

**UTAH COMMISSION ON AGING**

2005 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Patricia W. Jones**

Senate Sponsor: Peter C. Knudson

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Rosalind J. McGee  
Karen W. Morgan  
Carol Spackman Moss  
Ross I. Romero  
LaWanna Lou Shurtliff  
Stephen H. Urquhart  
Peggy Wallace

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**LONG TITLE**

**General Description:**

This bill creates the Utah Commission on Aging.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ provides, under the Legislative Oversight and Sunset Act, that the Utah Commission on Aging, created by this bill, will be repealed on July 1, 2007;
- ▶ creates the Utah Commission on Aging and lists the purposes, duties, and powers of the commission;
- ▶ establishes membership of the commission;
- ▶ creates the position of executive director of the commission and lists the executive director's duties;
- ▶ requires that an annual report of the commission's accomplishments be submitted to the governor and the Executive Appropriations Committee of the Legislature;
- ▶ provides for the appointment of a chair and for the conduct of the commission's meetings;

- ▶ provides that members of the commission serve without pay, but are entitled to a per diem and reimbursement of expenses;
- ▶ provides that, for the fiscal years 2005-06 and 2006-07, the Department of Human Services shall:
  - pay the salary of the executive director of the Utah Commission on Aging out of the department's existing budget; and
  - provide staff support to the executive director and the commission; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**63-55-263**, as last amended by Chapters 37, 90 and 238, Laws of Utah 2004

**ENACTS:**

- 63-99-101**, Utah Code Annotated 1953
- 63-99-102**, Utah Code Annotated 1953
- 63-99-103**, Utah Code Annotated 1953
- 63-99-104**, Utah Code Annotated 1953
- 63-99-105**, Utah Code Annotated 1953
- 63-99-106**, Utah Code Annotated 1953
- 63-99-107**, Utah Code Annotated 1953
- 63-99-108**, Utah Code Annotated 1953
- 63-99-109**, Utah Code Annotated 1953
- 63-99-110**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **63-55-263** is amended to read:

**63-55-263. Repeal dates, Titles 63 to 63E.**

(1) Title 63, Chapter 25a, Part 3, Sentencing Commission, is repealed January 1, 2012.

(2) The Crime Victims' Reparations Board, created in Section 63-25a-404, is repealed July 1, 2007.

(3) The Resource Development Coordinating Committee, created in Section 63-38d-501, is repealed July 1, 2005.

(4) Title 63, Chapter 38c, State Appropriations and Tax Limitation Act, is repealed July 1, 2005.

(5) Title 63, Chapter 47, Utah Commission for Women and Families, is repealed July 1, 2005.

(6) Title 63, Chapter 75, Families, Agencies, and Communities Together for Children and Youth At Risk Act, is repealed July 1, 2006.

(7) Title 63, Chapter 88, Navajo Trust Fund, is repealed July 1, 2005.

(8) Title 63, Chapter 99, Utah Commission on Aging, is repealed July 1, 2007.

~~[(8)]~~ (9) Sections 63A-4-204 and 63A-4-205, authorizing the Risk Management Fund to provide coverage to nonstate entities, are repealed July 1, 2006.

~~[(9) Title 63A, Chapter 10, State Olympic Coordination Act, is repealed July 1, 2004.]~~

Section 2. Section **63-99-101** is enacted to read:

**CHAPTER 99. UTAH COMMISSION ON AGING**

**63-99-101. Title.**

This chapter is known as "Utah Commission on Aging."

Section 3. Section **63-99-102** is enacted to read:

**63-99-102. Definitions.**

As used in this chapter:

(1) "Aging" and "aged" are as defined in Section 62A-3-101.

(2) "Commission" means the Utah Commission on Aging, created in Section 63-99-103.

Section 4. Section **63-99-103** is enacted to read:

**63-99-103. Creation -- Purpose.**

(1) In accordance with this chapter, there is created within the governor's office the Utah Commission on Aging.

(2) The commission's purpose is to:

(a) increase public and government understanding of the current and future needs of the state's aging population and how those needs may be most effectively and efficiently met;

(b) study, evaluate, and report on the projected impact that the state's increasing aging population will have on:

(i) government services;

(ii) health services;

(iii) social services;

(iv) the economy; and

(v) society in general;

(c) identify and recommend implementation of specific policies, procedures, and programs to respond to the needs and impact of the aging population relating to:

(i) government services;

(ii) health services;

(iii) social services;

(iv) the economy; and

(v) society in general;

(d) facilitate coordination of the functions of public and private entities concerned with the aging population; and

(e) accomplish the duties enumerated in Section 63-99-106.

Section 5. Section **63-99-104** is enacted to read:

**63-99-104. Composition -- Appointments -- Terms -- Removal.**

(1) The commission shall be composed of 21 voting members as follows:

(a) one senator, appointed by the president of the Senate;

(b) one representative, appointed by the speaker of the House of Representatives;

- (c) the executive director of the Department of Health;
- (d) the executive director of the Department of Human Services;
- (e) the executive director of the Department of Community and Economic Development;
- (f) the executive director of the Department of Workforce Services; and
- (g) 15 voting members, appointed by the governor, representing each of the following:
  - (i) the Utah Association of Area Agencies on Aging;
  - (ii) higher education in Utah;
  - (iii) the business community;
  - (iv) the Utah Association of Counties;
  - (v) the Utah League of Cities and Towns;
  - (vi) charitable organizations;
  - (vii) the health care provider industry;
  - (viii) financial institutions;
  - (ix) the legal profession;
  - (x) the public safety sector;
  - (xi) public transportation;
  - (xii) ethnic minorities;
  - (xiii) the industry that provides long-term care for the elderly;
  - (xiv) organizations or associations that advocate for the aging population; and
  - (xv) the general public.

(2) (a) A member appointed under Subsection (1)(g) shall serve a two-year term.

(b) Notwithstanding the term requirements of Subsection (2)(a), the governor may adjust the length of the initial commission members' terms to ensure that the terms are staggered so that approximately 1/2 of the members appointed under Subsection (1)(g) are appointed each year.

(c) When, for any reason, a vacancy occurs in a position appointed by the governor under Subsection (1)(g), the governor shall appoint a person to fill the vacancy for the unexpired term of the commission member being replaced.

(d) Members appointed under Subsection (1)(g) may be removed by the governor for

cause.

(3) In appointing the members under Subsection (1)(g), the governor shall:

(a) take into account the geographical makeup of the commission; and

(b) strive to appoint members who are knowledgeable or have an interest in issues

relating to the aging population.

Section 6. Section **63-99-105** is enacted to read:

**63-99-105. Executive director -- Qualifications -- Appointment -- Functions.**

(1) (a) Subject to Subsection (1)(b), the governor shall appoint an executive director of the commission.

(b) The executive director appointed under Subsection (1)(a) shall be a person knowledgeable and experienced in matters relating to:

(i) management; and

(ii) the aging population.

(2) The executive director, under the direction of the commission, shall administer the duties of the commission.

Section 7. Section **63-99-106** is enacted to read:

**63-99-106. Duties and powers of commission.**

(1) The commission shall:

(a) fulfill the commission's purposes as listed in Section 63-99-103;

(b) facilitate the communication and coordination of public and private entities that provide services to the aging population;

(c) study, evaluate, and report on the status and effectiveness of policies, procedures, and programs that provide services to the aging population;

(d) study and evaluate the policies, procedures, and programs implemented by other states that address the needs of the aging population;

(e) facilitate and conduct the research and study of issues related to aging;

(f) provide a forum for public comment on issues related to aging;

(g) provide public information on the aging population and the services available to the

aging population;

(h) facilitate the provision of services to the aging population from the public and private sectors; and

(i) encourage state and local governments to analyze, plan, and prepare for the impacts of the aging population on services and operations.

(2) To accomplish its duties, the commission may:

(a) request and receive from any state or local governmental agency or institution, summary information relating to the aging population, including:

(i) reports;

(ii) audits;

(iii) projections; and

(iv) statistics;

(b) apply for and accept grants or donations for uses consistent with the duties of the commission from public or private sources; and

(c) appoint special committees to advise and assist the commission.

(3) All funds received under Subsection (2)(b) shall be:

(a) accounted for and expended in compliance with the requirements of federal and state law; and

(b) continuously available to the commission to carry out the commission's duties.

(4) (a) Members of a special committee described in Subsection (2)(c):

(i) shall be appointed by the commission;

(ii) may be:

(A) members of the commission; or

(B) individuals from the private or public sector; and

(iii) notwithstanding Section 63-99-109, shall not receive any reimbursement or pay for any work done in relation to the special committee.

(b) A special committee described in Subsection (2)(c) shall report to the commission on the progress of the special committee.

(5) This chapter does not diminish the planning authority conferred on state, regional, and local governments by existing law.

Section 8. Section **63-99-107** is enacted to read:

**63-99-107. Annual report by the commission.**

(1) The commission shall annually prepare and publish a report directed to the:

(a) governor; and

(b) Executive Appropriations Committee of the Legislature.

(2) The report described in Subsection (1) shall:

(a) describe how the commission fulfilled its statutory purposes and duties during the year; and

(b) contain recommendations on how the state should act to address issues relating to the aging population.

Section 9. Section **63-99-108** is enacted to read:

**63-99-108. Appointment of chair -- Meetings.**

(1) The governor shall appoint a member of the commission to serve as chair.

(2) (a) Subject to the other provisions of this Subsection (2), the chair is responsible for the call and conduct of meetings.

(b) The chair shall call and hold meetings of the commission at least bimonthly.

(c) One of the bimonthly meetings described in Subsection (2)(b) shall be held while the Legislature is convened in its annual session.

(d) One or more additional meetings may be called upon request by a majority of the commission's members.

(3) (a) A majority of the members of the commission constitute a quorum.

(b) The action of a majority of a quorum constitutes the action of the commission.

Section 10. Section **63-99-109** is enacted to read:

**63-99-109. Members serve without pay -- Reimbursement for expenses.**

(1) A member of the commission who is not a government employee shall receive no compensation or benefits for the member's services, but may:



(a) receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107; or

(b) decline to receive per diem and expenses for the member's service.

(2) A member of the commission who is a state government officer or employee and who does not receive salary, per diem, or expenses from the member's agency for the member's service may:

(a) receive per diem and expenses incurred in the performance of the member's official duties from the commission at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107; or

(b) decline to receive per diem and expenses for the member's service.

(3) A legislator on the commission shall receive compensation and expenses as provided by law and legislative rule.

Section 11. Section **63-99-110** is enacted to read:

**63-99-110. Executive director salary -- Staff support.**

For fiscal years 2005-06 and 2006-07:

(1) the executive director's salary shall be paid out of the existing budget of the Department of Human Services; and

(2) the Department of Human Services shall provide one full-time person who shall provide staff support to the executive director and the commission.