

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1270

By: Easley

4  
5  
6 AS INTRODUCED

7 An Act relating to state government; creating and  
8 establishing the Oklahoma Department on Aging;  
9 stating purpose; stating powers and duties; providing  
10 for governance and deeming of agency; creating the  
11 Oklahoma Commission on Aging; stating powers and  
12 duties of the Commission; providing for open meetings  
13 and open records; providing for composition and  
14 qualifications of Commission, appointing authorities,  
15 terms and removal of Commissioners; providing for  
16 officers and travel reimbursement; providing for  
17 administration of Department; providing for hiring,  
18 qualifications and duties of the Director;  
19 transferring specified aspects of certain agencies  
20 and programs to the Department; providing for  
21 resolution of certain issues; making the Commission  
22 the single state agency for specified purpose;  
23 amending 74 O.S. 2001, Sections 10.3, as last amended  
24 by Section 22, Chapter 451, O.S.L. 2009, and 10.5, as  
amended by Section 2, Chapter 371, O.S.L. 2003 (74  
O.S. Supp. 2009, Sections 10.3 and 10.5), which  
relate to Executive Branch Cabinet Secretaries;  
deleting certain time limit; expanding list of  
compensable cabinet Secretary positions; providing  
for codification; providing an effective date; and  
declaring an emergency.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 6 a. be the governing board for the Oklahoma Department on  
7 Aging,
- 8 b. approve programs, policy and budget matters, and
- 9 c. perform all the necessary functions of a governing  
10 board.

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

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

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

- 21 a. (1) the Governor shall appoint three members, with  
22 the advice and consent of the Senate,
- 23 (2) the President Pro Tempore of the State Senate  
24 shall appoint three members, and

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

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

6 (1) Office of the Attorney General,

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

9 (3) Gerontology Institute at Oklahoma State  
10 University,

11 (4) Advocacy Partnership for Aging Oklahomans,

12 (5) Oklahoma Bar Association, and

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

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

19 3. The Commission shall elect from among its membership a  
20 chair, vice-chair and a secretary. Members shall be knowledgeable  
21 in aging issues, but such requirement shall not preclude  
22 participation by laypersons.

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

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

7 A. The Oklahoma Department on Aging shall be administered by an  
8 executive director to be hired by the Oklahoma Commission on Aging.  
9 The executive director shall also serve as a cabinet Secretary  
10 pursuant to the provisions of the Executive Branch Reform Act of  
11 1986. The executive director shall be knowledgeable in aging issues  
12 and be skilled in and supportive of advocacy efforts on behalf of  
13 older Oklahomans and their caregivers. The executive director shall  
14 have responsibility for the management and operation of programs  
15 that support freedom, independence and the free exercise of  
16 individual initiative in older Oklahomans in planning and managing  
17 their own lives, that encourage full participation by older  
18 Oklahomans in the planning and operation of community-based services  
19 and programs provided for their benefit, and that ensure protection  
20 against abuse, neglect and exploitation.

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

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

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

7           1. All related programs and facilities presently operated by  
8 the Aging Services Division within the Department of Human Services,  
9 including, but not limited to, the Office of Elder Rights and Legal  
10 Services Development, the Adult Protective Services Program, the  
11 Oklahoma Aging Advocacy Leadership Academy, and the Office of Public  
12 Guardian, which shall be established as a separate division within  
13 the Oklahoma Department of Aging;

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

16           3. The Senior Health Insurance Counseling Program within the  
17 Insurance Department;

18           4. The Senior Center Renovation Program within the Oklahoma  
19 Department of Commerce;

20           5. The Section 5310 Transportation Program for the Elderly and  
21 Persons with Disabilities within the Department of Human Services;

22           6. The Senior Community Service Program within the Oklahoma  
23 Employment Security Commission; and  
24

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

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

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

9 SECTION 6. AMENDATORY 74 O.S. 2001, Section 10.3, as  
10 last amended by Section 22, Chapter 451, O.S.L. 2009 (74 O.S. Supp.  
11 2009, Section 10.3), is amended to read as follows:

12 Section 10.3 A. ~~Within forty five (45) days of assuming~~  
13 ~~office, each~~ Each Governor may create a cabinet system for the  
14 executive branch of state government. The cabinet system may be an  
15 organizational framework created by executive order which includes  
16 all executive agencies, boards, commissions, or institutions and  
17 their assignments to specific cabinet areas. The cabinet system  
18 shall consist of no more than fifteen cabinet areas and each cabinet  
19 area shall consist of executive agencies, boards, commissions, or  
20 institutions with similar programmatic or administrative objectives.  
21 One cabinet area shall consist of the Oklahoma Department of  
22 Veterans Affairs, its institutions and other executive agencies,  
23 boards, commissions and institutions which are related to veterans.  
24 One cabinet area shall consist of the Information Services Division

1 of the Office of State Finance and all the functions of all  
2 executive agencies, boards, commissions and institutions related to  
3 information technology and telecommunications. The Governor's  
4 cabinet shall be in effect until the Legislature supersedes each  
5 cabinet area by providing by law for specific cabinet areas or  
6 departments, or removes by law the authority of the Governor to  
7 create a cabinet area.

8 B. The Governor shall appoint, with the advice and consent of  
9 the Senate, a Secretary to head each cabinet area. The Secretary  
10 appointee for the cabinet area consisting of the Oklahoma Department  
11 of Veterans Affairs and other related veterans entities shall be an  
12 honorably discharged veteran and be eligible to receive benefits  
13 from the United States Department of Veterans Affairs. The  
14 Secretary for the cabinet area consisting of the Information  
15 Services Division of the Office of State Finance and all related  
16 information technology and telecommunications functions of state  
17 government shall be the Chief Information Officer who shall be  
18 appointed pursuant to Section ~~2~~ 34.11.1 of ~~this act~~ Title 62 of the  
19 Oklahoma Statutes. A cabinet Secretary may be appointed as a  
20 position funded by the Office of the Governor from funds available  
21 to that office, or appointed as a cabinet Secretary from among the  
22 agency heads within the cabinet area. The cabinet Secretaries  
23 shall:

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1 1. Advise the Governor of any policy changes or problems within  
2 the area they represent;

3 2. Advise the entities represented of any policy changes or  
4 problems as directed by the Governor; and

5 3. Coordinate information gathering for the Legislature as  
6 requested.

7 C. The cabinet Secretaries shall serve at the pleasure of the  
8 Governor, however, the appointment or removal of a cabinet Secretary  
9 who is also an agency head shall not otherwise affect the status of  
10 the other duties of the agency head. Whenever a Secretary position  
11 becomes vacant, the Governor shall appoint a successor within thirty  
12 (30) calendar days pursuant to the provisions of subsection B of  
13 this section. If the Legislature is not in session at the time of  
14 appointment it shall be subject to the advice and consent of the  
15 Senate upon convening of the next regular session of the  
16 Legislature.

17 SECTION 7. AMENDATORY 74 O.S. 2001, Section 10.5, as  
18 amended by Section 2, Chapter 371, O.S.L. 2003 (74 O.S. Supp. 2009,  
19 Section 10.5), is amended to read as follows:

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

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- 1        1. The Secretary of Human Resources and Administration may  
2 receive a maximum salary of ~~Seventy-Five~~ Seventy-five Thousand  
3 Dollars (\$75,000.00);
- 4        2. The Secretary of Agriculture may receive a maximum salary of  
5 Seventy Thousand Dollars (\$70,000.00);
- 6        3. The Secretary of Commerce and Tourism may receive a maximum  
7 salary of Seventy Thousand Dollars (\$70,000.00);
- 8        4. The Secretary of Education may receive a maximum salary of  
9 Sixty-five Thousand Dollars (\$65,000.00);
- 10       5. The Secretary of Energy may receive a maximum salary of  
11 Seventy Thousand Dollars (\$70,000.00);
- 12       6. The Secretary of Finance and Administration may receive a  
13 maximum salary of Ninety Thousand Dollars (\$90,000.00);
- 14       7. The Secretary of Health and the Secretary of Human Services  
15 may receive a maximum salary of Eighty Thousand Dollars  
16 (\$80,000.00);
- 17       8. The Secretary of Safety and Security may receive a maximum  
18 salary of Eighty-five Thousand Dollars (\$85,000.00);
- 19       9. The Secretary of State may receive a maximum salary of  
20 Sixty-five Thousand Dollars (\$65,000.00). However, if the Secretary  
21 of State is designated as a cabinet Secretary, the salary of the  
22 Secretary of State may be increased to an amount not to exceed the  
23 highest salary provided for a cabinet Secretary pursuant to this  
24 section; ~~and~~

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

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

5        SECTION 8. This act shall become effective July 1, 2010.

6        SECTION 9. It being immediately necessary for the preservation  
7 of the public peace, health and safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

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