

1 STATE OF OKLAHOMA

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

3 SENATE BILL 475

By: Leftwich

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, Section 10.5, as amended by
24 Section 2, Chapter 371, O.S.L. 2003 (74 O.S. Supp.
2008, 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.

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 Commission 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 Senate shall
- 24 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 10.5, as
10 amended by Section 2, Chapter 371, O.S.L. 2003 (74 O.S. Supp. 2008,
11 Section 10.5), is amended to read as follows:

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

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

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

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

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

24

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

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

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

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

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

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

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

20 SECTION 7. This act shall become effective July 1, 2009.

21 SECTION 8. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby
23
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3

4 52-1-419 JM 3/6/2009 4:47:36 AM

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24