

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990  
6612 SENATE STATE AFFAIRS 8672

1016

**FISCAL NOTE**

**REQUEST:**

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

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

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

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

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

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

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

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

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



## Older Alaskans Commission

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### SB 48 OVERVIEW OF THE COMMISSION

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

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

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

#### II. State Statutory Role of the Older Alaskans Commission

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

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

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

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

## Overview of Older Alaskans Commission

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

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

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

OLDER ALASKANS COMMISSION

12/88

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

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

STATE OF ALASKA -- COMPONENT BUDGET SUMMARY

SALSFRMA 10:01 .2/30/88

AGENCY: DEPARTMENT OF ADMINISTRATION  
CATEGORY: SOCIAL SERVICES

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

LEG. FIN.

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

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

1057.8

3773.5

**Article 4. Older Alaskans Commission.**

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

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

- (1) the commissioner of the Department of Administration or the commissioner's designee;
- (2) the commissioner of the Department of Community and Regional Affairs or the commissioner's designee;
- (3) the commissioner of the Department of Health and Social Services or the commissioner's designee;
- (4) the chairman of the Pioneers' Homes Advisory Board appointed under AS 44.21.100 — 44.21.130; and
- (5) seven Alaskans selected on the basis of their knowledge and demonstrated interest in the concerns of older Alaskans, appointed by the governor in accordance with (b) of this section.

(b) After requesting from senior citizens' organizations the names of persons who are qualified for and interested in serving on the commission, the governor shall appoint the members of the commission under (a)(5) of this section. Appointments shall be made by the governor to assure representation of low-income persons and minorities, and representation from rural and urban areas of the state, and to secure statewide geographical representation on the commission. At least six of the persons appointed by the governor shall be 60 years of age or older. At least two of these persons shall be 65 years of age or older. Each member appointed by the governor shall be a resident of the state.

(c) The persons appointed under (a)(5) of this section serve overlapping four-year terms, and serve at the pleasure of the governor. A member may be reappointed, but a member appointed under (a)(5) of this section may not serve more than two consecutive terms or eight consecutive years, whichever is longer.

(d) If a person appointed under (a)(5) of this section fails to attend three consecutive meetings of the commission, a majority of the members of the commission may request the governor to terminate the membership of the member and to fill the vacancy.

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

Cross references. For provisions related to the commission's initial membership, see § 13, ch 79, SLA 1981, in the Temporary and Special Acts Editor's notes. Section 13, ch 79, SLA 1981, provides "INITIAL MEM.

**RESHIP AND MEETING OF COMMISSION.** (a) Of the seven public members first appointed by the governor to the Older Alaskans Commission under AS 44.21.200(a)(5),

- (1) three shall serve a term of two years;
- (2) two shall serve a term of three years;
- (3) two shall serve a term of four years;
- (b) In making appointments of the first public members of the Older Alaskans

Commission under AS 44.21.200(a)(5), the governor shall designate an expiration date of the terms of members first appointed in accordance with (a) of this section.

(c) The governor shall determine the date and place of the first meeting of the Older Alaskans Commission; however, that meeting shall be held not later than September 13, 1981.

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

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

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

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

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

- (1) formulate a comprehensive statewide plan that identifies the concerns and needs of older Alaskans and, with reference to the plan adopted, prepare and submit to the governor and legislature an annual analysis and evaluation of the services that are provided to older Alaskans;
- (2) make recommendations directly to the governor and legislature with respect to legislation, regulations, and appropriations for programs or services that benefit older Alaskans;
- (3) encourage and aid the development of municipal commissions serving older Alaskans and community-oriented programs and services for the benefit of older Alaskans;
- (4) employ an executive director who serves at the pleasure of the commission;
- (5) help older Alaskans lead dignified, independent, and useful lives;
- (6) request and receive reports and audits from state agencies and local institutions concerned with the conditions and needs of older Alaskans;

*see supplements attached*

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

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

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

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

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

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

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

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

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

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

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

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

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

The second 1986 amendment added subsection (h).

The 1987 amendment in subsection (a)

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

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

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

Article 4. Older Alaskans Commission.

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

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

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

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

(3) encourage and aid the development of municipal commissions serving older Alaskans and community-oriented programs and services for the benefit of older Alaskans;

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

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

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

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

(8) administer, with the approval of the commissioner of administration, state programs as provided under AS 47.65.010 — 47.65.060.

(b) To accomplish its duties, the commission may

(1) review, evaluate, and comment upon state programs concerned with the problems and the needs of older Alaskans;

(2) collect facts and statistics, and make studies of conditions and problems pertaining to the employment, health, financial security, social welfare, and other concerns that bear upon the well-being of older Alaskans;

(3) provide information about public programs that would be of interest or benefit to older Alaskans;

(4) appoint special committees, which may include persons who are not members of the commission, to complete necessary studies;

(5) promote community education efforts regarding the problems and concerns of older Alaskans;

(6) contract for necessary services;

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

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

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

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

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

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

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

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

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

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

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

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

(c) The ombudsman may

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Article 5. Alaska Council on Science and Technology.

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

## Article 6. Alaska Public Broadcasting Commission.

### Section

266. Duties of the commission

268. Powers of the commission

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

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

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

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

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

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

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

## Chapter 65. Service Programs for Older Alaskans.

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

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

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

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

**Sec. 47.65.020. Grants for community service programs.** Not less than 60 percent of the amount appropriated by the legislature to the account established in AS 47.65.010 shall be allocated annually by the commission as community program grants to sponsors of older Alaskans service programs. Payments shall be made on the basis of applications submitted to the commission by sponsors of community programs. (§ 1 ch 152 SLA 1980; am § 6 ch 79 SLA 1981)

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

**Sec. 47.65.030. Pilot project grants.** (a) The balance of the amount appropriated to the account established in AS 47.65.010 not allocated under AS 47.65.020 shall be allocated annually by the commission as grants to support pilot projects for the benefit of older Alaskans under this section.

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

(1) enter into agreements with the project sponsor to operate one or more of the selected pilot projects consistent with the standards adopted;

(2) monitor and evaluate, in a written report, each pilot project; the report shall include

(A) a description of the project and of the persons served by it;

- (B) the problems presented by the persons served by the project;
- (C) a description of the problems most effectively handled by the project; and
- (D) an estimate of projected cost of operation of the project for the next three succeeding years. (§ 1 ch 152 SLA 1980; am § 7 ch 79 SLA 1981)

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

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

(b) For purposes of this section

(1) the contribution percentage for

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

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

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

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

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

(2) if the population is less than 750, the commission may substitute for the average per capita full and true value of property in the municipality or community an amount equal to the average per capita full and true value of property in the smallest municipality for which that amount has been determined by the state assessor.

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

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

**Revisor's notes.** — Reorganized in 1984.

**Sec. 47.65.050. Administrative requirements.** Payments received by a sponsor under this chapter may be used only to meet costs of services which the commission has determined directly benefit older Alaskans. A payment may not be made by the commission under this section unless the commission determines that

(1) the sponsor meets accepted standards of fiscal accountability for public funds;

(2) the sponsor can demonstrate, when requested, the actual cost of services which it is providing for the benefit of older Alaskans; and

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

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

**Sec. 47.65.060. Definitions.** In this chapter,

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

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

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

(A) nutritional programs;

(B) volunteer programs;

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

(D) health services;

(E) housing services;

(F) legal services and assistance;

(G) home health and homemaker services;

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

Revisor's notes. — Reorganized in 1984 to alphabetize the terms defined. Effect of amendments. — The 1981 amendment added paragraph (1) and sub-

paragraph (C) in paragraph (4) and repealed a paragraph that defined the office on aging

### Chapter 70. Interstate Compact on the Placement of Children.

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

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

#### INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN.

##### ARTICLE I. PURPOSE AND POLICY

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

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

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

##### ARTICLE II. DEFINITIONS

As used in this compact:

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

##### ARTICLE III. CONDITIONS FOR PLACEMENT

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

- (1) The name, date and place of birth of the child.
- (2) The identity and address or addresses of the parents or legal guardian.
- (3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

SB 48, EXTENDING THE OLDER ALASKANS COMMISSION

TO TESTIFY:

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

O.A.C. MEMBERS, ON TELECONFERENCE:

MELLIE TERWILLIGER, CHAIR (TOK)

PEGGY BURGIN, PAST CHAIR (ANCHORAGE)

HAZEL HEATH (HOMER)

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

JOE ALTER, LOCAL SENIORS COMMISSION

OTHERS (SEE WITNESS LIST)

*> 1 mil  
16 people  
13 "real" people  
3 ticket vendors  
1 nutritionist  
14  
Addito 1 EX.DV.  
1 Propaganda  
Ticket  
TV  
2 grant minutes  
1 nutritionist  
1 Ticket Admin  
1 Asst  
1 Asst  
1 clerk  
1 sec*

FYI:

FOR PURPOSES OF COMMISSION, SENIOR IS ANYONE OVER AGE 60

SUNSET AUDIT RECOMMENDATIONS:

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

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

2. MAKE APPROPRIATE REVISIONS TO PILOT PROJECT GRANT REGULATION.

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

BUDGET ATTACHED (NOTE FEDERAL FUNDS)

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

POLITICAL AFFILIATION OF PUBLIC MEMBERS:

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

OLDER ALASKANS COMMISSION

12/88

VOTING MEMBERS

Bertha Adsuna  
P.O. Box 420  
Nome, AK 99762  
443-2328

Alton Ashcraft  
2633 Badger Road  
North Pole, AK 99705-5565  
488-2318

Peggy Burgin  
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Anchorage, AK 99501-4202  
333-2311 (W)  
563-7367 or 278-2102 (H)

Dr. Robert W. Carpenter  
Vice Chair  
P.O. Box 367  
Bethel, AK 99559  
543-2484

Hazel Heath  
P.O. Box 4066  
Homer, Alaska 99603-4066  
235-8286

Dove M. Kull  
c/o Juneau Pioneers' Home  
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Juneau, Alaska 99801-9518  
780-6422

Mellie Terwilliger, Chair  
P.O. Box 206  
Tok, Alaska 99780-0206  
883-5351

NON VOTING MEMBERS

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

John M. Andrews, Commissioner  
Dept. of Administration  
P.O. Box C  
Juneau, AK 99811-0200  
465-2200  
Designee: James Fox, Deputy  
Commissioner

David Hoffman, Commissioner  
Dept. of Community & Regional  
Affairs  
P.O. Box B  
Juneau, AK 99811-2100  
465-4700  
Designee: Marty Rutherford  
Director, Div. of Mun. &  
Regional Assistance

Myra Munson, Commissioner  
Dept. of Health & Social  
Services  
P.O. Box H  
Juneau, AK 99811-0600  
465-3030  
Designee: Jay Livey, Special  
Assistant to the Commissioner

EXECUTIVE DIRECTOR

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



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## Older Alaskans Commission

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

### SB 48 OVERVIEW OF THE COMMISSION

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

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

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

#### II. State Statutory Role of the Older Alaskans Commission

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

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

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

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

## Overview of Older Alaskans Commission

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

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

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



# Alaska State Legislature

Official Business

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

## MEMORANDUM

TO: Senator Tim Kelly, President  
Alaska State Senate

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

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

DATE: January 13, 1989

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

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

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

A PERFORMANCE REPORT  
ON THE  
DEPARTMENT OF ADMINISTRATION  
OLDER ALASKANS COMMISSION

July 1, 1984 - June 30, 1988

Audit Control Number

02-1347-89-R

Commissioner, Department of  
Administration

John M. Andrews

Deputy Commissioners, Department  
of Administration

James J. Fox  
Charles Taylor

Members of the  
Older Alaskans Commission

Chairperson  
Member  
Member  
Member  
Member  
Member  
Member

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

# STATE OF ALASKA

## THE LEGISLATURE BUDGET AND AUDIT COMMITTEE

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

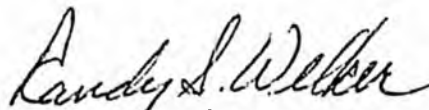
October 26, 1988

Members of the Legislative Budget  
and Audit Committee:

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

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

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



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

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

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

October 21, 1988

Members of the Legislative Budget  
and Audit Committee:

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

A PERFORMANCE REPORT  
ON THE  
DEPARTMENT OF ADMINISTRATION  
OLDER ALASKANS COMMISSION

July 1, 1984 - June 30, 1988

Audit Control Number

20-1347-89-R

*MGREANY*

Mike Greany, Director  
Division of Legislative Finance

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## PURPOSE AND SCOPE OF THE REPORT

### Purpose

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

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

### Scope

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

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

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

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

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

## ORGANIZATION AND FUNCTION

Pursuant to Alaska Statute 44.27, the Older Alaskans Commission was created in July of 1981 and was established within the Department of Administration. The Commission consists of seven members who are selected based upon their knowledge and demonstrated interest in the concerns of older Alaskans. Commission members serve overlapping four year terms.

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

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

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

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

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

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

## REPORT CONCLUSION

### Policy Issues

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

### Report Conclusion

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

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

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

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TO ASSURE LEGIBILITY**

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## ORGANIZATION AND FUNCTION

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

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

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

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

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

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

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

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## REPORT CONCLUSION

### Policy Issues

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

### Report Conclusion

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

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

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

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## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

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

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

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

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

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

### Recommendation No. 2

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

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

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

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

## ANALYSIS OF PUBLIC NEED

### Limited Analysis

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

- I. The extent to which the board, commission, or program has operated in the public interest.
  - A. The Commission has served the public through planning, coordinating, and providing services to persons who are 60 years of age and over in areas of employment, nutrition, transportation, information and referral, housing, health care, in-home services, legal services, long-term care, advocacy, and outreach.
  - B. The Commission has held six meetings a year for the past two fiscal years.
  
- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
  - A. The Commission appointed members to a housing task force committee to make recommendations regarding the coordination and efficient delivery of housing-related services. The committee's final report containing recommendations was issued May 1985.
  - B. A newsletter titled "Healthlinks" is issued periodically to seniors. The newsletter comments on health matters and topics of general interest to seniors.
  
- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

The Commission supported Senate Bill 442 which related to the protection of elderly persons and established the office of long term care ombudsman. The bill was signed by the Governor and amended the statutes, effective September 1988.
  
- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

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

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

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

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

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

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

OAC does not regulate any occupations or professions.

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

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

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

Please refer to the previous section, Findings and Recommendations.

APPENDIX

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APPENDIX A

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

(Unaudited)

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

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

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

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# STATE OF ALASKA

STEVE COWPER, GOVERNOR

## DEPARTMENT OF ADMINISTRATION

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

### OFFICE OF THE COMMISSIONER

December 21, 1988

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

DEC 21 1988

LEGISLATIVE  
AUDIT

Dear Mr. Welker:

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

The findings and recommendations are addressed sequentially:

#### Recommendation No. 1

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

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

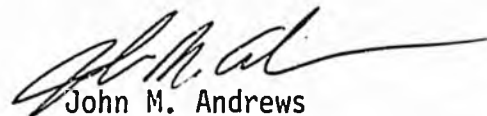
The OAC recognizes the advisability of using the most current data possible even though the actual impact of year old data is generally not significant. We have revised our RFP procedures to allow for the possibility of the late issuance of the Alaska Taxable. If the Alaska Taxable information is not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

Recommendation No. 2

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

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

Sincerely,

  
John M. Andrews  
Commissioner

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

**S B**

**49**

MOVED OUT 1-16-89

SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER SB 49

SPONSOR Fahrenkamp

BILL TITLE Extend Council on Domestic Violence  
and Sexual Assault

DATE REFERRED 1-9-89

HEARING SCHEDULED 1-16-89

FISCAL NOTE PREPARED

✓

Barbara will also bring  
~~report~~'s annual  
report

SPONSOR CONTACTED

✓ Tom 3834

INTERESTED PARTIES CONTACTED

yes ✓ Barbara Miklos, COVSA 4356

✓ Gail Horvitzki, DPS

won't testify ✓ Deena McIntyre (chair) - Koponen's office

maybe ✓ Mary Hakala DOE 2800

can't attend ✓ Lori Otto LAW 3428

yes ✓ Cindy Smith 586-3650 network domestic violence

yes ✓ Yvonne Chase, DHSS 3170 vice-chair

OTHER

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

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

FURTHER FINANCE

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

DATE TURNED INTO OFFICE 1/16/89

1/9/89

Mr. President:

STATE AFFAIRS

Committee considered SB 49

extending the termination date of the Council on Domestic Violence  
and Sexual Assault; efd

and recommended:

replace with CS \_\_\_\_\_  same title

attached amendment(s) and  new title

\_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

FISCAL NOTE(S) attached  zero

appropriation no FN attached

fiscal impact

Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]  
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Al Adams - NO Rec.  
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[Signature]  
Chairman signature and recommendation

Committee backup attached

Position Paper

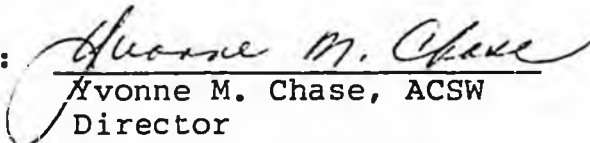
Senate Bill No. 49

For an Act entitled: "An Act continuing the existence of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

Domestic violence is a pervasive problem, both nationally and in Alaska. It affects not only the adults who may be directly involved, but the children in these families, who frequently become victims of physical abuse, neglect, or sexual abuse. Not only does research indicate the continuation of the cycle of violence continuing, and a high percentage of children who grow up in homes where domestic violence exists becoming involved in the same cycle as adults, but both the numbers and percentage of violent "teens" are increasing as well. The problem of domestic violence belongs to everyone, and the availability and coordination of a continuum of services is essential.

The Department of Health and Social Services (DHSS) supports SB 49. The Council on Domestic Violence and Sexual Assault is essential for the coordination of activities within the State of Alaska designed to reduce family violence. The disbursement of funds and technical assistance to, as well as the monitoring and evaluation of domestic violence programs in local communities, has been a function which the Council and staff have carried out in an outstanding manner, as indicated by the most recent audit of the Council's activities. DHSS has appointed the Director of the Division of Family and Youth Services to fill this Department seat on the Council, in an effort to maximize DHSS's ability to coordinate services for families involved in violence, including child abuse and neglect. DFYS's ability to intervene effectively with such families is possible only if domestic violence programs are also there as part of that intervention strategy.

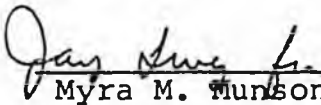
Recommended by:

  
Yvonne M. Chase, ACSW  
Director  
Division of Family  
and Youth Services

Date:

1-16-88

Approved by:

  
Myra M. Munson  
Commissioner  
Department of Health  
and Social Services

Date:

1-16-88

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Dept./Health & Soc. Services  
 Title An Act continuing the existence of the BRU: \_\_\_\_\_  
Council on Domestic Violence and Sexual Assault  
 Sponsor: Fahrenkamp, Kelly, et al Components: \_\_\_\_\_  
 Requestor: Senate State Affairs

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

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

**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

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

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

Prepared by: Yvonne M. Chase, ACSW, Director Phone: 465-3170  
 Division: Family and Youth Services Date: \_\_\_\_\_  
 Approved by Commissioner: Myra M. Munson Date: 1-16-88  
 Agency: Department of Health and Social Services

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Chapter

67. General State Policy (Renumbered)

Chapter 65. Interdepartment and Interagency Services.

[Repealed, § 69 ch 106 SLA 1986, § 27 ch 65 SLA 1987.]

Chapter 66. Review of the Activities of Agencies, Boards and Commissions.

Section

10. Termination of state boards and commissions

Sec. 44.66.010. Termination of state boards and commissions.

(a) Boards and commissions listed in this subsection expire on the date set out after each:

(1) Alcoholic Beverage Control Board (AS 04.06.010) — June 30, 1990;

(2) [Repealed, 1983 Initiative Proposal No. 2, § 6.]

(3) Board of Parole (AS 33.16.020) — June 30, 1989;

(4) Alaska Public Utilities Commission (AS 42.05.010) — June 30, 1989;

(5) [Repealed, § 20 ch 110 SLA 1981.]

(6) [Repealed, § 63 ch 21 SLA 1985.]

(7) [Repealed, § 16 ch 161 SLA 1984.]

(8) Alaska Code Revision Commission (AS 24.20.075) — June 30, 1989;

(9) [Repealed, § 2 ch 97 SLA 1986.]

(10) Older Alaskans Commission (AS 44.21.200) — June 30, 1989;

(11) Council on Domestic Violence and Sexual Assault (AS 18.66.010) — June 30, 1989;

(12) Alaska Women's Commission — June 30, 1987;

(13) Alaska State Fire Commission — June 30, 1990;

(14) Special Education Service Agency (AS 14.30.600) — June 30, 1989;

(15) Alaska Tourism Marketing Council (AS 44.33.700) — June 30, 1993;

(16) Tourism Coordinating Committee (AS 44.33.122) — June 30, 1993.

(b) Upon termination, a commission listed in (a) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs.

(c) A commission scheduled for termination under AS 44.66.010 — 44.66.060 may be continued or reestablished by the legislature for a

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HEALTH AND SAFETY

§ 18.66.020

(2) "peace officer" means a person vested by law with a duty to maintain public order or to make arrests, whether the duty extends to all offenses or is limited to a specific class of offenses or offenders. (§ 3 ch 139 SLA 1980; am §§ 14, 15 ch 61 SLA 1982)

Cross references. — For a general definition of peace officer, see AS 01.10.060(7).

Effect of amendments. — The 1982 amendment substituted "peace officer" for "police officer" and "and" for "or" preceding "in writing" in the introductory language of subsection (a), and in subsection (c), added the paragraph (1) designation,

substituted "when the victim is a spouse or a former spouse of the person who committed the crime" for "committed against a spouse, a former spouse, or" in present paragraph (1), added the language beginning "or another person who is not a spouse or former spouse" to the end of present paragraph (1), and added paragraph (2).

### Chapter 66. Council on Domestic Violence and Sexual Assault.

Section

- 10. Council on domestic violence and sexual assault; purpose
- 20. Membership, terms, vacancies, and disqualification
- 30. Compensation and expenses

Section

- 40. Meetings and quorum
- 50. Duties of the council
- 60. Qualifications
- 900. Definitions

Sec. 18.66.010. Council on domestic violence and sexual assault; purpose. There is established in the Department of Public Safety the Council on Domestic Violence and Sexual Assault. The purpose of the council is to provide for planning and coordination of services to victims of domestic violence or sexual assault or to their families and to perpetrators of domestic violence and sexual assault and to provide for crisis intervention and prevention programs. (§ 1 ch 101 SLA 1981)

Cross references. — For senate resolve concerning the establishment of funding priorities for the council, see SR 6 in the 1982 Temporary and Special Acts and Resolves.

Sec. 18.66.020. Membership, terms, vacancies, and disqualification. (a) The council consists of

(1) three persons appointed by the governor after consultation with the Network on Domestic Violence and Sexual Assault, a nonprofit corporation; the Network on Domestic Violence and Sexual Assault shall submit a list to the governor of persons recommended for appointment;

(2) the commissioner of public safety or the designee of the commissioner of public safety; and

(3) the commissioner of health and social services or the designee of the commissioner of health and social services;

(4) the commissioner of education or the designee of the commissioner of education;

(5) the attorney general or the designee of the attorney general.

(b) The term of office of a member appointed under (a)(1) of this section is two years. A member appointed under (a)(1) of this section serves at the pleasure of the governor and may not serve more than two consecutive terms. A vacancy on the council shall be filled for the unexpired term by appointment by the governor after consultation with the Network on Domestic Violence.

(c) A person who receives compensation from or is an employee of a domestic violence, sexual assault, or crisis intervention or prevention program may not be appointed to the council. (§ 1 ch 101 SLA 1981)

**Sec. 18.66.030. Compensation and expenses.** The members of the council receive no salary but are entitled to transportation expenses and per diem in accordance with AS 39.20.180. (§ 1 ch 101 SLA 1981)

**Sec. 18.66.040. Meetings and quorum.** The council shall meet at least four times a year. At least one meeting each year shall include a statewide public teleconference hearing. The time and place of a meeting shall be set by the presiding officer or by three members who submit a written request for a meeting to the presiding officer. Four members of the council constitute a quorum. (§ 1 ch 101 SLA 1981)

**Sec. 18.66.050. Duties of the council.** The council shall

(1) hire an executive director and necessary staff;

(2) elect one of its members as presiding officer;

(3) in consultation with authorities in the field, develop, implement, maintain, and monitor domestic violence, sexual assault, and crisis intervention and prevention programs, including educational programs, films, and school curricula on the cause, prevention, and treatment of domestic violence and sexual assault;

(4) coordinate services provided by the Department of Law, the Department of Education, the Department of Public Safety, the Department of Health and Social Services, and other state agencies and community groups dealing with domestic violence, sexual assault, and crisis intervention and prevention, and provide technical assistance as requested by those state agencies and community groups;

(5) develop and implement a standardized data collection system on domestic violence, sexual assault, and crisis intervention and prevention;

(6) conduct public hearings and studies on issues relating to violence, including domestic violence and sexual assault, and on issues relating to the role of crisis intervention and prevention;

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HEALTH AND SAFETY

§ 18.66.900

(7) receive and dispense state and federal money and award grants and contracts from appropriations for the purpose to qualified local community entities for domestic violence, sexual assault, and crisis intervention and prevention programs;

(8) oversee and audit domestic violence, sexual assault, and crisis intervention and prevention programs that receive money under this chapter;

(9) provide fiscal and technical assistance to plan, organize, implement and administer domestic violence, sexual assault, and crisis intervention and prevention programs;

(10) make an annual report to the governor and the legislature on the activities of the council, plans of the council for new services and programs, and concerns of the council, including recommendations for legislation necessary to carry out the purposes of this chapter;

(11) adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) to carry out the purposes of this chapter and to protect the health, safety, well-being, and privacy of persons receiving services financed with grants or contracts under this chapter. (§ 1 ch 101 SLA 1981)

**Sec. 18.66.060. Qualifications.** A local community entity is qualified to receive a grant or contract under this chapter if it agrees to provide services approved by the council to victims of domestic violence or sexual assault or their families or to perpetrators of domestic violence or sexual assault without regard to ability to pay. (§ 1 ch 101 SLA 1981)

**Sec. 18.66.900. Definitions.** In this chapter

(1) "council" means the Council on Domestic Violence and Sexual Assault;

(2) "crisis intervention and prevention program" means a community program that provides information, education, counseling, and referral services to individuals experiencing personal crisis related to domestic violence or sexual assault and to individuals in personal or professional transition, excluding correctional half-way houses, outpatient mental health programs, and drug or alcohol rehabilitation programs;

(3) "domestic violence" means a crime specified in AS 11.41 when the victim is a spouse or a former spouse of the defendant; a parent, grandparent, child, or grandchild of the defendant; a member of the social unit comprised of those living together in the same dwelling as the defendant; or a person who is not a spouse or former spouse of the defendant but who previously lived in a spousal relationship with the defendant;

(4) "domestic violence program" means a program that provides services to the victims of domestic violence, their families, or perpetrators of domestic violence;

(5) "local community entity" means a city or borough or other political subdivision of the state, a nonprofit organization, or a combination of these;

(6) "sexual assault" means a crime specified in AS 11.41.410 — 11.41.450;

(7) "sexual assault program" means a program that provides services to the victims of sexual assault, their families, or perpetrators of sexual assault. (§ 1 ch 101 SLA 1981; am § 9 ch 78 SLA 1983; am § 4 ch 43 SLA 1985)

**Effect of amendments.** — The 1983 amendment deleted "or AS 11.51.130(a)(4)" from the end of paragraph (6).

The 1985 amendment in paragraph (3) inserted 'a parent, grandparent, child or

grandchild of the defendant" and "or a person who is not a spouse or former spouse of the defendant but who previously lived in a spousal relationship with the defendant" and made stylistic and punctuation changes.

### Chapter 67. Violent Crimes Compensation Board.

**Section**

- 10. Purpose
- 20. Violent Crimes Compensation Board
- 30. Application for compensation
- 40. Action on application; hearings
- 50. Attorney fees
- 60. Regulations
- 70. Standards for compensation
- 80. Awarding compensation
- 90. Recovery from collateral source
- 101. Incidents and offenses to which AS 18.67.010 — 18.67.180 apply

**Section**

- 110. Nature of the compensation
- 120. Emergency compensation
- 130. Limitations on awarding compensation
- 140. Recovery from offender
- 150. False claim
- 160. Survival and abatement
- 162. Crime victim compensation fund
- 170. Reports
- 175. Duty to display information
- 180. Definitions

**Opinions of attorney general.** — The commissioner of the Department of Public Safety has statutory authority to enter into a reciprocal agreement with the Commonwealth of Kentucky for compensation to innocent victims of violent crimes. September 24, 1980 Op. Atty Gen.

**Collateral references.** — 21 Am. Jur. 2d, Criminal Law, §§ 570-576, 589, 590, 24B C.J.S., Criminal Law, §§ 2604-2607.

**Sec. 18.67.010. Purpose.** It is the purpose of this chapter to facilitate and permit the payment of compensation to innocent persons injured, to dependents of persons killed, and to certain other persons who by virtue of their relationship to the victim of a crime incur actual and reasonable expense as a result of certain serious crimes or in attempts to prevent the commission of crime or to apprehend suspected criminals. (§ 1 ch 203 SLA 1972; am § 1 ch 132 SLA 1975)

# Alaska State Legislature

SENATOR BETTYE FAHRENKAMP  
CHAIRMAN, LEGISLATIVE COUNCIL  
CHAIRMAN, OIL AND GAS COMMITTEE  
515 7TH AVENUE, SUITE 130  
FAIRBANKS, ALASKA 99701  
OFFICE (907) 452-4882  
HOME (907) 456-2899



Senate

WHILE IN JUNEAU  
P.O. BOX V  
JUNEAU, ALASKA 99811  
CAPITOL ROOM 125  
OFFICE (907) 465-3834  
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## MEMORANDUM

TO: Senator Pat Pourchot, Chairman  
Senate State Affairs Committee

FROM: Senator Bettye Fahrenkamp

DATE: January 16, 1989

RE: SB 49 An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date.

### BILL SUMMARY:

SB 49 would extend the Council until 1993, effective upon passage.

### ABOUT THE COUNCIL:

The Council was created in 1981. It is scheduled to sunset June 30, 1989. Statutes require the Council to provide planning and coordination of services to victims of domestic violence or sexual assault and for crisis intervention and prevention programs. The Council does this by the development, implementation, maintenance, and monitoring of domestic violence and sexual assault programs.

The Legislative Budget and Audit Committee recommends reestablishment.

### FISCAL IMPACT:

The bill has a zero fiscal note. Funds for the operation of the council are in the Governor's proposed FY 90 submittal.

### DEPARTMENT POSITION

The Department of Public Safety supports this bill.

07-12-14-00-00 (0-12-46727-0521 )

## STATE OF ALASKA -- COMPONENT BUDGET SUMMARY

SALSFRMA 15:28 1/03/89

AGENCY: DEPARTMENT OF PUBLIC SAFETY  
CATEGORY: ADMINISTRATION OF JUSTICEPROGRAM: DOMESTIC VIOL & SEXUAL ASSAULT  
SUB-PROGRAM:

LEG. FIN.

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

EXPENDITURES & FUNDING	(01) FY88 ACT	(02) FY89 CC	(03) COL 03	(24) FY89 ATH	(25) FY90BASE	(26) FY90ADJB	(27) FY90 AGY	(28) FY90 GOV	(09) HOUSE	(10) SENATE	(11) C. C.	(12) BILLS	(13) LEG.REC.
01 PERS. SERV.	186.8	180.3		180.3	185.1	192.4	227.6	192.4					
02 TRAVEL	20.5	22.4		22.4	22.4	22.4	22.4	22.4					
03 CONTRACTUAL	24.1	43.8		73.8	73.8	73.8	133.8	323.8					
04 COMMODITIES	2.3	4.3		4.3	4.3	4.3	4.3	4.3					
05 EQUIPMENT	6.7												
06 LANDS/BLDGS													
07 GRANTS, CLMS	4397.5	4417.5		5287.5	5287.5	5287.5	7527.5	5487.5					
08 MISC.													
** TOTAL EXPEND	4637.9	4668.3		5568.3	5573.1	5580.4	7915.6	6030.4					
09 I-A TRANSFER													
1002 FED RCPTS	204.5	225.0		225.0	225.0	225.0	225.0	225.0					
1004 GEN FUND	4331.0	4336.8		5236.8	5241.6	5248.9	7584.1	5698.9					
1007 I/A RCPTS	102.4	106.5		106.5	106.5	106.5	106.5	106.5					
15 FULL TIME	3.0	3.0		3.0	3.0	3.0	4.0	3.0					
16 PART TIME	1.0	1.0		1.0	1.0	1.0		1.0					
17 TEMPORARY													
18 STAFF MONTHS	40.0	40.0		40.0	40.0	40.0	48.0	40.0					

AGENCY: DEPARTMENT OF PUBLIC SAFETY  
 CATEGORY: ADMINISTRATION OF JUSTICE

PROGRAM: DOMESTIC VIOL & SEXUAL ASSAULT  
 SUB-PROGRAM:

LEG. FIN.

\*\*\*\*\* FY90 GOV ANALYSIS \*\*\*\*\*

OBJECT GROUP	VARIATION		DESCRIPTION: FY90 GOV (\$6,030.4) VERSUS FY89 ATH (\$5,568.3)
01 PERS. SERV.	12.1	6.7%	
03 CONTRACTUAL	250.0	338.8%	
07 GRANTS, CLMS	200.0	3.8%	
** TOTALS	462.1	8.3%	

\*\*\* FY90 GOVERNOR (OMB NOTES) \*\*\*

DETAIL DESCRIPTION OF VETOS, TRANSFERS, INCREMENTS, & DECREMENTS  
 CHANGES FROM FY89 CONFERENCE COMMITTEE TO FY89 AUTHORIZED

REF#	DESCRIPTION	WHO:	PFT	PPT	AGENCY / GOVERNOR	TOTAL	GEN FUND	OTHER	100	200	300	400	500	600	700	800
1035	CH 154/SLA 88, SEC 21: SERVICES FOR CHILDREN IN VIOLENT HOMES	AGY:	0.0	0.0		650.0	650.0	0.0	0.0	0.0	15.0	0.0	0.0	0.0	635.0	0.0
		GOV:	0.0	0.0		650.0	650.0	0.0	0.0	0.0	15.0	0.0	0.0	0.0	635.0	0.0
1040	CH 154/SLA 88, SEC 21: SERVICES FOR PHYSICALLY AND SEXUALLY ABUSED CHILDREN AND YOUTH	AGY:	0.0	0.0		250.0	250.0	0.0	0.0	0.0	15.0	0.0	0.0	0.0	235.0	0.0
		GOV:	0.0	0.0		250.0	250.0	0.0	0.0	0.0	15.0	0.0	0.0	0.0	235.0	0.0

CHANGES FROM FY89 AUTHORIZED TO FY90 BASE

REF#	DESCRIPTION	WHO:	PFT	PPT	AGENCY / GOVERNOR	TOTAL	GEN FUND	OTHER	100	200	300	400	500	600	700	800
2243	PROJECTED FY '90 HEALTH BENEFIT ADJUSTMENT (\$4.8)	AGY:	0.0	0.0		4.8	4.8	0.0	4.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		GOV:	0.0	0.0		4.8	4.8	0.0	4.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CHANGES FROM FY90 BASE TO FY90 ADJUSTED BASE

REF#	DESCRIPTION	WHO:	PFT	PPT	AGENCY / GOVERNOR	TOTAL	GEN FUND	OTHER	100	200	300	400	500	600	700	800
3082	REALLOCATION OF RIP SAVINGS	AGY:	0.0	0.0		7.3	7.3	0.0	7.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		GOV:	0.0	0.0		7.3	7.3	0.0	7.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0



Official Business

# Alaska State Legislature

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

## MEMORANDUM

TO: Senate State Affairs Committee Members

FROM: Senator Pat Pourchot, Chairman *Pat*

RE: January 16 Committee Meeting

DATE: January 13, 1989

On Monday, January 16, at 1:30 p.m. in the Beltz Room, the Senate State Affairs Committee will hear the following bills.

SB 8, Relating to the Alaska Women's Commission; extending the date of the Interim Women's Commission.

SB 8 reestablishes the Alaska Women's Commission through June 1993. Last session the legislature failed to act on legislation to continue the commission beyond its June 30, 1987 sunset date. However, the legislature approved funds in the state operating budget for the commission along with intent language directing the Governor to continue the commission administratively. The commission presently exists as the Interim Women's Commission through the end of this legislative session.

SB 8 has a zero fiscal note, as funding for the commission is contained in the Governor's proposed FY 90 operating budget.

The Women's Commission was established in 1978 to improve the status of women in Alaska by conducting research and by making and implementing recommendations on the opportunities, needs, problems, and contributions of women in Alaska.

SB 49, Extending the termination date of the Council on Domestic Violence and Sexual Assault.

SB 49 extends the Council on Domestic Violence and Sexual Assault (CDVSA) through June 30, 1993. The bill has a zero fiscal note, as funding for the council is contained in the Governor's proposed FY 90 operating budget. A copy of the sunset audit, which recommends continuation of CDVSA, is attached.

The CDVSA was established within the Department of Public Safety in 1981 to provide for planning and coordination of services to victims and perpetrators of domestic violence or sexual assault and to provide for crisis intervention and prevention programs.

BY FAHRENKAMP, KELLY,  
STURGULEWSKI, KERTTULA,  
PEARCE, UEHLING, ELIASON,  
RODEY, DUNCAN

1 IN THE SENATE

2

SENATE BILL NO. 49

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act extending the termination date of the Council

7

on Domestic Violence and Sexual Assault; and provid-

8

ing for an effective date."

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

10 \* Section 1. AS 44.66.010(a)(11) is amended to read:

11

(11) Council on Domestic Violence and Sexual Assault

12

(AS 18.66.010) -- June 30, 1993 [1989];

13

\* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

BILL NO: SENATE BILL NO. 49

DATE: January 13, 1989

TITLE: "An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

CONTACT: Barbara Miklos  
Executive Director  
Council on Domestic  
Violence and Sexual  
Assault

DEPARTMENT OF PUBLIC SAFETY

Senate Bill 49 provides for the continuation of the Council on Domestic Violence and Sexual Assault. The Council fulfills its statutory duties very efficiently and effectively. These duties include to fund and monitor domestic violence and sexual assault programs; to provide for planning of services to victims of domestic violence or sexual assault, their families and perpetrators of domestic violence and sexual assault; to coordinate domestic violence and sexual assault services provided by State agencies and community groups; to develop and implement a standardized data collection system; and to provide fiscal and technical assistance to domestic violence and sexual assault programs.

The Council has been very successful in accomplishing its coordinating functions. Council members, who represent the Departments of Law, Health and Social Services, Public Safety and Education as well as the public, work together effectively. "The Child Sexual Abuse Agreement for Alaska" which sets out general guidelines for agreement among the four state departments with the most significant responsibilities relating to child sexual abuse, is an example of the kind of coordinating efforts the Council has sponsored.

The Department of Public Safety is in full support of the continuation of the Council.



Arthur English  
Commissioner

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An act extending the termina-  
tion date of the Council on DV/SA..."  
Sponsor: Fahrenkamp, Kelly, et al  
Requestor: Senate State Affairs

Agency Affected: Public Safety  
BRU: Council on Domestic Violence  
and Sexual Assault  
Component: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

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

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Since the funds for operation of the Council on Domestic Violence and Sexual Assault are included in the Governor's FY90 budget, there is no additional fiscal impact.

Prepared by: Barbara Miklos *Bfm*  
Division: Council on Domestic Violence and Sexual  
Assault  
Approved by Commissioner: Arthur English *AE*  
Agency: Department of Public Safety

Phone: 465-4356  
Date: 1/12/89  
Date: 1/12/89

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT  
GRANT AWARDS

<u>PROGRAM</u>	<u>FY88 GRANT AMOUNT</u>	<u>FY89 GRANT AMOUNT</u>	<u>SERVICES FUNDED IN FY89</u>
<u>ANCHORAGE</u> ABUSED WOMEN'S AID IN CRISIS (AWAIC)	\$554.7	\$641.0	domestic violence: shelter, crisis line, advocacy, counseling, children's services, batterers' counseling, elder abuse services, prevention/education
<u>ANCHORAGE</u> ALASKA WOMEN'S RESOURCE CENTER (AWRC)	133.7	151.0	domestic violence: crisis intervention, advocacy, counseling, prevention/education, children's program
<u>ANCHORAGE</u> STANDING TOGETHER AGAINST RAPE (STAR)	226.6	294.2	sexual assault: crisis line, advocacy, counseling, children's services, elder abuse services, prevention/education
<u>BARROW</u> ARCTIC WOMEN IN CRISIS (AWIC)	215.0	216.5	domestic violence/sexual assault: shelter, crisis line, advocacy, counseling, children's program, rural outreach, prevention/education
<u>BETHEL</u> TUNDRA WOMEN'S COALITION (TWC)	384.0	446.0	domestic violence/sexual assault: shelter, crisis line, counseling, children's services, rural outreach, prevention/education, client advocacy
<u>DILLINGHAM</u> SAFE AND FEAR-FREE ENVIRONMENT (SAFE)	112.5	157.9	domestic violence/sexual assault: shelter, crisis line, advocacy, counseling, rural outreach, prevention/education, children's program
<u>EMMONAK</u> EMMONAK WOMEN'S SHELTER (EWS)	49.4	68.4	domestic violence: shelter, crisis intervention
<u>FAIRBANKS</u> WOMEN IN CRISIS-COUNSELING AND ASSISTANCE (WICCA)	450.5	552.0	domestic violence/sexual assault: shelter, crisis line, advocacy, counseling, children's services, batterers' counseling, elder abuse services, rural outreach, prevention/education
<u>FAIRBANKS</u> TANANA CHIEFS CONFERENCE (TCC)	39.5	39.5	domestic violence/sexual assault: safe homes, crisis intervention, advocacy, rural outreach
<u>HOMER</u> SOUTH PENINSULA WOMEN'S SERVICES (SPWS)	108.8	152.1	domestic violence/sexual assault: safe homes, crisis line, advocacy, children's prog., counseling, rural outreach prevention/education, batterers' prog.

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT  
GRANT AWARDS

<u>PROGRAM</u>	<u>FY88 GRANT AMOUNT</u>	<u>FY89 GRANT AMOUNT</u>	<u>SERVICES FUNDED IN FY89</u>
<u>JUNEAU</u> AIDING WOMEN FROM ABUSE AND RAPE EMERGENCIES (AWARE)	381.6	408.6	domestic violence/sexual assault: shelter, crisis line, advocacy, counseling, children's services, elder abuse services, rural outreach, prevention/education
<u>JUNEAU</u> MEN, INC. (MEN)	89.8	113.0	domestic violence: batterers' counseling, children's services, prevention/education
<u>JUNEAU</u> PARENT AIDE PROGRAM (PAP)		17.7	parent education and counseling
<u>KENAI/SOLDOTNA</u> WOMEN'S RESOURCE AND CRISIS CENTER (K/SWRCC)	244.0	295.4	domestic violence/sexual assault: shelter, crisis line, advocacy, elder abuse, counseling, children's prog., prevention/ed., batterers' counseling
<u>KETCHIKAN</u> WOMEN IN SAFE HOMES (WISH)	286.6	348.9	domestic violence/sexual assault: shelter, crisis line, advocacy, counseling, children's services, rural outreach, prevention/education
<u>KODIAK</u> WOMEN'S RESOURCE & CRISIS CENTER (KWRCC)	169.5	195.5	domestic violence/sexual assault: shelter, crisis line, advocacy, counseling, rural outreach, prevention/ education
<u>NOME</u> BERING SEA WOMEN'S GROUP (BSWG)	316.0	366.2	domestic violence/sexual assault: shelter, crisis line, advocacy, counseling, children's services, batterers' counseling, rural outreach, prevention/education
<u>PALMER</u> VALLEY WOMEN'S RESOURCE CENTER (VWRC)	247.3	300.6	domestic violence/sexual assault: shelter, crisis line, advocacy, counseling, children's services, prevention/education
<u>SEWARD</u> SEWARD LIFE ACTION COUNCIL (SLAC)		18.5	domestic violence/sexual assault; counseling
<u>SITKA</u> SITKANS AGAINST FAMILY VIOLENCE (SAFV)	169.5	211.6	domestic violence/sexual assault: shelter, crisis intervention, advocacy, counseling, children's services, rural outreach, prevention/education

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT  
GRANT AWARDS

<u>PROGRAM</u>	<u>FY 88 GRANT AMOUNT</u>	<u>FY89 GRANT AMOUNT</u>	<u>SERVICES FUNDED IN FY 89</u>
<u>UNALASKA</u> UNALASKANS AGAINST SEXUAL ASSAULT AND FAMILY VIOLENCE (USAFV)	31.5	38.1	domestic violence/sexual assault: safe homes, crisis intervention, advocacy, prevention/education, elder abuse, counseling, crisis line
<u>VALDEZ</u> ADVOCATES FOR VICTIMS OF VIOLENCE (AVV)	94.0	125.4	domestic violence/sexual assault: shelter, crisis line, counseling, children's services, prevention/educa- tion, client advocacy, rural outreach

## COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

### MAJOR COUNCIL INITIATIVES IN 1988

#### 1. Coordination

Coordination of services with local, state and national agencies is one of the Council's major roles. The Council has four state members representing the Departments of Law, Education, Public Safety, and Health and Social Services. In addition, there are three public members who bring their unique backgrounds and talents from diverse areas of the state. The makeup of the Council encourages coordination by combining the knowledge, experience and programmatic resources of its members so that issues of domestic violence and sexual assault can be addressed in a comprehensive and effective manner.

In 1988 the Council was involved in two major coordination activities: the Governor's Interim Commission on Children and Youth, and the Child Sexual Abuse Working Group. The Executive Director of the Council on Domestic Violence and Sexual Assault represents the Department of Public Safety on the Children's Commission, which developed a number of far reaching recommendations to improve the services and opportunities for Alaska's children. One of their major issues of concern is the effect of family violence on children. As a result of the support from the Governor and the bipartisan Children's Caucus of the 15th Alaska Legislature, additional funds were provided in the FY89 budget to address the needs of children who are victims or witnesses of domestic violence or sexual assault.

The Executive Director of the Council served as Chair of the Child Sexual Abuse Working Group, appointed by the Governor to develop recommendations to better protect victims of child sexual abuse. Participants included representatives of the Departments of Law, Public Safety, Health and Social Services, and Corrections as well as private citizens who are children's advocates. The Committee developed both no cost and cost recommendations regarding legal intervention, treatment, primary prevention, and coordination and training. The Group is following up with state departments to ensure that recommendations will be implemented to the extent that fiscal resources allow.

Through a Reimbursable Services' Agreement with the Department of Corrections, the Council funded and monitored prison batterers' programs in Juneau, Fairbanks and Nome. The focus of these programs is to offer inmates, especially those convicted of violent crimes or who were victimized themselves, with anger control counseling, both individual and group, and to provide alternatives to violence.

Following are the amounts of funding provided to each program in FY89:

<u>Facility</u>	<u>Program Name</u>	<u>Amount Funded</u>
*Fairbanks Correctional Center	WICCA	\$28,500
*Lemon Creek Correction Center and Glacier Manor Halfway House	MEN, Inc.	41,685
*Nome Correctional Center	BSWG	20,815

In addition to routine coordination activities, the Council and its staff also:

\* Developed, distributed and advertised a Request for Proposals for training for staff of domestic violence and sexual assault programs serving children. A contractor was selected to provide training and technical assistance in issues relating to children from violent homes and sexual and physical abuse of children.

\* Coordinated and facilitated a meeting for programs that provide services to batterers.

\* Revised the Memorandum of Agreement with the Department of Corrections regarding the provision of anger control programs in three of the State's jails.

\* Participated in the Department of Public Safety's Planning Meeting.

\* Coordinated with the Trooper Academy regarding domestic violence, sexual assault and child sexual assault content in the Academy's curriculum.

\* Presented information regarding domestic violence and sexual assault to participants in the Department of Education's Youth at Risk National Forum.

\* Developed and implemented a training contract regarding sexual assault services and prevention services.

\* Worked with the Alaska State Troopers on developing protocols for responding to cases of domestic violence and child abuse and a plan for training Troopers and Village Public Safety Officers on children's services.

\* Worked with the Alaska Network on Domestic Violence and Sexual Assault on program training, coordination and legislation.

\* Worked with the Alaska State Troopers to have temporary restraining orders entered on the Department's computer system, APSIN. This will enable troopers to better enforce these court orders and ensure better protection for victims.

2. Planning of Services for Victims of Domestic Violence or Sexual Assault, their Families and Perpetrators of Domestic Violence and Sexual Assault

The Council has begun to develop a new Work Plan which focuses on activities that carry out the Council's mandates. After reviewing the previous plan, the Council found it was outdated.

The Council has continued to develop a Planning Guide for Domestic Violence and Sexual Assault Services, which will identify necessary elements of a comprehensive service delivery system. It will describe the service models, the philosophical context of service provision to victims of domestic violence and sexual assault, and strategies communities can use in developing these services. Input is being received from agencies that provide services.

3. Public Meetings and Hearings

The Council held 5 meetings in 1988. Council meetings are advertised and open to the public. The November, 1988 meeting was by teleconference and included a public hearing on the topic of domestic violence restraining orders. There were participants and testimony from 16 sites statewide.

4. Staffing and Budget

The Council maintained a full time Executive Director, Program Coordinator and Statistical Technician through 1988. Due to lack of funding, the Secretary position was filled with a temporary Clerk Typist for five months. The Secretary position was filled in August, 1988.

In FY88, the Council expended the following:

<u>PERSONNEL:</u> for the Council Office	\$186,800
<u>TRAVEL:</u> to fund program evaluations, and Council Meetings (7 Council members and staff)	20,500
<u>CONTRACTUAL SERVICES:</u> to fund basic telephone, printing, word processing, copying, etc.	24,000
<u>SUPPLIES AND MATERIALS:</u> to purchase Council office supplies and films and domestic violence and sexual assault pamphlets for distribution	2,300
<u>GRANTS:</u> grants to community-based programs	4,397,500

Since the FY87 revised budget had reduced the Council's administrative budget by 12.5%, and these cuts were continued in FY88, services provided by the Council office have been severely curtailed. Not all programs could be evaluated in 1988, and there were limited resources for printing and technical assistance materials. The Council could not function any longer without a Secretary, so \$28,400 was transferred from grants in FY89 to fully fund the Council's four positions.

Besides the state general funds in the Council's FY88 budget, there were \$203,000 in federal funds (\$153,000 from the Victims of Crime Act and \$50,000 from the Family Violence Prevention Services Act). In addition, the Council received \$100,000 from a Reimbursable Services Agreement from the Department of Corrections to fund and administer batterers' programs in prisons, and \$6,500 from a Reimbursable Services Agreement from the Department of Health and Social Services to provide rape prevention training.

#### 5. Capital and Special Grants

In March, 1988, the Council received and administered twelve "Jobs Bill" grants, which were used to upgrade and remodel shelters throughout the state. The twelve "Jobs Bill" grantees and the grant amounts are as follows:

Abused Women's Aid in Crisis	\$106,500
Alaska Women's Resource Center	83,000
Emmonak Women's Shelter	25,500
Women in Crisis-Counseling Assistance	45,000
Aiding Women from Abuse Rape Emergencies	91,000
K/S Women's Resource and Crisis Cntr.	105,000
Women in Safe Homes	103,000
Kodiak Women's Resource & Crisis Cntr.	39,000
Bering Sea Women's Group	102,800
Valley Women's Resource Center	125,000
Sitkan's Against Family Violence	25,000
Advocates for Victims of Violence	26,000

Three of the grants were completed in the fall of 1988. Of the remaining grants, eight are in progress and some are close to completion; Bering Sea Women's Group has run into some delays in implementing their planned renovation.

There were two capital grants received in July, 1987, for projects which were completed in 1988. These included the leveling and painting of the shelter building in Bethel, Tundra Women's Coalition (\$35,000), and the renovation of the Women in Safe Homes shelter building in Ketchikan to make it accessible to persons with physical disabilities and to meet fire, safety and sanitation codes (\$25,000). The installation of a sprinkler system in the AWARE shelter in Juneau was completed in 1988. The sprinkler system and driveway and parking lot paving were included in a \$75,000 grant received in 1985.

6. Development of Educational Materials on the Cause, Prevention and Treatment of Domestic Violence and Sexual Assault

The Council makes its film library available and distributes pamphlets, upon request, to any agency in Alaska. Materials that are routinely distributed are the Council's Sexual Assault Curriculum and companion video tapes for grades K-6 and 7-12 and the booklet "Village to Village" and its accompanying video tape.

In 1988, the Council revised and updated a booklet on Child Sexual Assault, called "He Told Me Not to Tell". In addition, the Council developed and distributed Victims' Services training packets for use in training law enforcement officers.

7. Data System

The Council developed and implemented a standardized data collection system for its funded programs in July, 1982. In FY88, current data was entered for all programs. Computer reports were distributed to programs and anyone else requesting the information. The data system was improved and modified to take advantage of software upgrades, as well as changes in reporting requirements from other agencies. The Council office provided statistical information to state, federal and local agencies as requested.

8. Regulations

The Council has adopted regulations for grants' administration, which were clarified and simplified in 1987, and for program standards. One section of the program standards, relating to the reporting of abuse of elderly persons, was revised in 1988.

9. Evaluations and Audits

The Council staff monitored all funded programs through written fiscal and narrative reports. Due to a reduction in travel and personnel funds, the Council made a decision not to conduct yearly evaluations for those programs which had been in existence for three years, received good evaluations for three years, have no known problems and have maintained the same director for at least a year. On-site program evaluations were conducted for 15 programs in 1988.

On-site evaluations of programs funded by the Council were conducted by the Program Coordinator or the Executive Director and averaged 2½ days per program. Each evaluation included interviews with program staff and volunteers, relevant community agencies, clients and the governing board. The program's policy and procedure manuals, client files, and other materials pertinent to compliance with State regulations and grant award conditions were reviewed. As a result of each on-site visit, a report outlining findings and making recommendations for change was written.

10. Technical Assistance

The Council provides domestic violence and sexual assault information to any group or individual requesting it. The Council and its staff understand the importance of assisting community groups and programs, particularly in rural areas, in improving services to meet local needs. Technical assistance is provided through telephone calls, by written materials, and through on-site visits as travel resources permit.

11. Sunset Audit

In accordance with Alaska statutes, the Council is scheduled to terminate on June 30, 1989. An audit was conducted in the summer and fall in order to determine whether the Council is still needed and if it has been operating in an efficient and effective manner. The audit report recommended that the Council be reestablished.

A PERFORMANCE REPORT ON THE  
DEPARTMENT OF PUBLIC SAFETY  
COUNCIL ON DOMESTIC VIOLENCE  
AND SEXUAL ASSAULT

July 1, 1984 - June 30, 1988

Audit Control Number

12-1344-89-R

Commissioner, Department of  
Public Safety

Arthur English

Deputy Commissioner, Department of  
Public Safety

Gayle A. Horetski

Members of the  
Council on Domestic Violence and Sexual Assault

Chair

Drena McIntyre

Public Member

Mary Pete

Public Member

Paula Haley

Commissioner,

Department of Public Safety

Arthur English

Designee of the Attorney General,

Department of Law

Stephanie Joannides

Designee of the Commissioner,

Department of Education

Mary Hakala

Designee of the Commissioner,

Department of Health & Social Services

Yvonne Chase

# STATE OF ALASKA

**THE LEGISLATURE**  
BUDGET AND AUDIT COMMITTEE

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

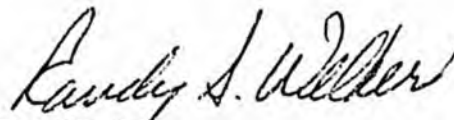
November 1, 1988

Members of the Legislative Budget  
and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "Sunset" review of the Council on Domestic Violence and Sexual Assault.

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

As a result, the audit of the Council on Domestic Violence and Sexual Assault was conducted and this report has been prepared by the Legislative Finance Division. We feel this report discharges our responsibility under Titles 24 and 44. The report is submitted for your review.



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

# STATE OF ALASKA

## THE LEGISLATURE

### BUDGET AND AUDIT COMMITTEE

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

September 26, 1988

Members of the Legislative Budget  
and Audit Committee:

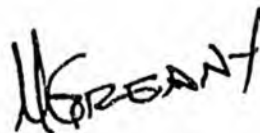
In accordance with the provisions of Titles 24 and 44 of the Alaska Statutes (sunset legislation), the attached report is submitted for your review.

A PERFORMANCE REPORT ON THE  
DEPARTMENT OF PUBLIC SAFETY  
COUNCIL ON DOMESTIC VIOLENCE  
AND SEXUAL ASSAULT

July 1, 1984 - June 30, 1988

Audit Control Number

12-1344-89-R



Mike Greany, Director  
Division of Legislative Finance

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## PURPOSE AND SCOPE OF THE REPORT

### Purpose

In accordance with the intent of Titles 24 and 44 (sunset legislation), we conducted an examination of the Department of Public Safety, Council on Domestic Violence and Sexual Assault (CDVSA), to determine if the Council has been operating in a efficient and effective manner and also if there is a public need for the program.

As required by legislative intent, this report shall be considered during legislative hearings in determining whether the CDVSA should be reestablished. Currently, the law specifies that this program will terminate as of June 30, 1989.

### Scope

Our review consisted of evaluating the efficiency and effectiveness of the Council in (1) coordinating services provided by State and community agencies in response to domestic violence and sexual assault (DVSA) incidents; (2) developing, implementing, maintaining, and monitoring DVSA programs; (3) developing and implementing a standardized data collection system; (4) awarding grants and contracts; and (5) providing fiscal and technical assistance to grantee programs.

We reviewed the following sources of information:

1. Applicable statutes and legislative intent;
2. Budget documents;
3. Minutes of Council meetings;
4. Grantee performance and fiscal reviews prepared by Council and Public Safety personnel;
5. Interviews with various grantees;
6. Review of data collection forms and quarterly reports;
7. Interviews with various Council members; and
8. Office of the Ombudsman, State Equal Employment Opportunity Office, and the Human Rights Commission were contacted for information about complaints.

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

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

## ORGANIZATION AND FUNCTION

Title 18 of the Alaska Statutes gives the Department of Public Safety the authority to ". . . provide for planning and coordination of services to victims of domestic violence or sexual assault or to their families and to perpetrators of domestic violence and sexual assault and to provide for crisis intervention and prevention programs." The Department has met these statutory duties by the establishment of the CDVSA.

A large part of the Council's responsibility is their directive to "receive and dispense State and Federal money and award grants and contracts from appropriations for the purpose to qualified local community entities for domestic violence, sexual assault, and crisis intervention and prevention programs." The Council is also responsible to provide technical assistance and monitor the activities of various contractors and grantees.

The Council consists of seven members, of which four are the commissioners, or their designees, of the Departments of Public Safety, Health and Social Services, Education, and Law. The balance of the Council is comprised of persons recommended by the Network on Domestic Violence and Sexual Assault (a non-profit, private organization), and appointed at the Governor's discretion.

As of the date of this report, the Council is staffed by an executive director, a project coordinator, and a statistical technician.

The community programs, funded by the council, provide a variety of services to the public. Most importantly, their efforts are directed toward providing the victim with a safe environment by use of shelter and safe home networks. In addition, the programs are involved in educating and counseling the victim about domestic violence and sexual assault issues.

The counseling approach used by the programs is described as "empowerment". Empowerment's objective is to acquaint the victim with the law and victim rights; the cycle of domestic violence; the availability of jobs, child care, food stamps, and medical assistance; and to support and encourage the victim while she is learning self-dependence. The goal of this counseling method is to change the victim's beliefs about herself and to provide her with alternatives. It attempts to teach self-reliance.

The Council also grants funds provided by the Department of Corrections for batterers programs at the correctional centers in Juneau, Fairbanks and Nome. These programs are directed toward abusers and concentrate on reducing violent behavior.

## REPORT CONCLUSIONS

### Policy Issues

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

### Report Conclusions

In our opinion, the Council on Domestic Violence and Sexual Assault should be reestablished. The statutory requirement to provide planning and coordination of services to victims of domestic violence or sexual assault and for crisis intervention and prevention programs is necessary to protect the public's health, safety, and welfare. The Council provides this service by development, implementation, maintenance and monitoring of domestic violence and sexual assault programs.

The Findings and Recommendation Section (see page 7) describes areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Council.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

## PURPOSE AND SCOPE OF THE REPORT

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

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

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

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