate estimate).

1,111 Alaska permit holders are in the latter group. However, only 4.8% of them owe more than \$50,000 to the IRS. The vast majority (827 or 74%) owe the IRS \$10,000 or less. This majority can be increased to 86% by adding in the additional 130 individuals who owe the IRS up to \$20,000. See Attachment A (5 of 5).

For most fishermen, the loss of an entry permit destroys their means of earning a living. At the same time, with appropriate assistance, most fishermen have a realistic hope of working their way out of trouble. Alaska fishermen currently face problems beyond those of self-employed people throughout the rest of the country (who often face similar tax problems). For the most part, IRS difficulties among Alaska fishermen are a symptom of generally hard times in the Alaska fishing industry which will call for long-term adjustments. Unfortunately, Alaska fishermen are a distinctly attractive target to the IRS because they are easily identified and they hold permits of value.

Preliminarily, we have discussed with Commissioner Paul Fuhs the possibility of a statutory change to make the existing revolving loan funds of the Commercial Fisheries Loan Program available to help Alaska fishermen avoid seizure and forced sale of their entry permits by the IRS.

IRS & CFEC Letters

January 13, 1994

We are also very interested in the professional help that the Alaska Business Development Center and its President Gary Selk have provided fishermen to help them work their way out of their difficulties. We hope that these services can be sustained.

Additionally, there are other initiatives we would be happy to discuss with you. However, be aware that the IRS is now suing the Entry Commission to strike down those elements of State law which it believes may present obstacles to its seizure and forced sale of entry permits.

We hope that this information is helpful. These are issues which we would be happy to discuss further with you and any other interested individuals.

We thank you for your interest.

Sincerely,

COMMERCIAL FISHERIES ENTRY COMMISSION

Bruce Twomley, Chairman
Frank Homan, Commissioner
Dale G. Anderson, Commissioner

by: 

Enclosure

cc: Commissioner Paul Fuhs
Clement V. Tillior,
Special Assistant to the Governor for Fisheries
Richard Romer,
Special Staff Assistant to the Governor for Rural Affairs
Raga Elim, Legislative Liaison, Office of the Governor

MEMORANDUM**STATE OF ALASKA**

**TO: Paul Fuhs, Commissioner
Department of Commerce and
Economic Development
MS 0800**

DATE: January 3, 1994

FAX NO: 789-6170

and

TELEPHONE NO: 789-6160

**SUBJECT: IRS vs. Limited Entry
Permits**

**Donna Parker
Fisheries Development Specialist
Department of Commerce and
Economic Development
Division of Economic Development
MS 0800**

**FROM: ~~Bruce Twomley, Chairman~~
~~Frank Homan, Commissioner~~
~~Dale Anderson, Commissioner~~
COMMERCIAL FISHERIES
ENTRY COMMISSION**

Enclosed is a copy of our recent correspondence with Martin Richard, Director, Division of Investments. As the correspondence indicates, we have finally gotten data from the IRS in response to correspondence that we shared with you last summer. See Attachment A (5 of 5).

The data from the IRS highlights the importance of the problem to Alaska permit holders but also suggests that, given the direction of adequate resources, the problem may be more manageable than we have believed in the past. From the data, the vast majority of permit holders in trouble individually owe the IRS only modest sums of money. However, unlike many other self-employed people throughout the country with similar problems, Alaska fishers face structural changes in their industry, the effects of which will not be removed by a general improvement in the economy. In fact, as our correspondence with Martin Richard indicates, the State may wish to consider whether some commercial fisheries loan program funds could be made available to individuals for the purpose of avoiding seizure and forced sale of their entry permits by the IRS.

2000 - IRS vs. Limited Entry Permits

You should also be aware that a group of volunteer professionals, called the Bad Times Group has been conducting workshops around the State to help fishers survive the current crisis. This group has developed a very useful pamphlet Alaska Commercial Fishermen and the IRS (September 1993), which CFEC would be happy to make available to anyone interested.

In turn, one member of the Bad Times Group is Gary Selk, President of the Alaska Business Development Center. The need for the Alaska Business Development Center to remain available to help individual fishers in trouble remains as critical as ever.

Additionally, there are some beginning efforts in Bristol Bay through the Bristol Bay Economic Development Corporation (BBEDC) to reach and help permit holders who may be in trouble.

As a related matter, I have been appointed to an Alaska Federation of Natives (AFN) Task Force to address this issue, and, among other things, the Task Force will be looking at BBEDC's approach to see if it could serve as a model for other areas of the State.

Finally, the IRS is willing to work with the State to explore ways to avoid widespread seizures and forced sales of entry permits. This presents an opportunity. At the same time, be aware that the IRS is currently suing the Entry Commission to strike down those elements of State law which it believes may get in its way [more specifically, Paul, Governor Hickel's SB 449 enacted in 1992, which became AS 16.43.170(g) and (h)].

Enclosures


cc: Clement V. Tillion, Special Assistant to the Governor for Fisheries
Richard Romer, Special Staff Assistant to the Governor for Rural Affairs

TO: Martin Richard, Director
DCED
Division of Investments
MS 0802

DATE: January 3, 1994

FAX NO: 789-6170

TELEPHONE NO: 789-6160

FROM:  Bruce Twomley, Chairman
Frank Homan, Commissioner
Dale Anderson, Commissioner
COMMERCIAL FISHERIES
ENTRY COMMISSION

SUBJECT: IRS vs. Limited Entry
Permits

With this memo is information I promised you by phone describing Alaska limited entry permit holders who are currently in trouble with the IRS.

As we know, the federal tax problems experienced by Alaska fishers are consistent with problems of self-employed individuals throughout the nation. The problems are also symptomatic of broader dislocations affecting the Alaska fishing industry at this time. Nonetheless, because entry permits represent access to Alaskans' traditional fisheries, and because the IRS has the power to take away that access, preserving entry permits in the hands of their holders appears to be a pressing issue at this time—particularly in Rural Alaska, where there are few other sources of cash income.

As we discussed, for a long time, Ed Crane and I have been attempting to get more detailed information from the IRS about the extent of the problem. Finally as the result of some pressure from CFEC and resulting data sharing between CFEC and the IRS, we have a statistical breakdown from the IRS which is helpful in understanding the magnitude and locus of the problem. Attached to this memo (Attachment A, p. 5 of 5) is the statistical information developed by the IRS. We have also included some related correspondence with Dave Tucker, Chief of Enforcement for the IRS in Alaska.

IRS' figures apply only to individuals who hold transferable limited entry permits (those permits subject to forced sale) and break out numbers of permit holders (1) who have failed to file tax returns (for whom the IRS can only estimate the amount owing), and (2) who have filed returns but owe balances to the IRS (where the IRS has a fairly accurate estimate as to the amount owed).

CFEC - IRS - Limited Entry Permits