

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 23

By: Easley

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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 1, Chapter 428, O.S.L. 2005 and 10.5, as
amended by Section 2, Chapter 371, O.S.L. 2003 (74
O.S. Supp. 2008, 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.

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

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

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

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

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

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

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

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

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

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- 1 5. Training volunteers in aging issues and advocacy techniques;
2 and
3 6. Carrying out the requirements of the federal Older Americans
4 Act.

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

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

- 10 a. be the governing board for the Oklahoma Department on
11 Aging,
12 b. approve programs, policy and budget matters, and
13 c. perform all the necessary functions of a governing
14 board.

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

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

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

- 1 a. (1) the Governor shall appoint three members, with
2 the advice and consent of the Senate,
3 (2) the President Pro Tempore of the State Senate
4 shall appoint three members, and
5 (3) the Speaker of the House of Representatives shall
6 appoint three members, and
7 b. The following entities shall submit lists of the names
8 of three people to each of the appointing authorities
9 from which all appointments shall be made:
10 (1) Office of the Attorney General,
11 (2) Department of Geriatric Medicine within the
12 University of Oklahoma College of Medicine,
13 (3) Gerontology Institute at Oklahoma State
14 University,
15 (4) Advocacy Partnership for Aging Oklahomans,
16 (5) Oklahoma Bar Association, and
17 (6) Oklahoma Chapter of the National Association of
18 Social Workers.

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

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

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

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

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

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

23 B. The executive director shall appoint and affix the duties
24 and compensation of employees not otherwise prescribed by law and

1 otherwise direct the work of the staff in performing the functions
2 and accomplishing the purposes of the Department.

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

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

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

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

18 3. The Senior Health Insurance Counseling Program within the
19 Insurance Department;

20 4. The Senior Center Renovation Program within the Oklahoma
21 Department of Commerce;

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

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1 6. The Senior Community Service Program within the Oklahoma
2 Employment Security Commission; and

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

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

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

11 SECTION 6. AMENDATORY 74 O.S. 2001, Section 10.3, as
12 last amended by Section 1, Chapter 428, O.S.L. 2005 (74 O.S. Supp.
13 2008, Section 10.3), is amended to read as follows:

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

1 boards, commissions and institutions which are related to veterans.
2 The Governor's cabinet shall be in effect until the Legislature
3 supersedes each cabinet area by providing by law for specific
4 cabinet areas or departments, or removes by law the authority of the
5 Governor to create a cabinet area.

6 B. The Governor shall appoint, with the advice and consent of
7 the Senate, a Secretary to head each cabinet area. The Secretary
8 appointee for the cabinet area consisting of the Oklahoma Department
9 of Veterans Affairs and other related veterans entities shall be an
10 honorably discharged veteran and be eligible to receive benefits
11 from the United States Department of Veterans Affairs. A cabinet
12 Secretary may be appointed as a position funded by the Office of the
13 Governor from funds available to that office, or appointed as a
14 cabinet Secretary from among the agency heads within the cabinet
15 area. The cabinet Secretaries shall:

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

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

20 3. Coordinate information gathering for the Legislature as
21 requested.

22 C. The cabinet Secretaries shall serve at the pleasure of the
23 Governor, however, the appointment or removal of a cabinet Secretary
24 who is also an agency head shall not otherwise affect the status of

1 the other duties of the agency head. Whenever a Secretary position
2 becomes vacant, the Governor shall appoint a successor within thirty
3 (30) calendar days pursuant to the provisions of subsection B of
4 this section. If the Legislature is not in session at the time of
5 appointment it shall be subject to the advice and consent of the
6 Senate upon convening of the next regular session of the
7 Legislature.

8 SECTION 7. AMENDATORY 74 O.S. 2001, Section 10.5, as
9 amended by Section 2, Chapter 371, O.S.L. 2003 (74 O.S. Supp. 2008,
10 Section 10.5), is amended to read as follows:

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

14 1. The Secretary of Human Resources and Administration may
15 receive a maximum salary of ~~Seventy-Five~~ Seventy-five Thousand
16 Dollars (\$75,000.00);

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

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

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

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

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

3 7. The Secretary of Health and the Secretary of Human Services
4 may receive a maximum salary of Eighty Thousand Dollars
5 (\$80,000.00);

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

8 9. The Secretary of State may receive a maximum salary of
9 Sixty-five Thousand Dollars (\$65,000.00). However, if the Secretary
10 of State is designated as a cabinet Secretary, the salary of the
11 Secretary of State may be increased to an amount not to exceed the
12 highest salary provided for a cabinet Secretary pursuant to this
13 section; ~~and~~

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

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

18 SECTION 8. This act shall become effective July 1, 2009.

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

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24 52-1-38

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