

ALASKA LEGISLATURE

1557

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

## TABLE OF CONTENTS

	<u>Page</u>
Objectives, Scope, and Methodology .....	1
Organization and Function.....	3
Background Information .....	5
Report Conclusions .....	7
Findings and Recommendation.....	9
Analysis of Public Need.....	11
Agency Responses:	
Alaska Commission on Aging .....	17
Department of Administration .....	19

## OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Titles 24 and 44 of the Alaska Statutes, we have reviewed the activities of the Alaska Commission on Aging (ACOA) to determine whether it should continue in existence as provided for under terms of the State's "sunset" legislation.

As required by statute, this report shall be considered during the legislative oversight process in determining whether the ACOA should be reestablished. The law currently specifies that ACOA will terminate on June 30, 1996 and will have one year from that date to conclude its affairs.

### Objectives

Our specific audit objectives were:

1. To determine if the termination date for ACOA should be extended.
2. To determine if ACOA operations are in compliance with state and federal statutes and regulations.
3. To determine if ACOA is operating in the interest of the public.

### Scope and Methodology

We focused on activities of ACOA since the last sunset audit in performed in 1993.<sup>1</sup> We evaluated the activities of ACOA to determine if they were consistent with the interest of the public. We also reviewed the proceedings of the current commission to ensure that they are in compliance with Alaska Statute and regulations.

Since more than 50% of ACOA's funding is from federal sources, we evaluated the ACOA administrative staff's compliance with federal funding and program requirements.

During the course of our audit, we attended a meeting of the commission, which focused on the allocation of funds to grantees for FY 96. During the three-day meeting, we observed the proceedings of the commission. We were able to see first hand how the commission operates and interacts with the public.

---

<sup>1</sup> The previous sunset review was conducted of the operations and activities of the Older Alaskans Commission (OAC). The OAC was the predecessor organization to the Alaska Commission on Aging.

In order to address our audit objectives, we reviewed the following:

- Applicable sections of Alaska's statutes and regulations.
- Applicable sections of the Older Americans Act, U. S. Code and federal register.
- Minutes of prior commission meetings.
- The executive director's reading files.
- Grantee files.
- Office of the Ombudsman closed case file.
- Budget documents, session laws and other legislative information relating to ACOA's operations.
- Internal reports and documents prepared by ACOA.
- Other documents as deemed pertinent.
- Financial reports from the state accounting system.
- By-Laws of the commission.
- Prior year audit work papers and audit reports.
- Office of the Governor, Boards & Commissions' files.

In addition, we conducted interviews with the following:

- Management and staff of ACOA.
- The long-term care ombudsman.

## ORGANIZATION AND FUNCTION

The Older Alaskans Commission (OAC) was established in the Department of Administration in July 1981 by Alaska Statute (AS) 44.21. The commission's name was changed to Alaska Commission on Aging (ACOA) by Chapter 131, SLA 1994. The commission is authorized to administer and coordinate state programs for older Alaskans and to administer federal programs provided under the Older Americans Act, 42 U.S. Code 3001 - 3045i, as amended. Together, the provisions of AS 44.21 and the Older Americans Act define the commission's authority, purpose and scope of work. The primary functions of the commission include the following:

1. To determine the appropriate amount of state and federal funds to allocate toward the purchase of needed programs and services for older Alaskans.
2. To advocate the needs and interests of older Alaskans at both the state and local levels.
3. To increase the coordination of state and local resources available to address the needs of older Alaskans.
4. To develop or expand services to older Alaskans as well as to ensure a more systematic and thorough approach toward helping them lead dignified, independent, and useful lives.

The broad scope of the powers and duties mandated by legislation opens nearly all the concerns of older Alaskans to the consideration of ACOA. However, AS 44.21 stipulates that the commission may not investigate, review, or undertake any responsibility for the longevity bonus program or, except for activities of the office of the long-term care ombudsman, the Alaska Pioneers' Homes.

The commission consists of eleven members (see inset on page 4). Nine of these are voting members. Seven are appointed by the governor based on their knowledge and demonstrated interest in the concerns of older Alaskans. Statutes require appointments be made to assure representation of low-income persons and minorities, and representation from rural and urban areas of the State, and to secure statewide geographical representation on the commission. These members serve overlapping four-year terms and are all voting members.

The remaining members are designated in statutes as the chairman of the Pioneers' Homes Advisory Board and the commissioner or designee of the Departments of Administration, Community and Regional Affairs, and Health and Social Services. The chairman of the Pioneers' Home Advisory Board and the commissioner of the Department of Administration or his designee are also voting members.

The commission is authorized by statute to employ an executive director to serve at its pleasure. Currently, the executive director has a staff of 10, including employees in the office of the long-term care ombudsman. The ombudsman, which is required under the Older Americans Act, is hired by the commission to a full-time position in the classified service.

The duties of the long-term care ombudsman include the investigation and resolution of complaints made by or on behalf of older Alaskans residing in a long term care facility within the State. The ombudsman has within his purview complaints relating to actions by a provider or a representative of a provider of long term care services, or by a public agency or social services agency, that may adversely affect the health, safety, welfare, or rights of older Alaskans.

---

Alaska Commission on Aging  
(As of September 1995)

Voting Members

Don Hoover, Chairman  
Dorothy Westphal, Vice Chairman  
Amos Alter, Chairman of the Pioneers'  
Homes Advisory Board  
Evelyn Bullock  
Allison Elgee, Designee of Commissioner of  
Department of Administration  
Janet Helen Gamble  
Holly A. Hollis

Non-Voting Members

Kathleen Metcalfe, Designee of Commissioner of  
Community and Regional Affairs  
Jon Sherwood, Designee of Commissioner,  
Department of Health and Social Services

*As of August 1, 1995 there was one vacant position on the commission.*

---

## BACKGROUND INFORMATION

In order to fulfill its mission of helping older individuals live dignified, independent, and useful lives, the Alaska Commission on Aging (ACOA) provides a variety of services. These services can be broadly categorized as: nutrition, transportation, and support (NTS) services; senior employment; senior residential services; home and community-based (HCB) care; and long-term care ombudsman (LTCO). The majority of ACOA's funding is expended in the form of grants to local non-profit service agencies for NTS and HCB programs.

### Nutrition, Transportation and Support Services (NTS)

ACOA's NTS program is funded largely with federal funds. Services provided are:

1. Nutrition - Home-delivered meals are provided to the ill or housebound senior. Other meals provided in a congregate setting offer older Alaskans companionship and opportunities to volunteer for what are termed "senior-to-senior" services. Preventive health care and nutrition education services are also provided.
2. Transportation - Rides and rider-assistance are provided through van/car rides to high-priority destinations such as medical visits, work, public assistance offices, meal sites, shopping, adult day care centers, and volunteer posts.
3. Support Services - Information and referral services are provided to seniors. These services include outreach to seniors in need, escort, homemaker, chore and shopping service, advocacy to help obtain services and benefits for seniors, senior legal services, statewide senior media, and administration of senior volunteer service programs (Foster Grandparents, Senior Companions, Retired Seniors Volunteer Program or RSVP).

### Home and Community Based Care (HCB)

The HCB program is designed to help seniors avoid being forced to rely on institutional care. Its objective is to provide seniors with access to affordable home and community-based care services that will allow them to achieve their desire to live out their lives at home, or in a home-like setting. Specifically, services include:

1. Adult Day Care Centers - This program provides a variety of health, social, and related support services in a protective setting during any part (less than 24 hours) of a day.
2. In-Home Respite Care - Individuals unable to care for themselves at home are served by this program. It is designed to relieve, on a short-term basis, those persons normally providing the care.
3. Care Coordination - This program helps frail clients find appropriate services and ensures coordination of the services. Care coordination includes outreach, intake

screening, initial assessment, care planning, service arrangement, ongoing monitoring, formalized reassessment, and service delivery system involvement.

4. Alzheimer's Education and Family Support - This centralized program provides a variety of services ranging from information referral and outreach, to education and training, private consultations, and support group activities. A toll-free 800 telephone number is provided for statewide information and referral.

Funding for the HCB program is mainly from state funds received through ACOA and the Mental Health Trust funds. A small amount of funding is received from federal sources. In addition, clients pay fees on a sliding scale, and cash and in-kind contributions are required of grantees.

## REPORT CONCLUSIONS

As indicated in the Analysis of Public Need section of this report, the Alaska Commission on Aging (ACOA) has met the various sunset criteria, as set out in the statute. ACOA is effectively meeting its statutory responsibilities. ACOA is, in our view, operating in the public interest. The program funds administered by ACOA are helping older Alaskans lead dignified, independent, and useful lives. Alaska Statute 44.66.010 requires that ACOA be terminated on June 30, 1996. We recommend that the legislature adopt legislation extending ACOA's termination date until June 30, 2003.

Alternatively, the legislature should consider removing ACOA from the sunset review process. In our view, there are three central arguments supporting this perspective:

1. ACOA is required by federal regulations. Section 305 of the Older Americans Act requires each state to designate an entity as the sole state agency to: (1) develop and administer a state plan; (2) coordinate all state activities related to the Older Americans Act; (3) serve as an effective and visible advocate for the elderly; and, (4) distribute funds to individuals with the greatest economic or social need.

Section 3026 of 42 US Code requires the establishment of an advisory council to: (1) develop and administer an area plan; (2) conduct public hearings; (3) represent the interest of older persons; and, (4) review and comment on all community policies, programs, and actions which affect older persons. ACOA satisfies these requirements as set out in the act and federal code.

Other similar federally-mandated boards and commissions have not been made subject to the sunset review process. Such entities as the Governor's Council on Vocational Education, the Alaska Job Training Coordinating Council, and the Employment Security Council have not been made subject to sunset review. In our view, this is primarily because their existence is an ongoing requirement necessary for the State to receive millions of dollars in federal funding.

2. ACOA has been operating effectively. No significant problems have been found in past or current sunset reviews. The last sunset audit covered the period FY 89 to FY 92. The report concluded that the Older Alaskans Commission (a predecessor to ACOA) should be reestablished. During this audit, which covered the period since the last sunset review, we have determine that ACOA is operating effectively and recommend the commission be reestablished.
3. Option to review ACOA is always available. The legislature can request a special audit anytime there is a need. The financial and program operations of ACOA are included in our annual statewide audit. A review of any other issues can be requested at any time by the Legislative Budget and Audit Committee.

The purpose of the sunset review process is to provide a mechanism by which various agencies, organizations, boards, and commissions are subject to ongoing review to assure that they are operating in the best interest of the public. When considering what entities should be subject to the sunset review process, the potential for public harm, the history of operations, and the necessity for the entity should all be taken into consideration along with the availability of audit resources. Given these factors, we suggest that ACOA could be excluded from the sunset review process with no adverse impact to the public interest.

## FINDINGS AND RECOMMENDATIONS

### Recommendation No.1

The governor should consider appointing a public member from the Southwest region to fill the vacancy on the commission.

ACOA has divided the State into six funding regions: Anchorage, Interior, Northwest, Southcentral, Southeast, and Southwest. Our analysis of current commission membership indicated that no commission member is from the Southwest region. Alaska Statute (AS) 44.21.200 (b) states that the governor shall make appointments to assure representation of low income persons and minorities, and representation from the urban and rural areas of the State, and to "*secure statewide geographical representation of the commission.*"

ACOA currently has two vacant commissioner positions. We recommend that the governor consider making one of his appointments from a qualified state resident from the Southwest region.

(Intentionally left blank)

## ANALYSIS OF PUBLIC NEED

### Limited Analysis

The following analysis of board activities relates to the public need factors defined in the "sunset" law, Alaska Statute 44.66.050. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

*The extent to which the board, commission, or program has operated in the public interest:*

### Increase in services to seniors

Almost half of ACOA's budget is expended on the nutrition, transportation, and support (outreach, escort, information referral, and shopping assistance) services. This program is funded largely by federal funds.

Although ACOA has had to reduce some long-standing five-day congregate meal and transportation services to three days per week, the number of home delivered meals served increased by 6 percent in FY 93 and by an additional 5 percent in FY 94. The home-delivered meals increased from 156,860 in FY 92, to 166,402 in FY 93, and to 173,952 meals in FY 94. The number of passenger assists provided in FY 93 and FY 94 increased by 8 percent and 14 percent, respectively. The number of assists increased from 87,170 in FY 92, to 93,805 in FY 93, and to 107,151 in FY 94.

### Frail seniors and adults with Alzheimer disease and related disorders (ADRD) are assisted in living as independently as possible

In an effort to keep frail seniors and adults with ADRD living as independently as possible, ACOA funds adult day care centers (ADC). This program is supported primarily by state general funds. ACOA receives funds from the Mental Health Trust fund to serve victims of ADRD. The number of ADCs has remained at 12 since 1992. The commission fully funds an ADRD care coordination and "brokered" services program, which began as a pilot program in FY 94, in Fairbanks.

### Provides oversight of senior services

Commission-directed funding provides for improved quality assurance at residential facilities for many seniors in the State through the long-term care ombudsman (LTCO). This office has the authority to investigate and resolve complaints against any facility caring for the elderly, including nursing homes, adult residential care facilities and foster homes.

The LTCO investigated more than 350 complaints involving long-term care facilities in both FY 93 and FY 94.

Keeps Alaska's seniors informed on important issues

Legislative action, health issues, and senior programs are regularly covered in the *Senior Voice*, a low-cost monthly newspaper for seniors, published by the Older Persons Action Group, Inc. The publication is financed by an ACOA grant.

Representatives of senior organizations around the State, primarily local commissions on aging, connect with the bi-weekly teleconference of the legislative committee of ACOA each legislative session, February through May. They learn about upcoming committee hearings on key senior legislation and therefore enable them to formulate a plan for advocacy on specific legislation.

ACOA provides training to individuals working with elderly

Each year ACOA budgets approximately \$80,000 of Title III funds for training. These funds are expended on ACOA-sponsored training and some is awarded to grantees to attend training sessions. Included in the training funded in 1993 and 1994 were presentations regarding: living wills, designated power of attorneys, health insurance counseling, care coordination, networking, fire safety/environmental health requirements, cardio-pulmonary resuscitation, and counseling and supervision of older workers.

Several ACOA commissioners attended the Northwest Geriatric Conference held in Anchorage in February 1993.

In March 1993, the commission and Alaska's senior network received training from Alaska Legal Services Corporation on advance directives, living wills, and designated power of attorney.

Over 50 providers attended the two ACOA sponsored training events for adult foster care and residential care providers in May 1993 and July 1993 which emphasized proposed legislation on assisted living, networking, and fire safety/environmental health requirements.

ACOA maintains a toll-free information line

ACOA offers seniors two toll free-numbers to call to get information about their options for insurance to supplement their Medicare and find out what services are available for seniors in almost every community in the State. These numbers are available Monday through Friday, except holidays, during regular work hours.

Provide older workers with an opportunity to gain work skills and job experience.

In FY 93 and FY 94, ACOA funded the training and employment of more than 275 older workers (300 in FY 93 and 277 in FY 94). Funding for the workers was provided through grants made to 42 non-profit agencies.

The commission signed memoranda of agreement with three service delivery areas<sup>2</sup> in the State: Fairbanks North Star Borough Private Industry Council, the Municipality of Anchorage, and the Department of Community and Regional Affairs. The memoranda defined each agency's role in providing services to older individuals.

Additionally, the commission developed four older worker "mini-projects" in Kodiak, Dillingham, Nome, and Soldotna. Each project conducted outreach to locate eligible individuals and evaluate their suitability for training and services.

*The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters.*

Compliance with ACOA program statutes (AS 44.21.200-.230)

With the exception of some geographical imbalance, (see Recommendation No. 1) the composition of the ACOA complies with the requirements set out in the commission's statutes. Commission members, appointed in accordance with AS 44.21.200, meet the statutory age requirements and appear to provide representation of minorities and urban and rural areas of the State. Current members appear to have an interest in and do represent older Alaskans. Meetings are announced to the public and public participation is encouraged at each meeting.

In compliance with AS 44.21.230 and the Older Americans Act, the commission prepares a state plan that identifies the concerns and needs of older Alaskans. ACOA has developed a state plan for the period 1993 to 1997 which has received approval from the federal Administration on Aging. In addition to the state plan, the aforementioned statute requires the preparation of an annual report describing the activities of the council. ACOA has complied by annually preparing for the governor and the legislature a report which contains legislative and budget recommendations that benefit older Alaskans.

---

<sup>2</sup> Service delivery areas or SDAs is a term related to programs funded by the federal Job Training Partnership Act (JTPA). Under JTPA the State is divided up into three SDAs, with individuals in each region directing how employment training funding should be spent. ACOA utilizes this JTPA administrative infrastructure to provide the training and employment funding to older workers.

### Allocation of Funds

Under the Older Americans Act, as the single planning and service area state, ACOA is required to develop a funding plan to allocate the federal funds it receives under Title III of the act. Such an allocation should show preference in the delivery of services to older persons in greatest economic or social need. ACOA has developed such a funding plan, which is described in the Background Information section of this report. The funding plan allocates funds to six regions in the State. Funds are then distributed within the region using a grant proposal process.

Funding decisions begin with ACOA staff conducting research, reviewing proposals, making the necessary computations, and conducting public hearings where necessary. Staff recommendations are then forwarded to the commission. The commission reviews the recommendations, and the grant proposals independently. ACOA meetings are open and public comments are encouraged. ACOA then decides what changes, if any, it wishes to make to staff recommendations and then votes its final approval of the funding allocation.

We attended ACOA's meeting held in June 1995 to discuss FY 96 funding. A public hearing of the proposed plan of services for adults with ADRD was scheduled for teleconference during this meeting to 20 sites in the State. Five sites — Barrow, Dillingham, Homer, Juneau, and Kenai — participated.

### Budgetary Constraints

Budgetary constraints have had an impact in at least two significant areas of ACOA's operations. Due to resource limitations at both state and local levels, ACOA has reduced some long-standing five-day congregate meal and transportation services to three days per week. Further, ACOA is placing more reliance on grantees to monitor their own compliance with those federal requirements, such as civil rights protection, that are not part of the Older Americans Act. Grantees are required to provide written assurance that they will comply with federal, state, and local laws requiring non-discrimination in employment and delivery of services. ACOA reviews compliance when they perform on-site visits approximately once every three years.

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

Since the last sunset audit, ACOA supported passage of SB 248 during the 18th legislature, which transferred the Adult Protective Services from the Department of Health and Social Services to the Division of Senior Services within the Department of Administration. The commission also supported SB 249, which created Assisted Living Homes and gave licensing responsibility to the Division of Senior Services.

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

Notice of each meeting has been publicly advertised and a time for public comment has been set aside at each meeting. The by-laws, adopted by the commission, states that at least one period shall be scheduled at each regularly scheduled meeting for public comment.

Also, persons that are at least 60 years old and reside in a long term care facility are encouraged to utilize the services of the long-term care ombudsman. The Older Americans Act and state regulations require signs to be posted in long term care facilities that indicates what office is to be contacted if they have complaints. The long-term care ombudsman also has trained volunteers in three facilities in Anchorage. They not only listen to complaints from residents but also initiate complaints, if they observe improprieties. When complaints are made to the State Ombudsman by residents of a long-term care facility, they are referred to the long-term care ombudsman.

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

As previously discussed under the second, third, and fourth criterion above, public participation is encouraged at each commission meeting. In addition, ACOA has information about their programs and activities printed in the *Senior Voice*, a monthly newspaper that is designed for and distributed to older Alaskans.

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

From a review of the state ombudsman closed case files we determined that no complaints have been filed against any activities of ACOA.

We interviewed the long-term care ombudsman (LTCO) on June 20, 1995 who reported that the majority of complaints are received over the phone and only three written reports on complaints were made in FY 95.

According to a federal review report of LTCO's operations, the LTCO is operating in accordance with federal requirements.

*The extent to which the board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.*

Since ACOA does not regulate any occupations or professions, this is not applicable.

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

We determined that there has been no complaints against ACOA regarding violations of personnel practices or an individual's civil rights.

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

See Recommendation No. 1 in the Findings and Recommendation section of this report.

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION DIVISION OF SENIOR SERVICES

Adult Protective Services  
Information & Referral  
Assisted Living Licensing  
Longevity Bonus

Alaska Commission on Aging  
CHOICE for the Elderly Home Care  
Long Term Care Ombudsman  
Pioneers' Homes & Advisory Board

*Tony Knowles, Governor*

Alaska Commission on Aging  
PO Box 110211  
Juneau, AK 99811-0211  
Phone (907)465-4400  
FAX (907)465-4716

December 7, 1995

Mr. Randy Welker  
Legislative Auditor  
Legislative Audit Division  
P. O. Box 113300  
Juneau, AK 99811-3300

RECEIVED  
DEC 03 1995

LEGISLATIVE AUDIT

Dear Mr. Welker:

Thank you for Legislative Audit's Preliminary Report of September 29 concerning the Sunset audit recently completed on the Alaska Commission on Aging. This letter was reviewed by the Commission in Executive Session during our meetings of October 16-20, 1995.

The Commission is in concurrence with the Auditor's Conclusion that the Commission's termination date be extended until June 30, 2003, or that the Commission be removed from the sunset review process.

Since this review of the Commission's status, the Governor has made new appointments to the Commission. One of those appointments is from Kodiak. This significantly expands the geographic representation on the Commission, as was recommended in Recommendation Number 1.

The Commission mailed a letter similar to this to Cristino Fermin on November 8, 1995.

Sincerely,

*Donald M. Hoover*

Donald M. Hoover  
Chair

(Intentionally left blank)

# FISCAL NOTE

0. 1

Bill Version: SB 259

(S) Publish Date: 2/2/96

**STATE OF ALASKA  
1996 LEGISLATIVE SESSION**

Revision Date: _____	Dept. Affected: <u>Administration</u>
Title: <u>An Act removing the requirement for sunset review of the Alaska Commission on Aging...</u>	BRU: <u>Senior Services</u>
Sponsor: <u>Rules</u>	Component: <u>Protection, Community Services &amp; Administration</u>
Requestor: <u>Governor</u>	COMPONENT SERIAL NO. <u>1981</u>

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITUR	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	117.8	117.8	117.8	117.8	117.8	117.8
TRAVEL	30.4	30.4	30.4	30.4	30.4	30.4
CONTRACTUAL	15.1	15.1	15.1	15.1	15.1	15.1
SUPPLIES	2.4	2.4	2.4	2.4	2.4	2.4
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts	165.7	165.7	165.7	165.7	165.7	165.7
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>Total</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>

Estimate of current year (FY 96) cost: \$ \$165.7

**POSITIONS:**

FULL-TIME	2	2	2	2	2	2
PART-TIME						
TEMPORARY						

**ANALYSIS: (Attach a separate page if necessary)**

This bill would remove the Alaska Commission on Aging from the requirement for periodic sunset review. In reality, it would have no fiscal impact on the department, as these costs are already included in the Governor's budget. This fiscal note assumes that the Commission would continue in its current configuration, and reflects salary and benefits costs for an Executive Director (range 23) and a secretary (range 10). Expenditure data also reflects travel and per diem costs for four commission meetings per year for commissioners and two staff, contractual and supply costs for commission meetings, and costs for teleconferences (approximately 15 meetings, 10 sites) during the legislative session to review legislation of interest to Alaska seniors. (continued on page 2)

Prepared by: <u>Connie J. Sipe, Director</u>	Phone: <u>Division of Senior Services</u>
Division: <u>Division of Senior Services</u>	Date: _____

Approved by Commissioner <u>Mark Boyer</u>	Date: <u>2/1/96</u>
Agency: <u>Department of Administration</u>	

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

(continued from pg. 1)

Grant funds and grants management staff are not included, as the assumption is that the state would continue to receive funding and manage programs under the Older Americans Act.

Personal Services costs

Executive Director, range 23	82.8
Secretary I, range 10	<u>35.0</u>
	117.8

Travel and Per Diem

Three meetings per year for commission and two staff members	21.7 travel <u>8.7</u> per diem 30.4
---	--

Contractual

Teleconference connections at commission meetings	2.0
Legislative teleconferences - 15 meetings, 10 sites	5.9
Advertising	<u>7.2</u>
	15.1

Supplies

Supplies for commission meetings	2.4
----------------------------------	-----

<b>TOTAL</b>	<b>165.7</b>
--------------	--------------

**SB**

**259**

**SFIN**

**FILE**

**SENATE FINANCE COMMITTEE REPORT** REPORTED OUT OF  
3/28/96

DATE: 3/11/96

DATE TURNED INTO OFFICE: 3-28-96

The Finance Committee considered SB 259

Relating to removing the requirement for sunset review of the Alaska Commission on Aging.

*CS (Fin)  
+  
New &  
DOA  
note coming*

and recommends:

- be replaced with \_\_\_\_\_ CS SB 259 (FIN)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical change
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Rep. E. P. ...</i>	<input checked="" type="checkbox"/>	<i>Steve ...</i>	<input checked="" type="checkbox"/>		
<i>...</i>	<input checked="" type="checkbox"/>	<i>(w) ... only</i>	<input checked="" type="checkbox"/>		
<i>...</i>	<input checked="" type="checkbox"/>				
Co-Chair: <i>...</i>	<input checked="" type="checkbox"/>	Co-Chair:			
Co-Chair: <i>Rick Halford</i>	<input checked="" type="checkbox"/>	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department      Date      Zero      Fiscal

Admin.		<i>0</i>	

**PREVIOUS FISCAL NOTE(S):\***

Department      Date      Zero      Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

to. 1  
 Bill Version: SB 259  
 (S) Publish Date: 2/2/96

**STATE OF ALASKA  
 1996 LEGISLATIVE SESSION**

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: An Act removing the requirement for sunset BRU: Senior Services  
review of the Alaska Commission on Aging... Component: Protection, Community Services  
 Sponsor: Rules & Administration  
 Requestor: Governor **COMPONENT SERIAL NO.** 1981

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	117.8	117.8	117.8	117.8	117.8	117.8
TRAVEL	30.4	30.4	30.4	30.4	30.4	30.4
CONTRACTUAL	15.1	15.1	15.1	15.1	15.1	15.1
SUPPLIES	2.4	2.4	2.4	2.4	2.4	2.4
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

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

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts	165.7	165.7	165.7	165.7	165.7	165.7
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>Total</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>	<b>165.7</b>

Estimate of current year (FY 96) cost: \$ \$165.7

**POSITIONS:**

FULL-TIME	2	2	2	2	2	2
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)  
 This bill would remove the Alaska Commission on Aging from the requirement for periodic sunset review. In reality, it would have no fiscal impact on the department, as these costs are already included in the Governor's budget. This fiscal note assumes that the Commission would continue in its current configuration, and reflects salary and benefits costs for an Executive Director (range 23) and a secretary (range 10). Expenditure data also reflects travel and per diem costs for four commission meetings per year for commissioners and two staff, contractual and supply costs for commission meetings, and costs for teleconferences (approximately 15 meetings, 10 sites) during the legislative session to review legislation of interest to Alaska seniors. (continued on page 2)

Prepared by: Connie J. Sipe, Director Phone: Division of Senior Services  
 Division: Division of Senior Services Date: \_\_\_\_\_

Approved by Commissioner Mark Boyer Date: 2/1/96  
 Agency: Department of Administration

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

(continued from pg. 1)

Grant funds and grants management staff are not included, as the assumption is that the state would continue to receive funding and manage programs under the Older Americans Act.

Personal Services costs

Executive Director, range 23	82.8
Secretary I, range 10	<u>35.0</u>
	117.8

Travel and Per Diem

Three meetings per year for commission and two staff members	21.7 travel <u>8.7</u> perdiem 30.4
---	---

Contractual

Teleconference connections at commission meetings	2.0
Legislative teleconferences - 15 meetings, 10 sites	5.9
Advertising	<u>7.2</u>
	15.1

Supplies

Supplies for commission meetings	2.4
----------------------------------	-----

<b>TOTAL</b>	<b>165.7</b>
--------------	--------------

# FISCAL NOTE

REPORTED OUT OF

SFC 3/28/96

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO. CSSB 259(FIN)**

Revision Date: _____	Dept. Affected: <u>Administration</u>
Title: <u>" An Act extending the termination date of</u>	BRU: <u>Senior Services</u>
<u>the Alaska Commission on Aging..."</u>	Component: <u>Protection, Community Services &amp;</u>
Sponsor: <u>Rules Committee</u>	<u>Administration</u>
Requestor: <u>S (FIN)</u>	COMPONENT SERIAL NO. <u>2083</u>

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITUR	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

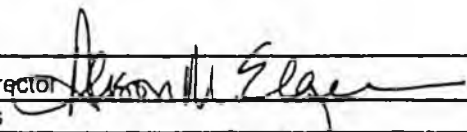
Estimate of current year (FY 96) cost: \$ 0.0 \_\_\_\_\_

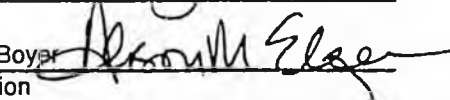
**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

Failure to pass this bill would result in reduced costs of \$165.7 beginning in FY98.

Prepared by: Connie Sipe, Director  Phone: 564-5654  
 Division: Senior Services Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  Date: 3/28/96  
 Agency: Department of Administration

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

TONY KNOWLES  
GOVERNOR



P.O. Box 110001  
Juneau, Alaska 99811-0001  
(907) 485-3500  
Fax (907) 485-3532

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

259

February 1, 1996

The Honorable Drue Pearce  
President of the Senate  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

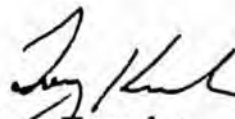
Dear President Pearce:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would make the Alaska Commission on Aging a permanent commission, not subject to regular "sunset" review.

The Alaska Commission on Aging, formerly known as the Older Alaskans Commission, is due to expire on June 30, 1996. However, in a report regarding the Older Alaskans Commission dated July 30, 1993, the legislative auditor concluded that the commission should not be subject to sunset review because, among other reasons, the existence of such a commission is a requirement for the receipt of federal money. I agree that sunset review for this commission is not appropriate.

I urge your prompt consideration and passage of this bill.

Sincerely,

  
Tony Knowles  
Governor

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110200  
JUNEAU, ALASKA 99811-0200  
PHONE: (907) 465-2200  
FAX: (907) 465-2135

March 12, 1996

The Honorable Rick Halford, Co- Chair  
Senate Finance Committee  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1192

Dear Mr. Chairman:

Please schedule SB 259, "An Act removing the requirement for sunset review of the Alaska Commission on Aging (ACOA); and providing for an effective date" for committee hearing.

The Alaska Commission on Aging was established in the Department of Administration in July 1981. The primary functions of the Commission are:

1. To determine the appropriate amount of state and federal funds to allocate toward the purchase of needed programs and services for older Alaskans.
2. To advocate the needs and interests of older Alaskans at both the state and local levels.
3. To increase the coordination of state and local resources available to address the needs of older Alaskans.
4. To develop or expand services to older Alaskans as well as to ensure a more systematic and thorough approach toward helping them lead dignified, independent, and useful lives.

Legislative Audit completed a sunset review of the Alaska Commission on Aging in the fall of 1995. The commission is scheduled for termination on June 30, 1996. The auditor's conclusion and recommendation was that the commission met the various sunset criteria, as set out in statute, and should be extended to June 30, 2003, or alternatively be removed from the sunset review process. The Senate HESS committee passed a committee substitute that extended the sunset date to June 30, 2000. The Commission on Aging and the Department of Administration

The Honorable Rick Halford

-2-

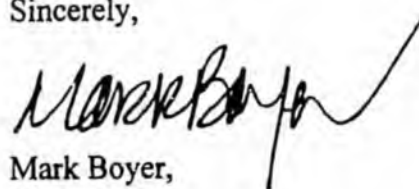
March 12, 1996

would prefer that the committee return to the original bill that would take the Commission out of the sunset review process. The arguments for removal from sunset review are elaborated in the legislative audit:

1. ACOA is required by federal statute.
2. ACOA has been operating effectively.
3. Option to review ACOA is always available.

Your early consideration of this request would be appreciated. If you have any additional questions, you should contact Jane Demmert, Executive Director of the Alaska Commission on Aging, at 465-4879.

Sincerely,



Mark Boyer,  
Commissioner

MB/nn

cc: Jane Demmert  
Executive Director  
Alaska Commission on Aging

David Koivuniemi  
Department of Administration

Alison Elgee  
Department of Administration

Pat Pourchot  
Office of the Governor

# Audit Report

---

DEPARTMENT OF ADMINISTRATION  
ALASKA COMMISSION ON AGING

---

September 29, 1995

---



Audit Control Number:

02-1433-96

Division of Legislative Audit

P.O. Box 113300, Juneau, Alaska 99811-3300

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P. O. Box 113300  
Juneau, AK 99811-3300  
(907) 465-3830  
FAX (907) 465-2347

September 29, 1995

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

### DEPARTMENT OF ADMINISTRATION ALASKA COMMISSION ON AGING

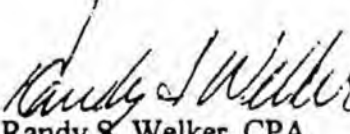
September 29, 1995

Audit Control Number

02-1433-96

Under AS 44.66.010 the Alaska Commission on Aging (ACOA) terminates on June 30, 1996. We recommend the legislature extend the commission until June 30, 2003. Alternatively, we suggest the legislature consider removing ACOA from the sunset review process altogether. We make this recommendation primarily because the receipt of federal funds under the Older Americans Act requires the State to maintain an agency such as ACOA to administer the funds and act in the interest of older individuals. This status makes ACOA similar to other state boards, councils, and commissions that are not currently subject to sunset review.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section on page one of this report.

  
Randy S. Welker, CPA  
Legislative Auditor

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services  
Department of Education  
State of Alaska

# Audit Report

---

DEPARTMENT OF ADMINISTRATION  
ALASKA COMMISSION ON AGING

---

September 29, 1995

---



Audit Control Number:

02-1433-96

Division of Legislative Audit

P.O. Box 113300, Juneau, Alaska 99811-3300

# LEGISLATIVE BUDGET AND AUDIT COMMITTEE

---

## DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from each legislative chamber. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$5 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in either Anchorage or Juneau.

### BUDGET AND AUDIT COMMITTEE

Representative Terry Martin, Chairman  
Representative Con Bunde  
Representative John Davies  
Representative Gary Davis  
Representative Vic Kohring  
Representative Mark Hanley (alternate)

Senator Randy Phillips, Vice Chair  
Senator Al Adams  
Senator Steve Frank  
Senator Rick Halford  
Senator Steve Rieger  
Senator Fred Zharoff (alternate)

### DIVISION OF LEGISLATIVE AUDIT

Randy S. Welker, CPA  
Legislative Auditor  
Merle R. Jenson, CPA  
Deputy Legislative Auditor

P.O. Box 113300  
Juneau, Alaska 99811-3300

(907) 465-3830, Juneau  
(907) 561-1445, Anchorage  
(907) 465-2347, Juneau FAX

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P. O. Box 113300  
Juneau, AK 99811-3300  
(907) 465-3830  
FAX (907) 465-2347

September 29, 1995

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

### DEPARTMENT OF ADMINISTRATION ALASKA COMMISSION ON AGING

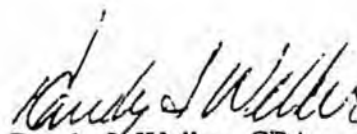
September 29, 1995

Audit Control Number

02-1433-96

Under AS 44.66.010 the Alaska Commission on Aging (ACOA) terminates on June 30, 1996. We recommend the legislature extend the commission until June 30, 2003. Alternatively, we suggest the legislature consider removing ACOA from the sunset review process altogether. We make this recommendation primarily because the receipt of federal funds under the Older Americans Act requires the State to maintain an agency such as ACOA to administer the funds and act in the interest of older individuals. This status makes ACOA similar to other state boards, councils, and commissions that are not currently subject to sunset review.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section on page one of this report.

  
Randy S. Welker, CPA  
Legislative Auditor

## TABLE OF CONTENTS

	<u>Page</u>
Objectives, Scope, and Methodology .....	1
Organization and Function .....	3
Background Information .....	5
Report Conclusions .....	7
Findings and Recommendation.....	9
Analysis of Public Need.....	11
Agency Responses:	
Alaska Commission on Aging .....	17
Department of Administration .....	19

## OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Titles 24 and 44 of the Alaska Statutes, we have reviewed the activities of the Alaska Commission on Aging (ACOA) to determine whether it should continue in existence as provided for under terms of the State's "sunset" legislation.

As required by statute, this report shall be considered during the legislative oversight process in determining whether the ACOA should be reestablished. The law currently specifies that ACOA will terminate on June 30, 1996 and will have one year from that date to conclude its affairs.

### Objectives

Our specific audit objectives were:

1. To determine if the termination date for ACOA should be extended.
2. To determine if ACOA operations are in compliance with state and federal statutes and regulations.
3. To determine if ACOA is operating in the interest of the public.

### Scope and Methodology

We focused on activities of ACOA since the last sunset audit in performed in 1993.<sup>1</sup> We evaluated the activities of ACOA to determine if they were consistent with the interest of the public. We also reviewed the proceedings of the current commission to ensure that they are in compliance with Alaska Statute and regulations.

Since more than 50% of ACOA's funding is from federal sources, we evaluated the ACOA administrative staff's compliance with federal funding and program requirements.

During the course of our audit, we attended a meeting of the commission, which focused on the allocation of funds to grantees for FY 96. During the three-day meeting, we observed the proceedings of the commission. We were able to see first hand how the commission operates and interacts with the public.

---

<sup>1</sup> The previous sunset review was conducted of the operations and activities of the Older Alaskans Commission (OAC). The OAC was the predecessor organization to the Alaska Commission on Aging.

In order to address our audit objectives, we reviewed the following:

- Applicable sections of Alaska's statutes and regulations.
- Applicable sections of the Older Americans Act, U. S. Code and federal register.
- Minutes of prior commission meetings.
- The executive director's reading files.
- Grantee files.
- Office of the Ombudsman closed case file.
- Budget documents, session laws and other legislative information relating to ACOA's operations.
- Internal reports and documents prepared by ACOA.
- Other documents as deemed pertinent.
- Financial reports from the state accounting system.
- By-Laws of the commission.
- Prior year audit work papers and audit reports.
- Office of the Governor, Boards & Commissions' files.

In addition, we conducted interviews with the following:

- Management and staff of ACOA.
- The long-term care ombudsman.

## ORGANIZATION AND FUNCTION

The Older Alaskans Commission (OAC) was established in the Department of Administration in July 1981 by Alaska Statute (AS) 44.21. The commission's name was changed to Alaska Commission on Aging (ACOA) by Chapter 131, SLA 1994. The commission is authorized to administer and coordinate state programs for older Alaskans and to administer federal programs provided under the Older Americans Act, 42 U.S. Code 3001 - 3045i, as amended. Together, the provisions of AS 44.21 and the Older Americans Act define the commission's authority, purpose and scope of work. The primary functions of the commission include the following:

1. To determine the appropriate amount of state and federal funds to allocate toward the purchase of needed programs and services for older Alaskans.
2. To advocate the needs and interests of older Alaskans at both the state and local levels.
3. To increase the coordination of state and local resources available to address the needs of older Alaskans.
4. To develop or expand services to older Alaskans as well as to ensure a more systematic and thorough approach toward helping them lead dignified, independent, and useful lives.

The broad scope of the powers and duties mandated by legislation opens nearly all the concerns of older Alaskans to the consideration of ACOA. However, AS 44.21 stipulates that the commission may not investigate, review, or undertake any responsibility for the longevity bonus program or, except for activities of the office of the long-term care ombudsman, the Alaska Pioneers' Homes.

The commission consists of eleven members (see inset on page 4). Nine of these are voting members. Seven are appointed by the governor based on their knowledge and demonstrated interest in the concerns of older Alaskans. Statutes require appointments be made to assure representation of low-income persons and minorities, and representation from rural and urban areas of the State, and to secure statewide geographical representation on the commission. These members serve overlapping four-year terms and are all voting members.

The remaining members are designated in statutes as the chairman of the Pioneers' Homes Advisory Board and the commissioner or designee of the Departments of Administration, Community and Regional Affairs, and Health and Social Services. The chairman of the Pioneers' Home Advisory Board and the commissioner of the Department of Administration or his designee are also voting members.

The commission is authorized by statute to employ an executive director to serve at its pleasure. Currently, the executive director has a staff of 10, including employees in the office of the long-term care ombudsman. The ombudsman, which is required under the Older Americans Act, is hired by the commission to a full-time position in the classified service.

The duties of the long-term care ombudsman include the investigation and resolution of complaints made by or on behalf of older Alaskans residing in a long term care facility within the State. The ombudsman has within his purview complaints relating to actions by a provider or a representative of a provider of long term care services, or by a public agency or social services agency, that may adversely affect the health, safety, welfare, or rights of older Alaskans.

---

Alaska Commission on Aging  
(As of September 1995)

Voting Members

Don Hoover, Chairman  
Dorothy Westphal, Vice Chairman  
Amos Alter, Chairman of the Pioneers'  
Homes Advisory Board  
Evelyn Bullock  
Allison Elgee, Designee of Commissioner of  
Department of Administration  
Janet Helen Gamble  
Holly A. Hollis

Non-Voting Members

Kathleen Metcalfe, Designee of Commissioner of  
Community and Regional Affairs  
Jon Sherwood, Designee of Commissioner,  
Department of Health and Social Services

*As of August 1, 1995 there was one vacant position on the commission.*

---

## BACKGROUND INFORMATION

In order to fulfill its mission of helping older individuals live dignified, independent, and useful lives, the Alaska Commission on Aging (ACOA) provides a variety of services. These services can be broadly categorized as: nutrition, transportation, and support (NTS) services; senior employment; senior residential services; home and community-based (HCB) care; and long-term care ombudsman (LTCO). The majority of ACOA's funding is expended in the form of grants to local non-profit service agencies for NTS and HCB programs.

### Nutrition, Transportation and Support Services (NTS)

ACOA's NTS program is funded largely with federal funds. Services provided are:

1. Nutrition - Home-delivered meals are provided to the ill or housebound senior. Other meals provided in a congregate setting offer older Alaskans companionship and opportunities to volunteer for what are termed "senior-to-senior" services. Preventive health care and nutrition education services are also provided.
2. Transportation - Rides and rider-assistance are provided through van/car rides to high-priority destinations such as medical visits, work, public assistance offices, meal sites, shopping, adult day care centers, and volunteer posts.
3. Support Services - Information and referral services are provided to seniors. These services include outreach to seniors in need, escort, homemaker, chore and shopping service, advocacy to help obtain services and benefits for seniors, senior legal services, statewide senior media, and administration of senior volunteer service programs (Foster Grandparents, Senior Companions, Retired Seniors Volunteer Program or RSVP).

### Home and Community Based Care (HCB)

The HCB program is designed to help seniors avoid being forced to rely on institutional care. Its objective is to provide seniors with access to affordable home and community-based care services that will allow them to achieve their desire to live out their lives at home, or in a home-like setting. Specifically, services include:

1. Adult Day Care Centers - This program provides a variety of health, social, and related support services in a protective setting during any part (less than 24 hours) of a day.
2. In-Home Respite Care - Individuals unable to care for themselves at home are served by this program. It is designed to relieve, on a short-term basis, those persons normally providing the care.
3. Care Coordination - This program helps frail clients find appropriate services and ensures coordination of the services. Care coordination includes outreach, intake

screening, initial assessment, care planning, service arrangement, ongoing monitoring, formalized reassessment, and service delivery system involvement.

4. Alzheimer's Education and Family Support - This centralized program provides a variety of services ranging from information referral and outreach, to education and training, private consultations, and support group activities. A toll-free 800 telephone number is provided for statewide information and referral.

Funding for the HCB program is mainly from state funds received through ACOA and the Mental Health Trust funds. A small amount of funding is received from federal sources. In addition, clients pay fees on a sliding scale, and cash and in-kind contributions are required of grantees.

## REPORT CONCLUSIONS

As indicated in the Analysis of Public Need section of this report, the Alaska Commission on Aging (ACOA) has met the various sunset criteria, as set out in the statute. ACOA is effectively meeting its statutory responsibilities. ACOA is, in our view, operating in the public interest. The program funds administered by ACOA are helping older Alaskans lead dignified, independent, and useful lives. Alaska Statute 44.66.010 requires that ACOA be terminated on June 30, 1996. We recommend that the legislature adopt legislation extending ACOA's termination date until June 30, 2003.

Alternatively, the legislature should consider removing ACOA from the sunset review process. In our view, there are three central arguments supporting this perspective:

1. ACOA is required by federal regulations. Section 305 of the Older Americans Act requires each state to designate an entity as the sole state agency to: (1) develop and administer a state plan; (2) coordinate all state activities related to the Older Americans Act; (3) serve as an effective and visible advocate for the elderly; and, (4) distribute funds to individuals with the greatest economic or social need.

Section 3026 of 42 US Code requires the establishment of an advisory council to: (1) develop and administer an area plan; (2) conduct public hearings; (3) represent the interest of older persons; and, (4) review and comment on all community policies, programs, and actions which affect older persons. ACOA satisfies these requirements as set out in the act and federal code.

Other similar federally-mandated boards and commissions have not been made subject to the sunset review process. Such entities as the Governor's Council on Vocational Education, the Alaska Job Training Coordinating Council, and the Employment Security Council have not been made subject to sunset review. In our view, this is primarily because their existence is an ongoing requirement necessary for the State to receive millions of dollars in federal funding.

2. ACOA has been operating effectively. No significant problems have been found in past or current sunset reviews. The last sunset audit covered the period FY 89 to FY 92. The report concluded that the Older Alaskans Commission (a predecessor to ACOA) should be reestablished. During this audit, which covered the period since the last sunset review, we have determine that ACOA is operating effectively and recommend the commission be reestablished.
3. Option to review ACOA is always available. The legislature can request a special audit anytime there is a need. The financial and program operations of ACOA are included in our annual statewide audit. A review of any other issues can be requested at any time by the Legislative Budget and Audit Committee.

The purpose of the sunset review process is to provide a mechanism by which various agencies, organizations, boards, and commissions are subject to ongoing review to assure that they are operating in the best interest of the public. When considering what entities should be subject to the sunset review process, the potential for public harm, the history of operations, and the necessity for the entity should all be taken into consideration along with the availability of audit resources. Given these factors, we suggest that ACOA could be excluded from the sunset review process with no adverse impact to the public interest.

## FINDINGS AND RECOMMENDATIONS

### Recommendation No.1

The governor should consider appointing a public member from the Southwest region to fill the vacancy on the commission.

ACOA has divided the State into six funding regions: Anchorage, Interior, Northwest, Southcentral, Southeast, and Southwest. Our analysis of current commission membership indicated that no commission member is from the Southwest region. Alaska Statute (AS) 44.21.200 (b) states that the governor shall make appointments to assure representation of low income persons and minorities, and representation from the urban and rural areas of the State, and to "*secure statewide geographical representation of the commission.*"

ACOA currently has two vacant commissioner positions. We recommend that the governor consider making one of his appointments from a qualified state resident from the Southwest region.

(Intentionally left blank)

## ANALYSIS OF PUBLIC NEED

### Limited Analysis

The following analysis of board activities relates to the public need factors defined in the "sunset" law, Alaska Statute 44.66.050. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

*The extent to which the board, commission, or program has operated in the public interest.*

### Increase in services to seniors

Almost half of ACOA's budget is expended on the nutrition, transportation, and support (outreach, escort, information referral, and shopping assistance) services. This program is funded largely by federal funds.

Although ACOA has had to reduce some long-standing five-day congregate meal and transportation services to three days per week, the number of home delivered meals served increased by 6 percent in FY 93 and by an additional 5 percent in FY 94. The home-delivered meals increased from 156,860 in FY 92, to 166,402 in FY 93, and to 173,952 meals in FY 94. The number of passenger assists provided in FY 93 and FY 94 increased by 8 percent and 14 percent, respectively. The number of assists increased from 87,170 in FY 92, to 93,805 in FY 93, and to 107,151 in FY 94.

### Frail seniors and adults with Alzheimer disease and related disorders (ADRD) are assisted in living as independently as possible

In an effort to keep frail seniors and adults with ADRD living as independently as possible, ACOA funds adult day care centers (ADC). This program is supported primarily by state general funds. ACOA receives funds from the Mental Health Trust fund to serve victims of ADRD. The number of ADCs has remained at 12 since 1992. The commission fully funds an ADRD care coordination and "brokered" services program, which began as a pilot program in FY 94, in Fairbanks.

### Provides oversight of senior services

Commission-directed funding provides for improved quality assurance at residential facilities for many seniors in the State through the long-term care ombudsman (LTCO). This office has the authority to investigate and resolve complaints against any facility caring for the elderly, including nursing homes, adult residential care facilities and foster homes.

The LTCO investigated more than 350 complaints involving long-term care facilities in both FY 93 and FY 94.

Keeps Alaska's seniors informed on important issues

Legislative action, health issues, and senior programs are regularly covered in the *Senior Voice*, a low-cost monthly newspaper for seniors, published by the Older Persons Action Group, Inc. The publication is financed by an ACOA grant.

Representatives of senior organizations around the State, primarily local commissions on aging, connect with the bi-weekly teleconference of the legislative committee of ACOA each legislative session, February through May. They learn about upcoming committee hearings on key senior legislation and therefore enable them to formulate a plan for advocacy on specific legislation.

ACOA provides training to individuals working with elderly

Each year ACOA budgets approximately \$80,000 of Title III funds for training. These funds are expended on ACOA-sponsored training and some is awarded to grantees to attend training sessions. Included in the training funded in 1993 and 1994 were presentations regarding: living wills, designated power of attorneys, health insurance counseling, care coordination, networking, fire safety/environmental health requirements, cardio-pulmonary resuscitation, and counseling and supervision of older workers.

Several ACOA commissioners attended the Northwest Geriatric Conference held in Anchorage in February 1993.

In March 1993, the commission and Alaska's senior network received training from Alaska Legal Services Corporation on advance directives, living wills, and designated power of attorney.

Over 50 providers attended the two ACOA sponsored training events for adult foster care and residential care providers in May 1993 and July 1993 which emphasized proposed legislation on assisted living, networking, and fire safety/environmental health requirements.

ACOA maintains a toll-free information line

ACOA offers seniors two toll free-numbers to call to get information about their options for insurance to supplement their Medicare and find out what services are available for seniors in almost every community in the State. These numbers are available Monday through Friday, except holidays, during regular work hours.

Provide older workers with an opportunity to gain work skills and job experience.

In FY 93 and FY 94, ACOA funded the training and employment of more than 275 older workers (300 in FY 93 and 277 in FY 94). Funding for the workers was provided through grants made to 42 non-profit agencies.

The commission signed memoranda of agreement with three service delivery areas<sup>2</sup> in the State: Fairbanks North Star Borough Private Industry Council, the Municipality of Anchorage, and the Department of Community and Regional Affairs. The memoranda defined each agency's role in providing services to older individuals.

Additionally, the commission developed four older worker "mini-projects" in Kodiak, Dillingham, Nome, and Soldotna. Each project conducted outreach to locate eligible individuals and evaluate their suitability for training and services.

*The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters.*

Compliance with ACOA program statutes (AS 44.21.200-230)

With the exception of some geographical imbalance, (see Recommendation No. 1) the composition of the ACOA complies with the requirements set out in the commission's statutes. Commission members, appointed in accordance with AS 44.21.200, meet the statutory age requirements and appear to provide representation of minorities and urban and rural areas of the State. Current members appear to have an interest in and do represent older Alaskans. Meetings are announced to the public and public participation is encouraged at each meeting.

In compliance with AS 44.21.230 and the Older Americans Act, the commission prepares a state plan that identifies the concerns and needs of older Alaskans. ACOA has developed a state plan for the period 1993 to 1997 which has received approval from the federal Administration on Aging. In addition to the state plan, the aforementioned statute requires the preparation of an annual report describing the activities of the council. ACOA has complied by annually preparing for the governor and the legislature a report which contains legislative and budget recommendations that benefit older Alaskans.

---

<sup>2</sup> Service delivery areas or SDAs is a term related to programs funded by the federal Job Training Partnership Act (JTPA). Under JTPA the State is divided up into three SDAs, with individuals in each region directing how employment training funding should be spent. ACOA utilizes this JTPA administrative infrastructure to provide the training and employment funding to older workers.

### Allocation of Funds

Under the Older Americans Act, as the single planning and service area state, ACOA is required to develop a funding plan to allocate the federal funds it receives under Title III of the act. Such an allocation should show preference in the delivery of services to older persons in greatest economic or social need. ACOA has developed such a funding plan, which is described in the Background Information section of this report. The funding plan allocates funds to six regions in the State. Funds are then distributed within the region using a grant proposal process.

Funding decisions begin with ACOA staff conducting research, reviewing proposals, making the necessary computations, and conducting public hearings where necessary. Staff recommendations are then forwarded to the commission. The commission reviews the recommendations, and the grant proposals independently. ACOA meetings are open and public comments are encouraged. ACOA then decides what changes, if any, it wishes to make to staff recommendations and then votes its final approval of the funding allocation.

We attended ACOA's meeting held in June 1995 to discuss FY 96 funding. A public hearing of the proposed plan of services for adults with ADRD was scheduled for teleconference during this meeting to 20 sites in the State. Five sites — Barrow, Dillingham, Homer, Juneau, and Kenai — participated.

### Budgetary Constraints

Budgetary constraints have had an impact in at least two significant areas of ACOA's operations. Due to resource limitations at both state and local levels, ACOA has reduced some long-standing five-day congregate meal and transportation services to three days per week. Further, ACOA is placing more reliance on grantees to monitor their own compliance with those federal requirements, such as civil rights protection, that are not part of the Older Americans Act. Grantees are required to provide written assurance that they will comply with federal, state, and local laws requiring non-discrimination in employment and delivery of services. ACOA reviews compliance when they perform on-site visits approximately once every three years.

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

Since the last sunset audit, ACOA supported passage of SB 248 during the 18th legislature, which transferred the Adult Protective Services from the Department of Health and Social Services to the Division of Senior Services within the Department of Administration. The commission also supported SB 249, which created Assisted Living Homes and gave licensing responsibility to the Division of Senior Services.

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

Notice of each meeting has been publicly advertised and a time for public comment has been set aside at each meeting. The by-laws, adopted by the commission, states that at least one period shall be scheduled at each regularly scheduled meeting for public comment.

Also, persons that are at least 60 years old and reside in a long term care facility are encouraged to utilize the services of the long-term care ombudsman. The Older Americans Act and state regulations require signs to be posted in long term care facilities that indicates what office is to be contacted if they have complaints. The long-term care ombudsman also has trained volunteers in three facilities in Anchorage. They not only listen to complaints from residents but also initiate complaints, if they observe improprieties. When complaints are made to the State Ombudsman by residents of a long-term care facility, they are referred to the long-term care ombudsman.

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

As previously discussed under the second, third, and fourth criterion above, public participation is encouraged at each commission meeting. In addition, ACOA has information about their programs and activities printed in the *Senior Voice*, a monthly newspaper that is designed for and distributed to older Alaskans.

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

From a review of the state ombudsman closed case files we determined that no complaints have been filed against any activities of ACOA.

We interviewed the long-term care ombudsman (LTCO) on June 20, 1995 who reported that the majority of complaints are received over the phone and only three written reports on complaints were made in FY 95.

According to a federal review report of LTCO's operations, the LTCO is operating in accordance with federal requirements.

*The extent to which the board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.*

Since ACOA does not regulate any occupations or professions, this is not applicable.

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

We determined that there has been no complaints against ACOA regarding violations of personnel practices or an individual's civil rights.

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

See Recommendation No. 1 in the Findings and Recommendation section of this report.

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION DIVISION OF SENIOR SERVICES

Adult Protective Services  
Information & Referral  
Assisted Living Licensing  
Longevity Bonus

Alaska Commission on Aging  
CHOICE for the Elderly Home Care  
Long Term Care Ombudsman  
Pioneers' Homes & Advisory Board

*Tony Knowles, Governor*

Alaska Commission on Aging  
PO Box 110211  
Juneau, AK 99811-0211  
Phone (907)465-4400  
FAX (907)465-4716

December 7, 1995

Mr. Randy Welker  
Legislative Auditor  
Legislative Audit Division  
P. O. Box 113300  
Juneau, AK 99811-3300

RECEIVED  
DEC 03 1995

LEGISLATIVE AUDIT

Dear Mr. Welker:

Thank you for Legislative Audit's Preliminary Report of September 29 concerning the Sunset audit recently completed on the Alaska Commission on Aging. This letter was reviewed by the Commission in Executive Session during our meetings of October 16-20, 1995.

The Commission is in concurrence with the Auditor's Conclusion, that the Commission's termination date be extended until June 30, 2003, or that the Commission be removed from the sunset review process.

Since this review of the Commission's status, the Governor has made new appointments to the Commission. One of those appointments is from Kodiak. This significantly expands the geographic representation on the Commission, as was recommended in Recommendation Number 1.

The Commission mailed a letter similar to this to Cristino Fermin on November 8, 1995.

Sincerely,

*Donald M. Hoover*

Donald M. Hoover  
Chair

(Intentionally left blank)

TONY KNOWLES, GOVERNOR

**DEPARTMENT OF ADMINISTRATION**

DIVISION OF ADMINISTRATIVE SERVICES

December 15, 1995

P.O. BOX 110208  
JUNEAU, ALASKA 99811-0208  
PHONE: (907) 465-2277  
FAX: (907) 465-2135

Randy Welker  
Legislative Auditor  
Division of Legislative Audit  
P. O. Box 113300  
Juneau, AK 99811-3300

RECEIVED  
DEC 15 1995

LEGISLATIVE AUDIT

Dear Mr. Welker:

Thank you for the opportunity to reply to the preliminary audit report on the Department of Administration, Alaska Commission on Aging dated September 29, 1995. Following are the Department's comments to your recommendation made in the letter.

Recommendation No. 1

The governor should consider appointing a public member from the Southwest region to fill the vacancy on the commission.

The Department concurs with this recommendation. Subsequent to this review of the Commission's status, the Governor has made new appointments to the Commission and one of those appointments is from Kodiak. This significantly expands the geographic representation on the Commission as recommended in this report.

Thank you again for the opportunity to respond to this preliminary audit report.

Sincerely,



Mark Boyer  
Commissioner

cc: Sharon Barton, Director  
Connie Sipe, Director

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 2/2/96

FURTHER: Finance

Date of 5-Day Notice: 2/29/96  
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/8/96

The HESS Committee considered SB 259

Relating to removing the requirement for sunset review of the Alaska Commission on Aging; and ~~providing for an effective date.~~

and recommends:

- be replaced with CS SB 259 (HESS)
- adopt previous CS (        )
- attached amendment(s)
- adopt Letter of Intent by          Committee
- further referral to the          Committee

Senate Bill:

- same title  
 new title  
 House Bill:  
 same title  
 technical title  
 new: SCR#

*FN*

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Forew A. Kuman</i>	<input checked="" type="checkbox"/>	<i>Marie Miller</i>	<input checked="" type="checkbox"/>		
<i>(with sunset review in 2000)</i>					
<i>CHAIR: Linda Green</i>	<input checked="" type="checkbox"/>				

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date      Zero      Fiscal

Department	Date	Zero	Fiscal
<i>Administration</i>	<i>2/2/96</i>		<i>165.7</i>

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

**SB**

**260**

**SFIN**

**FILE**

## MEMORANDUM

## STATE OF ALASKA

Department of Military and Veterans Affairs  
Division of Emergency Services

TO: Juno Chance, Finance Officer  
Division of Administrative  
Services  
Department of Military  
- and Veterans Affairs

DATE: February 1, 1996

FILE: D.1

PHONE: 428-7000

FROM: *Janna*  
Dianna Alcantra, GAR  
Division of Emergency Service  
Department of Military  
and Veterans Affairs

SUBJECT: DRP Authorization  
Balances

You have asked for additional explanation on the status of the possible available balances in some of the State Disasters. Below is an explanation by disaster. If you need additional information please let me know.

AR 34678-97 Anchorage Flood:

Applicant has claimed expenditures in excess of available balance. A reconciliation of the applicants records needs to be performed. Administrative allowance is neither encumbered or paid.

AR 34698-96 Kotzebue Tide:

The applicant has recently submitted documentation. This documentation needs to be reviewed by the grant administrator. It appears that the documentation exceeds the available balance. Administrative allowance is neither encumbered or paid.

AR 35530-96 Kodiak Rainfall:

The Division is currently in the process of revising the project application to approve additional projected costs. The administrative allowance is neither encumbered or paid.

AR 35535-96 Eagle Village:

Additional project costs expected. Anticipate cost overruns. Administrative allowance is neither encumbered or paid.

AR 35551-98 McGrath:

Applicant has recently submitted billing. Additional billings are still due. A reconciliation needs to be performed on the documentation submitted. Anticipate that additional project costs will be approved. Administrative allowance is neither encumbered or paid.

Page 2

Juno Chance, Finance Officer  
DRF Authorization Balances

AR 35552-98 Galena Flood:

Additional project costs have recently been approved. DOT needs to submit billing for final payment. Administrative allowance is neither encumbered or paid.

AR 35557-99 Skagway:

Emergency Management Officer has recently performed a final inspection in Skagway. Reconciliation needs to be performed on applicants billings. Administrative allowance in neither encumbered or paid.

AR 35565-99 Yukon Kuskokwim:

Multiple applicants require administrative allowance payments. Administrative allowance in neither encumbered or paid.

AR 35571-99 Aniak

Applicant has recently informed the Division that they anticipate cost overruns on all DSRs. Applicant documentation will be closely scrutinized. Applicant has had trouble in the past with submitting timely documentation. Most cost overruns can be substantiated. Anticipated some cost overruns will be approved. Administrative allowance is neither paid nor encumbered.

AR 35572-99 Bethel:

Problems have occurred with the original approved project. Currently investigating whether additional damage was the result of the declaration of new damage. Additional project costs may be approved. Administrative allowance is neither encumbered or paid.

DA:np

**DISASTER RELIEF FUND**  
**STATE AUTHORIZATION ANALYSIS**  
**ALL DRF APPROPRIATION ENTITIES**  
**AS OF JANUARY 11, 1996**

AR#	DISASTER	FED	TOTAL AUTH BAL	FED AUTH BAL	STATE AUTH	TOTAL EXP	FEDERAL EXP	STATE EXP	TOTAL ENC	ENC FED SHARE	DRF BALANCE	COMMENTS
14660 1	STATEWIDE COLD	X	1,370,606	869,893	500,713	1,370,606	869,893	500,713	0	N/A	0	AWAITING FEMA CLOSEOUT
14661 1	NW ARCTIC BORO	X	5,078,505	3,772,572	1,305,933	5,078,505	3,772,572	1,305,933	0	N/A	0	AWAITING FEMA CLOSEOUT
14671 1	89 SPRING FLOODS*	X	6,226,288	4,417,188	1,809,100	4,513,345	2,944,184	1,569,161	738,805	75%	974,138	STATE BAL AVAIL \$40,400; BAL OF AUTH IS FEDERAL.
14678 9	ANCHORAGE FLOOD		2,369,000	N/A	2,369,000	2,261,615	0	2,261,615	89,964	N/A	17,421	APPLICANT EXP CLAIM EXCEEDS AVAIL ENC BAL; AWAITING RECON
14689 9	HAZARD MIT 89	X	462,500	251,250	201,250	395,373	207,616	187,757	56,652	50%	475	STATE BAL AVAIL (\$14,833); BAL OF AVAIL AUTH IS FEDERAL*
14696 9	CLD WEATHER MIT	X	325,000	175,000	150,000	324,576	162,288	162,288	0	N/A	424	STATE BAL AVAIL (\$12,288); BAL OF AVAIL AUTH IS FEDERAL*
14698 9	KOTZEBUE TIDE		163,500	N/A	483,500	313,081	0	313,081	76,267	N/A	74,162	APPLICANT EXP EXCEED AVAIL ENC BALANCE; ADMIN ALLOW DUE
15500 9	UNALLOC FED ALLOC	X	5,523,495	5,523,495	0	0	0	0	0	N/A	N/A	NOT APPLICABLE
15504 9	DIOMEDE		705,000	N/A	705,000	652,050	0	552,050	70,544	N/A	82,406	\$162,900 STATE AUTH AVAIL; ACCTG ADJ/RECON; CAN CLOSE
15522 9	FY91 SPRING FLOOD	X	4,079,039	1,889,039	2,190,000	3,747,038	1,696,197	2,050,841	330,049	75%	1,952	STATE BALANCE AVAILABLE IS -0-; PROJECT IS ON GOING.
15529 9	NEW KOLIGANEK FLD		64,600	N/A	64,600	64,332	0	64,332	0	N/A	268	\$288 STATE AVAIL; AWAITING FINAL INSPECT; READY TO CLOSE
15530 9	KODIAK RAINFALL		1,650,000	N/A	1,650,000	1,223,006	0	1,223,006	342,166	N/A	84,828	ADD'L PROJECT COSTS ARE BEING APPROVED; ADMIN ALLOW DUE
15531 9	AK STATE MILITIA		26,900	N/A	26,900	26,900	0	26,900	0	N/A	0	NOT APPLICABLE
15533 9	SEWARD SEWER		755,630	N/A	755,630	754,542	0	754,542	0	N/A	1,088	\$1,088 STATE AVAIL; AWAITING FINAL INSPECT; CAN CLOSE
15535 9	EAGLE VILLAGE FLD		205,000	N/A	205,000	183,568	0	183,568	3,300	N/A	18,132	ADD'L PROJECT COSTS EXPECTED; ADMIN ALLOW DUE
15539 9	UPPER YUKON RIVER		1,265,000	N/A	1,265,000	1,156,536	0	1,156,535	11,409	N/A	97,056	\$64,800 STATE AUTH AVAIL; REDUCE STEV VILL, RAMP, N.POLE
15546 9	TENAKEE SPRGS FIRE		200,000	N/A	200,000	162,377	0	162,377	8,665	N/A	28,768	\$7,657 STATE AUTH AVAIL; BAL FOR POSSIBLE LITIGATION
15549 9	SHAKER IV EXER	X	425,000	50,000	375,000	356,529	50,000	306,529	1,250	0%	67,221	\$68,400 STATE AUTH AVAILABLE; ACCTG RECON; CAN CLOSE
15550 9	91 SPRING FL HAZ MIT	X	375,000	175,000	200,000	297,395	107,623	189,872	60,000	50%	17,605	STATE BAL AVAIL (\$19,872); BAL OF AVAIL AUTH IS FEDERAL*
15551 9	94 MCGRATH FLOOD		185,000	N/A	185,000	6,649	0	6,649	164,350	N/A	14,001	ADD'L PROJECT COSTS EXPECTED; ADMIN ALLOW DUE
15552 9	94 GALENA FLOOD*		363,500	N/A	363,500	53,119	0	53,119	284,625	N/A	25,756	ADD'L PROJECT COSTS ARE BEING APPROVED; ADMIN ALLOW DUE
15553 9	CUMMINS ROAD		60,000	N/A	60,000	38,813	0	38,813	0	N/A	21,187	\$21,187 STATE AVAIL; AWAITING FINAL INSPECT; CAN CLOSE
15555 9	1994 FALL FLOOD	X	74,759,699	63,800,000	10,959,699	68,084,259	57,091,934	10,992,325	4,224,432	VARIES	2,451,008	STATE BALANCE AVAILABLE IS -0-; PROJECT IS ON GOING.
15557 9	SKAGWAY DISASTER		120,000	N/A	120,000	62,762	0	62,762	50,000	N/A	7,238	ACCTG RECONCILIATION; FINAL PAY DUE; ADMIN ALLOW DUE
15565 9	YUKON KUSKOWIM		228,050	N/A	228,050	177,571	0	177,571	35,336	N/A	15,143	MULTIPLE APPLICANTS DUE ADMIN ALLOWANCE
15571 9	ANIAK DISASTER		406,000	N/A	406,000	88,011	0	88,011	281,023	N/A	38,966	ADD'L PROJECT COSTS ARE EXPECTED; ADMIN ALLOW DUE
15572 9	BETHEL DISASTER		140,000	N/A	140,000	129,149	0	129,149	0	N/A	10,851	ADD'L PROJECT COSTS UNDER REVIEW; ADMIN ALLOW DUE
15574 0	96 DES OPERATIONS		271,500	N/A	271,500	271,500	0	271,500	0	N/A	0	NOT APPLICABLE
15576 0	95 SC FALL FLOOD	X	13,200,000	9,900,000	3,300,000	1,040,341	364,985	675,356	3,458,017	N/A	8,701,642	STATE BALANCE AVAILABLE IS 0; PROJECT IS ON GOING
TOTALS			121,293,812	90,823,437	30,470,375	92,733,547	67,267,192	29,466,355	10,287,044		12,749,726	STATE BALANCE AVAILABLE \$299,507 FROM DISASTERS

PENDING APPROVAL BY OMB AUTH REFLECTS TRANSFER OF \$223,100 STATE AUTH FROM 89 SPRING FLOODS TO GALENA FLOOD

\*ADDITIONAL FT. YUKON FEMA PROJECT NEED \$550,730  
 SFY97 OPERATING BUDGET AUTHORIZATION \$306,100  
 SUPPLEMENTAL REQUEST \$557,323

**DISASTER RELIEF FUND**  
**FEDERAL DISASTER AUTHORIZATION ANALYSIS**  
**STATE AVAILABLE/SHORTFALL ONLY**  
**AS OF JANUARY 11, 1996**

AR#	DISASTER	STATE AUTH AVAIL	STATE EXP	TOTAL STATE ENCUMB.	AKSAS AVAIL AUTH	XX	EMERG SERV. ESTIMATED PROJECT NEED	COMMENTS
						XX		
34671-15	89 SPRING FLOODS*	1,809,100	1,569,161	199,539	40,400	XX	40,400	AVAIL STATE
34689-99	HAZARD MIT-89	201,250	187,757	28,326	(14,833)	XX	(14,833)	SHORTFALL
"	ADD'L FT YUKON NEED				0	XX	(190,569)	FEMA HAZ MIT PROJECT
34696-96	CLD WEATHER MIT	150,000	162,288	0	(12,288)	XX	(12,288)	SHORTFALL
"	ADD'L FT YUKON NEED				0	XX	(179,615)	FEMA HAZ MIT PROJECT
35550-98	91 SPRING FLOOD HAZ MIT	200,000	189,872	30,000	(19,872)	XX	(19,872)	SHORTFALL
"	ADD'L FT YUKON NEED				0	XX	(180,546)	FEMA HAZ MIT PROJECT
TOTAL		2,360,350	2,109,078	257,865	(6,593)	XX	(557,323)	SUPPLEMENTAL NEED

\*PENDING APPROVAL BY OMB: 89 SPRING FLOODS STATE AUTH REDUCED BY \$223,100 DUE TO TRANSFER TO GALENA FLOOD.

**DISASTER RELIEF FUND**  
**STATE DISASTER AUTHORIZATION ANALYSIS**  
**AVAILABLE STATE AUTHORIZATION BALANCES**  
**AS OF JANUARY 11, 1996**

2/2/96

AR#	DISASTER	TOTAL STATE AUTH BAL	TOTAL EXP	TOTAL ENCUMB	AKSAS AVAIL AUTH	XX	EMERG SERV ESTIMATED AVAIL AUTH	COMMENTS
						XX		
35504-96	DIOMEDE	705,000	552,050	70,544	82,406	XX	152,900	REPAY ADV; REL ENC.
35529-96	NEW KOLIGANEK FLOOD	64,600	64,332	0	268	XX	268	AWAIT INSPECT READY TO CLOSE
35533-96	SEWARD SEWER	755,630	754,542	0	1,088	XX	1,088	AWAIT INSPECT READY TO CLOSE
35539-96	UPPER YUKON RIVER	1,265,000	1,156,535	11,409	97,056	XX	54,600	STEV VILL; RAMP;N.POLE REDUCE
35546-98	TENAKEE SPRINGS FIRE	200,000	162,377	8,865	28,758	XX	7,657	REDUCE; POSSIBLE LITIGATION
35549-98	SHAKER IV EXERCISE	425,000	356,529	1,250	67,221	XX	68,400	REPAY ADV; REL ENC.; CAN CLOSE
35553-99	CUMMINS ROAD	60,000	38,813	0	21,187	XX	21,187	AWAIT INSPECT READY TO CLOSE
<b>TOTAL</b>		<b>3,475,230</b>	<b>3,085,178</b>	<b>92,068</b>	<b>297,984</b>	<b>XX</b>	<b>306,100</b>	<b>SFY97 OPERATIONS FUNDING</b>

**SB**

**262**

**SFIN**

**FILE**

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 2/2/96

FURTHER: Judiciary

Date of 5-Day Notice: 2-8-96  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-12-96

The Resources Committee considered SB 262

Relating to management of fish and game areas.

Φ FN

and recommends:

- be replaced with CS SB 262 (RES)
- adopt previous CS (        )
- attached amendment(s)
- adopt Letter of Intent by          Committee
- further referral to the          Committee

- Senate Bill:
- same title
  - new title
- House Bill:
- same title
  - technical title
  - new: SCR#

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<u>Chris Keane</u>	✓	<u>Tom Hoff</u>	✓		
<u>William L. Taylor</u>	✓				
<u>John A. Regan</u>	✓				
<u>Richard Halford</u>	✓				
CHAIR: <u>Steven D. Roman</u>	✓				

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal

DEFG - Wildlife Conservation	2/9/96	✓	

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

ES  
+  
SB

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/26/96

DATE TURNED INTO OFFICE: 4/04/96

The Finance Committee considered SB 262

REPORTED OUT OF  
SFC 4/03/96

Relating to management of fish and game areas.

and recommends:

be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

adopt previous \_\_\_\_\_ CS SB 262 (RES)

attached amendment(s)

adopt Letter of Intent by \_\_\_\_\_ Committee

further referral to the \_\_\_\_\_ Committee

**Senate Bill:**

same title

new title

**House Bill:**

same title

technical change

new: SCR# \_\_\_\_\_

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Steve Rieger</i>	✓		
		<i>Roll E. Hood</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>Rick Halford</i>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal


**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal

F&G/Wildlife	2/12/96	Ø	fund source change

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

No. 1

Bill Version: CS. SB 262(Res)

(S) Publish Date: 3-12-96

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Management of Fish/Game Population & Area BRU: Wildlife Conservation  
 Component: Wildlife Conservation  
 Sponsor: Senator Miller  
 Requester: Senate Resources COMPONENT SERIAL NO. 473

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES (1024)	0.0	0.0	0.0	0.0	0.0	0.0
---------------------------	-----	-----	-----	-----	-----	-----

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,025.7	1,025.7	1,025.7	1,025.7	1,025.7	1,025.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)	(1,025.7)	(1,025.7)	(1,025.7)	(1,025.7)	(1,025.7)	(1,025.7)
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost: \$ 0.0

**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)

Assumptions: (1) The legislation will become effective at the beginning of FY97. (2) To maintain department services and programs at existing levels, General Funds will be provided to offset Fish & Game Fund and Federal Aid spending reductions for programs such as, nongame, wildlife education, watchable wildlife, endangered species, marine mammals, and the McNeil River, Stan Price and Walrus Islands State Game Sanctuaries.

Sec. 2 of the bill restricts utilization of federal aid and license/tag revenue in areas where game populations are subject to preferences among consumptive uses that are not valid under the state constitution or state law. Virtually all big game populations trespass on federal lands that are "subject" to subsistence preferences not valid under state law. Accordingly, a strict interpretation of this bill would preclude expending nearly all Fish & Game Fund and Federal Aid revenues on wildlife management programs. To maintain existing programs and services using that interpretation would require annual General Fund appropriations of approximately \$15,000.0.

Prepared by: Diana Ground, Administrative Officer  
 Division: Wildlife Conservation  
 Approved by Commissioner: [Signature]  
 Agency: Alaska Department of Fish and Game

Phone: 465-6194  
 Date: 2/9/96  
 Date: 2-12-96

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

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB 262

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Management of Fish/Game Population & Area BRU: Wildlife Conservation  
 Component: Wildlife Conservation  
 Sponsor: Senator Miller  
 Requester: Senate Resources COMPONENT SERIAL NO. 473

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES (1024)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
----------------------------------	------------	------------	------------	------------	------------	------------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,025.7	1,025.7	1,025.7	1,025.7	1,025.7	1,025.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)	(1,025.7)	(1,025.7)	(1,025.7)	(1,025.7)	(1,025.7)	(1,025.7)
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost: \$ 0.0

**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)

Assumptions: (1) The legislation will become effective at the beginning of FY97. (2) To maintain department services and programs at existing levels, General Funds will be provided to offset Fish & Game Fund and Federal Aid spending reductions for programs such as, nongame, wildlife education, watchable wildlife, endangered species, marine mammals, and the McNeil River, Stan Price and Walrus Islands State Game Sanctuaries.

Sec. 2 of the bill restricts utilization of federal aid and license/tag revenue in areas where game populations are subject to preferences among consumptive uses that are not valid under the state constitution or state law. Virtually all big game populations trespass on federal lands that are "subject" to subsistence preferences not valid under state law. Accordingly, a strict interpretation of this bill would preclude expending nearly all Fish & Game Fund and Federal Aid revenues on wildlife management programs. To maintain existing programs and services using that interpretation would require annual General Fund appropriations of approximately \$15,000.0.

Prepared by: Diana Ground, Administrative Officer  
 Division: Wildlife Conservation

Phone: 465-6194  
 Date: 2/9/96

Approved by Commissioner: [Signature]  
 Agency: Alaska Department of Fish and Game

Date: 2.12.96

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

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/26/96

DATE TURNED INTO OFFICE: 4/04/96

The Finance Committee considered SB 262

Relating to management of fish and game areas.

REPORTED OUT  
4/03/96

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS SB 262 (RES)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical change
  - new: SCR# \_\_\_\_\_

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Steve Rieger</i>	✓		
		<i>Roll &amp; McCoy</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>Rick Halford</i>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal


**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal

F&G/Wildlife	2/12/96	∅	fund source changes

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH 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 10, 1996

**SUBJECT:** Sectional Summary of SB 262; An Act relating to management of game populations for maximum sustained yield for human harvest and providing for the replacement of areas closed to consumptive uses of game and relating to management of fish and game areas.

**TO:** Senator Mike Miller

**FROM:** George Utermohle *GU*  
Legislative Counsel

You have requested a sectional summary of SB 262; An Act relating to management of game populations for maximum sustained yield for human harvest and providing for the replacement of areas closed to consumptive uses of game and relating to management of fish and game areas.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 16.05 by adding a new section (AS 16.05.005), relating to management of game. On most land in the state, game populations are to be managed solely on a biological basis for maximum sustained yield for human harvest. Consumptive use of game is the highest and best use of game. If the Department of Fish and Game, the Board of Game, or another state agency closes an area of the state for consumptive use of game for sport or subsistence use or closes an area of the state to taking of game for consumptive use by a method, manner, or means that was permitted in the area before the closure, the Board of Game shall open new areas where the consumptive uses that were prohibited can occur, unless the closure was due to a biological emergency. A person may bring an action to compel compliance with the provisions of this section or to remedy a violation of this section. If the person prevails in the action, the person is entitled to recover the full costs of the litigation. Key terms in this section are defined.

Section 2 of the bill amends AS 16.05 by adding a new section (AS 16.05.145), creating a public trust for fish and game management areas. The public trust is violated by restricting public access to fish and game management areas, restricting sport fishing, hunting, or trapping in fish and game management areas, or using license fees paid by sportsmen or certain federal funds in certain areas or for certain purposes. If the public trust is violated,

Senator Mike Miller  
February 12, 1996  
Page 2

the state must provide five times the amount of land for unrestricted sport fishing, hunting, or trapping activities to replace the land on which the trust was violated. A person may bring an action to compel compliance with the provisions of this section or to remedy a violation of this section. If the person prevails in the action, the person is entitled to recover the full costs of the litigation. Key terms in this section are defined.

Section 3 of the bill amends the purposes for which state game refuges are established.

Section 4 of the bill amends AS 16.20.075 to require the Board of Game to adopt regulations guaranteeing access to state game refuges and continued opportunities for sport fishing, hunting, and trapping on state game refuges.

Section 5 of the bill adds a new section to AS 16.20 relating the purposes for which state range areas are established.

Section 6 of the bill amends AS 16.20.500 to amend the purposes for which fish and game critical habitat areas are established.

Section 7 of the bill amends AS 16.20.510 to require the Board of Fisheries and Board of Game to adopt regulations guaranteeing access to fish and game critical habitat areas and continued opportunities for sport fishing, hunting, and trapping on critical habitat areas.

Section 8 of the bill amends AS 16.20 by adding a new section containing a definition of "maximum sustained yield" for purposes of AS 16.20.

Section 9 of the bill states that certain provisions added by secs. 1 and 2 of the bill have the effect of amending certain rules of civil procedure adopted by the Alaska Supreme Court by allowing a person to recover the full, true, and actual costs of bringing and prosecuting an action authorized under those sections of the bill.

Section 10 of the bill provides that the provisions (amending court rules) described in sec. 9 of the bill do not take effect if they are not approved by two-thirds majority vote of each house as required by the Constitution of the State of Alaska.

If I may be of further assistance, please advise.

GU:klb:glc  
96-094.klb

# Alaska State Legislature

SENATOR

MIKE MILLER

Mailing Address:

119 N. Cushman, Suite 101

Fairbanks, Alaska 99701

Ph: (907) 488-0862

Fax: (907) 488-4271



Senate

## Sponsor Statement SB 262

While in Juneau

State Capitol

Juneau, Alaska

99801-1182

Ph: (907) 465-4976

Fax: (907) 465-3883

Senate District 0

Since Statehood, Alaskans, whose sustenance and livelihood relies upon our wildlife resources, have lost over 100 million acres to consumptive uses in one form or another. This land mass is larger than the State of Wyoming. Additionally, Alaskan hunters have lost effective utilization of some of the most productive areas in the State through ever increasing restrictions on access. These restrictions are being adopted in lands which sportsmen themselves have helped set aside and whom exclusively pay for the maintenance, management and administration of these lands.

Because of increasing restrictions and the loss of available areas to hunt, Alaskans are currently taking less than 2% of the annual harvestable surplus of moose, caribou and sheep--compared to other states who routinely harvest 30-60% of their big game each year. Additionally, Alaskan hunters harvest of moose, caribou and sheep has declined over 30% between 1989 and 1993.

The Department of Fish and Game is funded 100% by sportsmen's dollars generated through license fees and self imposed taxes. This legislation recognizes that public trust and would allow for no net loss of land for Alaska's consumptive users. Additionally, it requires remediation of 5 acres for every acre lost in the future.

The legislation will also eliminate the spending of Fish and Game fund monies paid by consumptive users for any activity on lands where consumptive uses have been eliminated or restricted. By passing this legislation, the legislature will recognize the special public trust created by the use of license monies and will reverse the trend of restrictions on consumptive uses throughout Alaska.

Senate Finance Committee

To: Larry Stevens

From: Kathy

Date: 3/12/96

Subject: Bill Number: SB 262 Version: \_\_\_\_\_

Fiscal Note WITHOUT a Senate Finance Committee Referral

Title: Mgmt. Fish/Game Pop.

Referrals: 3 (Res) + (Jud.)

Sponsor(s): Sen. Miller et al

Department: DF+G

BRU: \_\_\_\_\_

Component: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SB 262

Attachments:

- Fiscal Note(s)
- Bill History from BASIS

**SB**

**264**

**SFIN**

**FILE**

# FISCAL NOTE

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO. SB 264**

Revision Date: \_\_\_\_\_ Dept. Affected: \_\_\_\_\_ Department of Law: \_\_\_\_\_  
 Title: "An Act limiting the authority of courts to suspend BRU: \_\_\_\_\_ Criminal Division  
the imposition of sentence in criminal cases." Component: \_\_\_\_\_ Criminal Division  
 Sponsor: Senator Halford  
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost: \$ 0.0

**POSITIONS**

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

This bill further restricts the authority of the court to suspend the imposition of sentence (SIS) in certain felony cases (AS 12.55.085) and in certain misdemeanor cases (AS 12.55.135). Although some defendants may decide to go to trial, because the possibility of SIS will not be available, the number of new cases will not be sufficient to warrant fiscal note costs for the Department of Law.

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 4/12/96  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 4/12/96  
 Agency: Department of Law

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

# FISCAL NOTE

Bill version: CS SB 264 (JUD)

(S) Publish Date: 4/15/96

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dep't Affected: Alaska Court System  
 Title: Limited suspended imposition of sentence BRU: Trial Courts  
 Sponsor: Senator Halford Component: \_\_\_\_\_  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL						

Estimate of any current year (FY 96) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SB 264 imposes limitations on the types of cases for which judges may impose a suspended imposition of sentence. The inability of offenders to receive a suspended imposition of sentence may increase the trial rates in those types of cases, increasing jury costs and the time spent by judges and in-court clerks on criminal cases. The court system may need to return for funding if experience proves that SB 264 has increased the trial rate in a significant way.

Prepared by: C. S. Christensen III, Staff Counsel *CS*  
 Agency: Alaska Court System  
 Approved by: Arthur H. Snowden, II, Administrative Director *AS*  
 Agency: Alaska Court System

Phone: 264-8228  
 Date: 04/12/96  
 Date: 04/12/96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 2/7/96

FURTHER: Finance

Date of 5-Day Notice: 4/3/96  
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4/15/96

The Judiciary Committee considered SB 264

Relating to limiting the authority of courts to suspend the imposition of sentence in criminal cases.

*φ/π*

and recommends:

- be replaced with \_\_\_\_\_ CS SB-264 (JUD)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING DQ PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Richard Green</i>	<input checked="" type="checkbox"/>	<i>Al Edet</i>	<input checked="" type="checkbox"/>		
<i>Mike Miller</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Richard L. Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>IL</i>			

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
<i>Court System</i>	<i>4/12</i>	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill