

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

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

15 "§38-3-2.

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

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

23 "(1) Collect facts and statistics and make special
24 studies of conditions and problems pertaining to the
25 employment, health, financial status, recreation, social
26 adjustment, or other conditions affecting the welfare of the
27 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
26 performance of their official duties. The expenses shall be
27 paid in the manner and amount as is provided for other state

1 officers and employees and persons traveling on official
2 business for the state or any of its departments,
3 institutions, boards, bureaus, commissions, councils,
4 committees, or other like agencies.

5 "§38-3-5.

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

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

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

15 "§38-3-6.

16 "The ~~board or its~~ commissioner may receive and hold
17 gifts, devises, bequests of money, real estate, and other
18 things of value to be used in the support and development of
19 ~~its~~ department work. Bequests of money shall be deposited ~~by~~
20 ~~the board~~ into the Alabama Senior Services Trust Fund
21 established and created as a separate fund in the State
22 Treasury.

23 "§38-3-7.

24 "(a) All rights, duties, property, real or personal,
25 and all other effects existing in names of the Commission on
26 the Aging, or in any other name by which the agency has been
27 known, shall continue in the name of the Department of Senior

1 Services. Any existing or future reference to the Commission
2 on the Aging, or any other name by which the agency has been
3 known, in any existing law, contract, or other instrument
4 shall constitute a reference to the Department of Senior
5 Services of the State of Alabama.

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

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

18 "(d) The Code Commissioner, pursuant to Section
19 29-7-8, at times determined appropriate, shall implement this
20 statutory name change in applicable sections of the Code of
21 Alabama 1975."

22 Section 2. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Boards, Agencies
and Commissions..... 05-MAR-15

Read for the second time and placed
on the calendar..... 02-APR-15

Read for the third time and passed
as amended..... 09-APR-15

Yeas 95, Nays 2, Abstains 0

Jeff Woodard
Clerk