

1 SB156  
2 163967-1  
3 By Senator Dial  
4 RFD: Governmental Affairs  
5 First Read: 05-MAR-15

2  
3  
4  
5  
6  
7  
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.