STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 809 By: Leftwich

AS INTRODUCED

An Act relating to state government; creating and establishing the Oklahoma Department on Aging; stating purpose; stating powers and duties; providing for governance and deeming of agency; creating the Oklahoma Commission on Aging; stating powers and duties of the Commission; providing for open meetings and open records; providing for composition and qualifications of Commission, appointing authorities, terms and removal of Commissioners; providing for officers and travel reimbursement; providing for administration of Department; providing for hiring, qualifications and duties of the Director; transferring specified aspects of certain agencies and programs to the Department; providing for resolution of certain issues; making the Commission the single state agency for specified purpose; amending 74 O.S. 2001, Section 10.5, as amended by Section 2, Chapter 371, O.S.L. 2003 (74 O.S. Supp. 2004, Section 10.5), which relates to Executive Branch Cabinet Secretaries; expanding list of compensable cabinet Secretary positions; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9.42 of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created and established an agency of the executive branch of state government to be known as the "Oklahoma Department on Aging". The Department shall have as its purpose to evaluate and to provide public solutions to the social, economic and health issues related to aging in Oklahoma.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9.43 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Department on Aging shall have the following powers and duties:

1. Identifying the needs of aging Oklahomans on a continuing basis and attempting to meet those needs through provision of services and legislative and administrative advocacy;

2. Serving as a referral and information source for older Oklahomans seeking services and for agencies seeking to assist them through provision of services;

3. Generating community awareness of and support for programs on aging;

4. Advising and assisting the Governor and the Legislature in developing policies to meet the needs of the elderly;

5. Training volunteers in aging issues and advocacy techniques; and

6. Carrying out the requirements of the federal Older Americans Act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9.44 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. 1. There is hereby created the "Oklahoma Commission on Aging". The Oklahoma Commission on Aging shall:

a. be the governing board for the Oklahoma Department on Aging,

b. approve programs, policy and budget matters, and

c. perform all the necessary functions of a governing board.

2. The Commission is hereby deemed an agency of the State of Oklahoma with the authority to exercise the rights, privileges and functions as herein specified, with its lawful operations deemed to be an essential governmental function of the State of Oklahoma with all the attributes thereof.

3. All meetings of the Commission shall be open to the public and held in accordance with the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

B. 1. The Commission shall be composed of nine (9) members as follows:

a. (1) the Governor shall appoint three members, with the advice and consent of the Senate,

(2) the President Pro Tempore of the State Senate shall appoint three members, and

(3) the Speaker of the House of Representatives shall appoint three members, and

b. The following entities shall submit lists of the names of three people to each of the appointing authorities from which all appointments shall be made:

(1) Attorney General,

(2) Department of Geriatric Medicine within the University of Oklahoma College of Medicine,

(3) Gerontology Institute at Oklahoma State University,

(4) Advocacy Partnership for Aging Oklahomans,

(5) Oklahoma Bar Association, and

(6) Oklahoma Chapter of the National Association of Social Workers.

2. Members shall serve terms of nine (9) years and may succeed themselves. The original appointing authority may remove any member for misconduct, incompetency or neglect of duty, after giving such member a written statement of charges, and opportunity for a hearing.

3. The Commission shall elect from among its membership a chair, vice-chair and a secretary. Members shall be knowledgeable

in aging issues, but such requirement shall not preclude participation by laypersons.

4. Members shall be reimbursed for travel expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9.45 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Department on Aging shall be administered by an executive director to be hired by the Oklahoma Commission on Aging. The executive director shall also serve as a cabinet Secretary pursuant to the provisions of the Executive Branch Reform Act of 1986. The executive director shall be knowledgeable in aging issues and be skilled in and supportive of advocacy efforts on behalf of older Oklahomans and their caregivers. The executive director shall have responsibility for the management and operation of programs that support freedom, independence and the free exercise of individual initiative in older Oklahomans in planning and managing their own lives, that encourage full participation by older Oklahomans in the planning and operation of community-based services and programs provided for their benefit, and that ensure protection against abuse, neglect and exploitation.

B. The executive director shall appoint and affix the duties and compensation of employees not otherwise prescribed by law and otherwise direct the work of the staff in performing the functions and accomplishing the purposes of the Department.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9.46 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. All the powers, duties, functions, records, employees, property, matters pending and funds of the following agencies are hereby transferred to the Oklahoma Commission on Aging:

1. All related programs and facilities presently operated by the Aging Services Division within the Department of Human Services;

2. The Office of Elder Rights and Legal Assistance Services Development, which shall be established as a separate division within the Department;

3. The Eldercare Program within the State Department of Health, which shall be established as a separate division within the Department;

4. The Aging and Long-Term Care Program within the Department of Mental Health and Substance Abuse Services;

5. The Senior Health Insurance Counseling Program within the Insurance Department;

6. The Senior Center Renovation Program within the Oklahoma Department of Commerce;

7. The Section 5311 Transportation Program for the Elderly and Persons with Disabilities within the Department of Transportation;

8. The Adult Protective Services Program within the Department of Human Services;

9. The Office of Public Guardian within the Department of Human Services, which shall be established as a separate division within the Department;

10. The Older American Community Service Program within the Oklahoma Employment Security Commission;

11. The Oklahoma Aging Advocacy Leadership Academy within the Department of Human Services; and

12. All other programs or services required pursuant to the provisions of the federal Older Americans Act.

B. 1. All unresolved transfer issues or items shall be resolved contractually by the affected agencies, with the approval of the Governor.

2. Upon the effective date of this act, the Commission shall become the single state agency for receiving and disbursing federal funds made available under the federal Older Americans Act.

SECTION 6. AMENDATORY 74 O.S. 2001, Section 10.5, as amended by Section 2, Chapter 371, O.S.L. 2003 (74 O.S. Supp. 2004, Section 10.5), is amended to read as follows:

Section 10.5 Notwithstanding other limits established by law, the following cabinet Secretaries may be annually compensated for their services, payable monthly, as follows:

1. The Secretary of Human Resources and Administration may receive a maximum salary of Seventy Five Thousand Dollars ($75,000.00);

2. The Secretary of Agriculture may receive a maximum salary of Seventy Thousand Dollars ($70,000.00);

3. The Secretary of Commerce and Tourism may receive a maximum salary of Seventy Thousand Dollars ($70,000.00);

4. The Secretary of Education may receive a maximum salary of Sixty-five Thousand Dollars ($65,000.00);

5. The Secretary of Energy may receive a maximum salary of Seventy Thousand Dollars ($70,000.00);

6. The Secretary of Finance and Administration may receive a maximum salary of Ninety Thousand Dollars ($90,000.00);

7. The Secretary of Health and the Secretary of Human Services may receive a maximum salary of Eighty Thousand Dollars ($80,000.00);

8. The Secretary of Safety and Security may receive a maximum salary of Eighty-five Thousand Dollars ($85,000.00);

9. The Secretary of State may receive a maximum salary of Sixty-five Thousand Dollars ($65,000.00). However, if the Secretary of State is designated as a cabinet Secretary, the salary of the Secretary of State may be increased to an amount not to exceed the

highest salary provided for a cabinet Secretary pursuant to this section; ~~and~~

10. The Secretary of Veterans Affairs may receive a maximum salary of Sixty-five Thousand Dollars ($65,000.00); and

11. The Secretary of Aging may receive a maximum salary of Sixty-five Thousand Dollars ($65,000.00).

SECTION 7. This act shall become effective July 1, 2005.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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