

1 HB189
2 163967-1
3 By Representative McCutcheon
4 RFD: Boards, Agencies and Commissions
5 First Read: 05-MAR-15

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8 SYNOPSIS: Currently, the Department of Senior Services
9 has an board of directors.

10 This bill would clarify that the board
11 serves in an advisory capacity to the commissioner
12 of the department and that the department is
13 administered by the commissioner.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 Relating to the administration of the Department of
20 Senior Services; to amend Sections 38-3-1, 38-3-2, 38-3-3,
21 38-3-4, 38-3-5, 38-3-6, and 38-3-7, Code of Alabama 1975, to
22 clarify that the commissioner shall administer the Department
23 of Senior Services and to clarify that the board serves only
24 in an advisory capacity to the commissioner.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 38-3-1, 38-3-2, 38-3-3, 38-3-4,
2 38-3-5, 38-3-6, and 38-3-7, Code of Alabama 1975, are amended
3 to read as follows:

4 "§38-3-1.

5 "(a) There is hereby created the Department of
6 Senior Services of the State of Alabama, which shall be under
7 the direction and control of the Commissioner of the
8 Department of Senior Services.

9 "(b) There is created an advisory ~~a~~ board of
10 directors which shall consist of 16 members, which shall
11 advise the commissioner in the administration of the
12 department. The advisory board shall be composed of two
13 members of the Senate to be appointed by the President of the
14 Senate; two members of the House of Representatives to be
15 appointed by the Speaker of the House; the Commissioner of the
16 State Department of Labor, the State Health Officer, and the
17 Commissioner of the State Department of Human Resources as ex
18 officio members; and nine members to be appointed by the
19 Governor for terms concurrent with the term of the Governor.
20 Of the members appointed by the Governor, one shall be a
21 representative of business, one shall be a representative of
22 labor, one shall be a representative of the medical
23 profession, three shall be representatives of senior citizen
24 organizations, and the remaining three shall be responsible
25 citizens of the state.

26 "§38-3-2.

1 "(a) It shall be the duty of the members of the
2 advisory board to meet within 30 days after their appointment,
3 and to elect a chair and other officers from among themselves,
4 who shall serve for a period of two years. Thereafter, the
5 board shall elect a new chair every two years.

6 "(b) It shall be the duty of the board to do all of
7 the following:

8 "(1) Collect facts and statistics and make special
9 studies of conditions and problems pertaining to the
10 employment, health, financial status, recreation, social
11 adjustment, or other conditions affecting the welfare of the
12 aging people in this state.

13 "(2) Keep abreast of the latest developments in this
14 field of activity throughout the nation, and to interpret its
15 findings to the public commissioner.

16 "(3) Provide for a mutual exchange of ideas and
17 information on national, state, and local levels.

18 "(4) Give a report of its advisory activities to the
19 Legislature, and make recommendations for needed improvements
20 and additional resources to promote the welfare of the aging
21 in this state.

22 "(5) Serve as an advisory body ~~in regard to new~~
23 ~~legislation in this field~~ to the commissioner.

24 "~~(6) Coordinate the services of all agencies in this~~
25 ~~state serving senior citizens and request and receive reports~~
26 ~~from the various state agencies and institutions on matters~~
27 ~~within the jurisdiction of the board.~~

1 "§38-3-3.

2 "The advisory board may create advisory
3 subcommittees to undertake special studies as it shall
4 authorize and co-opt into advisory subcommittees persons
5 qualified in any field of activity relating to the welfare of
6 the aging.

7 "§38-3-4.

8 "The members of the advisory board shall receive no
9 compensation for their services, other than reimbursement for
10 traveling and other expenses actually incurred in the
11 performance of their official duties. The expenses shall be
12 paid in the manner and amount as is provided for other state
13 officers and employees and persons traveling on official
14 business for the state or any of its departments,
15 institutions, boards, bureaus, commissions, councils,
16 committees, or other like agencies.

17 "§38-3-5.

18 "(a) The Governor shall appoint a commissioner for
19 the Department of Senior Services and a confidential secretary
20 and shall prescribe their duties, powers, and authority to
21 carry out the provisions of this article. The commissioner
22 shall serve at the pleasure of the Governor and also shall
23 serve as executive officer and secretary of the board, ~~and~~
24 ~~shall be a full-time employee of the board.~~ The commissioner,
25 subject to the Merit System law, shall appoint additional
26 personnel as may be necessary in carrying out the provisions
27 of this article.

1 "(b) Notwithstanding the provisions of subsection
2 (d) of Section 41-16-27, the commissioner may contract with
3 providers for the various meals programs administered by the
4 department for periods of up to five years with five
5 additional one-year extension options at the discretion of the
6 commissioner. With respect to any meals programs contract
7 between the department and any food service provider which was
8 executed prior to August 1, 2004, and which remains in effect
9 as of August 1, 2004, a current meals programs contract, the
10 commissioner may, with the written consent of any such food
11 service provider, elect to extend such current meals programs
12 contract with the extension period to be up to five years with
13 five additional one-year extension options. The extension
14 period shall commence on the day after the end of the current
15 meals programs contract term then in effect. The commissioner
16 may, with the written consent of the food service provider,
17 renegotiate the terms of a current meals programs contract,
18 provided that renegotiation is necessary, in the discretion of
19 the commissioner, to induce the food service provider to enter
20 into a contract extension provided by this subsection and
21 provided further that, in the discretion of the commissioner,
22 the extension of the current meals programs contract will
23 reduce overall costs to the department. Nothing in this
24 subsection shall be construed as providing for or affecting
25 any exemption to subsection (a), (b), or (c) of Section
26 41-16-27.

27 "§38-3-6.

1 ~~The board or its~~ commissioner may receive and hold
2 gifts, devises, bequests of money, real estate, and other
3 things of value to be used in the support and development of
4 ~~its~~ department work. Bequests of money shall be deposited ~~by~~
5 ~~the board~~ into the Alabama Senior Services Trust Fund
6 established and created as a separate fund in the State
7 Treasury.

8 "§38-3-7.

9 "(a) All rights, duties, property, real or personal,
10 and all other effects existing in names of the Commission on
11 the Aging, or in any other name by which the agency has been
12 known, shall continue in the name of the Department of Senior
13 Services. Any existing or future reference to the Commission
14 on the Aging, or any other name by which the agency has been
15 known, in any existing law, contract, or other instrument
16 shall constitute a reference to the Department of Senior
17 Services of the State of Alabama.

18 "(b) The Commission on the Aging shall continue in
19 existence as ~~the Board of Directors of~~ an advisory board of
20 directors to the Department of Senior Services.

21 "(c) A reasonable transition period for the name
22 change shall be allowed to permit an orderly and
23 cost-effective transition relating particularly to the use of
24 equipment and supplies. All letterhead, business cards, forms,
25 and any other materials in use by the commission containing
26 the name Commission on the Aging shall continue to be used by
27 the Department of Senior Services until the supplies are

1 exhausted. Replacement supplies shall contain the name of the
2 Department of Senior Services.

3 "(d) The Code Commissioner, pursuant to Section
4 29-7-8, at times determined appropriate, shall implement this
5 statutory name change in applicable sections of the Code of
6 Alabama 1975."

7 Section 2. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.