

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

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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§38-3-1.

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

"(b) There is created an advisory a board of directors which shall consist of 16 members, which shall advise the commissioner in the administration of the department. The advisory board shall be composed of two members of the Senate to be appointed by the President of the Senate; two members of the House of Representatives to be appointed by the Speaker of the House; the Commissioner of the State Department of Labor, the State Health Officer, and the

1 Commissioner of the State Department of Human Resources as ex
2 officio members; and nine members to be appointed by the
3 Governor for terms concurrent with the term of the Governor.
4 Of the members appointed by the Governor, one shall be a
5 representative of business, one shall be a representative of
6 labor, one shall be a representative of the medical
7 profession, three shall be representatives of senior citizen
8 organizations, and the remaining three shall be responsible
9 citizens of the state. Upon reappointment, the membership of
10 the board shall be inclusive and reflect the racial, gender,
11 geographic, urban/rural, and economic diversity of the state.

12 "§38-3-2.

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

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

20 "(1) Collect facts and statistics and make special
21 studies of conditions and problems pertaining to the
22 employment, health, financial status, recreation, social
23 adjustment, or other conditions affecting the welfare of the
24 aging people in this state.

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

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

6 "(4) Give a report of its advisory activities to the
7 Legislature, and make recommendations for needed improvements
8 and additional resources to promote the welfare of the aging
9 in this state.

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

12 "~~(6) Coordinate the services of all agencies in this~~
13 ~~state serving senior citizens and request and receive reports~~
14 ~~from the various state agencies and institutions on matters~~
15 ~~within the jurisdiction of the board.~~

16 "§38-3-3.

17 "The advisory board may create advisory
18 subcommittees to undertake special studies as it shall
19 authorize and co-opt into advisory subcommittees persons
20 qualified in any field of activity relating to the welfare of
21 the aging.

22 "§38-3-4.

23 "The members of the advisory board shall receive no
24 compensation for their services, other than reimbursement for
25 traveling and other expenses actually incurred in the

1 performance of their official duties. The expenses shall be
2 paid in the manner and amount as is provided for other state
3 officers and employees and persons traveling on official
4 business for the state or any of its departments,
5 institutions, boards, bureaus, commissions, councils,
6 committees, or other like agencies.

7 "§38-3-5.

8 "(a) The Governor shall appoint a commissioner for
9 the Department of Senior Services and a confidential secretary
10 and shall prescribe their duties, powers, and authority to
11 carry out the provisions of this article. The commissioner
12 shall serve at the pleasure of the Governor and also shall
13 serve as executive officer and secretary of the board, ~~and~~
14 ~~shall be a full-time employee of the board.~~ The commissioner,
15 subject to the Merit System law, shall appoint additional
16 personnel as may be necessary in carrying out the provisions
17 of this article.

18 "(b) Notwithstanding the provisions of subsection
19 (d) of Section 41-16-27, the commissioner may contract with
20 providers for the various meals programs administered by the
21 department for periods of up to five years with five
22 additional one-year extension options at the discretion of the
23 commissioner. With respect to any meals programs contract
24 between the department and any food service provider which was
25 executed prior to August 1, 2004, and which remains in effect

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

19 "§38-3-6.

20 "The ~~board or its~~ commissioner may receive and hold
21 gifts, devises, bequests of money, real estate, and other
22 things of value to be used in the support and development of
23 ~~its~~ department work. Bequests of money shall be deposited ~~by~~
24 ~~the board~~ into the Alabama Senior Services Trust Fund

1 established and created as a separate fund in the State
 2 Treasury.

3 "§38-3-7.

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

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

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

1 "(d) The Code Commissioner, pursuant to Section
2 29-7-8, at times determined appropriate, shall implement this
3 statutory name change in applicable sections of the Code of
4 Alabama 1975."

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 09-APR-15, as amended.

Jeff Woodard
Clerk

Senate

05-MAY-15

Passed