

UTAH COMMISSION ON AGING

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Patricia W. Jones

LONG TITLE

General Description:

This bill creates the Utah Commission on Aging and provides for compensation of its executive director.

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under the Legislative Oversight and Sunset Act, that the Utah Commission on Aging, created by this bill, will be repealed on July 1, 2007;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 and compensation;
- ▶ 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 Resources shall:



- 28 • pay the salary of the executive director of the Utah Commission on Aging out of
- 29 the department's existing budget; and
- 30 • provide staff support to the executive director and the commission; and
- 31 ▶ makes technical changes.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **63-55-263**, as last amended by Chapters 37, 90 and 238, Laws of Utah 2004

39 **67-22-2**, as last amended by Chapters 156 and 306, Laws of Utah 2004

40 ENACTS:

41 **63-99-101**, Utah Code Annotated 1953

42 **63-99-102**, Utah Code Annotated 1953

43 **63-99-103**, Utah Code Annotated 1953

44 **63-99-104**, Utah Code Annotated 1953

45 **63-99-105**, Utah Code Annotated 1953

46 **63-99-106**, Utah Code Annotated 1953

47 **63-99-107**, Utah Code Annotated 1953

48 **63-99-108**, Utah Code Annotated 1953

49 **63-99-109**, Utah Code Annotated 1953

50 **63-99-110**, Utah Code Annotated 1953



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

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

53 **63-55-263. Repeal dates, Titles 63 to 63E.**

54 (1) Title 63, Chapter 25a, Part 3, Sentencing Commission, is repealed January 1, 2012.

55 (2) The Crime Victims' Reparations Board, created in Section 63-25a-404, is repealed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

57 (3) The Resource Development Coordinating Committee, created in Section
58

59 63-38d-501, is repealed July 1, 2005.

60 (4) Title 63, Chapter 38c, State Appropriations and Tax Limitation Act, is repealed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

62 (5) Title 63, Chapter 47, Utah Commission for Women and Families, is repealed July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

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65 and Youth At Risk Act, is repealed July 1, 2006.

66 (7) Title 63, Chapter 88, Navajo Trust Fund, is repealed July 1, 2005.

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

68 ~~[(8)]~~ (9) Sections 63A-4-204 and 63A-4-205, authorizing the Risk Management Fund
69 to provide coverage to nonstate entities, are repealed July 1, 2006.

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

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

72 **CHAPTER 99. UTAH COMMISSION ON AGING**

73 **63-99-101. Title.**

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

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

76 **63-99-102. Definitions.**

77 As used in this chapter:

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

79 (2) "Commission" means the Utah Commission on Aging, created in Section
80 63-99-103.

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

82 **63-99-103. Creation -- Purpose.**

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

85 (2) The commission's purpose is to:

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

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

- 90 (i) government services;
- 91 (ii) health services;
- 92 (iii) social services;
- 93 (iv) the economy; and
- 94 (v) society in general;
- 95 (c) identify, recommend, and promote implementation of specific policies, procedures,
- 96 and programs to respond to the needs and impact of the aging population relating to:

- 97 (i) government services;
- 98 (ii) health services;
- 99 (iii) social services;
- 100 (iv) the economy; and
- 101 (v) society in general;
- 102 (d) facilitate coordination of the functions of public and private entities concerned with
- 103 the aging population; and
- 104 (e) accomplish the duties enumerated in Section 63-99-106.

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

106 **63-99-104. Composition -- Appointments -- Terms -- Removal.**

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

- 108 (a) one senator, appointed by the President of the Senate;
- 109 (b) one representative, appointed by the Speaker of the House;
- 110 (c) the executive director of the Department of Health;
- 111 (d) the executive director of the Department of Human Services;
- 112 (e) the executive director of the Department of Community and Economic

113 Development;

- 114 (f) the executive director of the Department of Workforce Services; and
- 115 (g) 15 voting members, appointed by the governor, representing each of the following:
- 116 (i) the Utah Association of Area Agencies on Aging;
- 117 (ii) higher education in Utah;
- 118 (iii) the business community;
- 119 (iv) the Utah Association of Counties;
- 120 (v) the Utah League of Cities and Towns;

- 121 (vi) charitable organizations;
122 (vii) the health care provider industry;
123 (viii) financial institutions;
124 (ix) the legal profession;
125 (x) the public safety sector;
126 (xi) public transportation;
127 (xii) ethnic minorities;
128 (xiii) the industry that provides long-term care for the elderly;
129 (xiv) organizations or associations that advocate for the aging population; and
130 (xv) the general public.
131 (2) (a) A member appointed under Subsection (1)(g) shall serve a four-year term.
132 (b) Notwithstanding the term requirements of Subsection (2)(a), the governor may
133 adjust the length of the initial commission members' terms to ensure that the terms are
134 staggered so that approximately 1/4 of the members appointed under Subsection (1)(g) are
135 appointed each year.
136 (c) When, for any reason, a vacancy occurs in a position appointed by the governor
137 under Subsection (1)(g), the governor shall appoint a person to fill the vacancy for the
138 unexpired term of the commission member being replaced.
139 (d) Members appointed under Subsection (1)(g) may be removed by the governor for
140 cause.
141 (3) In appointing the members under Subsection (1)(g), the governor shall:
142 (a) take into account the geographical makeup of the commission; and
143 (b) strive to appoint members who are knowledgeable or have an interest in issues
144 relating to the aging population.
145 Section 6. Section **63-99-105** is enacted to read:
146 **63-99-105. Executive director -- Qualifications -- Compensation -- Appointment --**
147 **Functions.**
148 (1) (a) Subject to Subsection (1)(b), the governor, with the consent of the Senate, shall
149 appoint an executive director of the commission.
150 (b) The executive director appointed under Subsection (1)(a) shall be a person
151 knowledgeable and experienced in matters relating to:

- 152 (i) management; and
- 153 (ii) the aging population.
- 154 (c) The governor shall establish the executive director's salary within the salary range
- 155 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

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

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

159 **63-99-106. Duties and powers of commission.**

160 (1) The commission shall:

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

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

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

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

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

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

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

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

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

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

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

179 (i) reports;

180 (ii) audits;

181 (iii) projections; and

182 (iv) statistics;

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

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

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

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

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

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

191 (i) shall be appointed by the commission;

192 (ii) may be:

193 (A) members of the commission; or

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

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

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

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

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

202 **63-99-107. Annual report by the commission.**

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

204 (a) governor; and

205 (b) Executive Appropriations Committee of the Legislature.

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

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

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

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

212 **63-99-108. Appointment of chair -- Meetings.**

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

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

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

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

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

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

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

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

224 **63-99-109. Members serve without pay -- Reimbursement for expenses.**

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

227 (a) receive per diem and expenses incurred in the performance of the member's official
228 duties at the rates established by the Division of Finance under Sections 63A-3-106 and
229 63A-3-107; or

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

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

234 (a) receive per diem and expenses incurred in the performance of the member's official
235 duties from the commission at the rates established by the Division of Finance under Sections
236 63A-3-106 and 63A-3-107; or

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

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

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

241 **63-99-110. Executive director salary -- Staff support.**

242 For fiscal years 2005-06 and 2006-07:

243 (1) the executive director's salary, as established pursuant to Section 67-22-2, shall be
244 paid out of the existing budget of the Department of Human Services; and

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

247 Section 12. Section **67-22-2** is amended to read:

248 **67-22-2. Compensation -- Other state officers.**

249 (1) The governor shall establish salaries for the following state officers within the
 250 following salary ranges fixed by the Legislature:

251	State Officer	Salary Range
252	Commissioner of Agriculture and Food	\$65,200 - \$88,400
253	Commissioner of Insurance	\$65,200 - \$88,400
254	Commissioner of the Labor Commission	\$65,200 - \$88,400
255	Director, Alcoholic Beverage Control	
256	Commission	\$65,200 - \$88,400
257	Commissioner, Department of	
258	Financial Institutions	\$65,200 - \$88,400
259	Members, Board of Pardons and Parole	\$65,200 - \$88,400
260	Executive Director, Department	
261	of Commerce	\$65,200 - \$88,400
262	Executive Director, Commission on	
263	Criminal and Juvenile Justice	\$65,200 - \$88,400
264	<u>Executive Director, Utah Commission</u>	
265	<u>on Aging</u>	<u>\$65,200 - \$88,400</u>
266	Adjutant General	\$65,200 - \$88,400
267	Chair, Tax Commission	\$70,600 - \$95,200
268	Commissioners, Tax Commission	\$70,600 - \$95,200
269	Executive Director, Department of	
270	Community and Economic	
271	Development	\$70,600 - \$95,200
272	Executive Director, Tax Commission	\$70,600 - \$95,200
273	Chair, Public Service Commission	\$70,600 - \$95,200
274	Commissioners, Public Service	
275	Commission	\$70,600 - \$95,200

276	Executive Director, Department	
277	of Corrections	\$76,800 - \$103,600
278	Commissioner, Department of Public Safety	\$76,800 - \$103,600
279	Executive Director, Department of	
280	Natural Resources	\$76,800 - \$103,600
281	Director, Governor's Office of Planning	
282	and Budget	\$76,800 - \$103,600
283	Executive Director, Department of	
284	Administrative Services	\$76,800 - \$103,600
285	Executive Director, Department of	
286	Human Resource Management	\$76,800 - \$103,600
287	Executive Director, Department of	
288	Environmental Quality	\$76,800 - \$103,600
289	Executive Director, Department of	
290	Workforce Services	\$83,600 - \$112,900
291	Executive Director, Department of	
292	Health	\$83,600 - \$112,900
293	Executive Director, Department	
294	of Human Services	\$83,600 - \$112,900
295	Executive Director, Department	
296	of Transportation	\$83,600 - \$112,900
297	Chief Information Officer	\$83,600 - \$112,900

298 (2) (a) The Legislature fixes benefits for the state offices outlined in Subsection (1) as
 299 follows:

300 (i) the option of participating in a state retirement system established by Title 49, Utah
 301 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered
 302 by the State Retirement Office in accordance with the Internal Revenue Code and its
 303 accompanying rules and regulations;

304 (ii) health insurance;

305 (iii) dental insurance;

306 (iv) basic life insurance;

- 307 (v) unemployment compensation;
- 308 (vi) workers' compensation;
- 309 (vii) required employer contribution to Social Security;
- 310 (viii) long-term disability income insurance;
- 311 (ix) the same additional state-paid life insurance available to other noncareer service
- 312 employees;
- 313 (x) the same severance pay available to other noncareer service employees;
- 314 (xi) the same sick leave, converted sick leave, educational allowances, and holidays
- 315 granted to Schedule B state employees, and the same annual leave granted to Schedule B state
- 316 employees with more than ten years of state service;
- 317 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
- 318 provided by law or rule upon resignation or retirement according to the same criteria and
- 319 procedures applied to Schedule B state employees;
- 320 (xiii) the option to purchase additional life insurance at group insurance rates according
- 321 to the same criteria and procedures applied to Schedule B state employees; and
- 322 (xiv) professional memberships if being a member of the professional organization is a
- 323 requirement of the position.
- 324 (b) Each department shall pay the cost of additional state-paid life insurance for its
- 325 executive director from its existing budget.
- 326 (3) The Legislature fixes the following additional benefits:
- 327 (a) for the executive director of the State Tax Commission a vehicle for official and
- 328 personal use;
- 329 (b) for the executive director of the Department of Transportation a vehicle for official
- 330 and personal use;
- 331 (c) for the executive director of the Department of Natural Resources a vehicle for
- 332 commute and official use;
- 333 (d) for the Commissioner of Public Safety:
- 334 (i) an accidental death insurance policy if POST certified; and
- 335 (ii) a public safety vehicle for official and personal use;
- 336 (e) for the executive director of the Department of Corrections:
- 337 (i) an accidental death insurance policy if POST certified; and

338 (ii) a public safety vehicle for official and personal use;
339 (f) for the Adjutant General a vehicle for official and personal use; and
340 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
341 official use.

342 (4) (a) The governor has the discretion to establish a specific salary for each office
343 listed in Subsection (1), and, within that discretion, may provide salary increases within the
344 range fixed by the Legislature.

345 (b) The governor shall apply the same overtime regulations applicable to other FLSA
346 exempt positions.

347 (c) The governor may develop standards and criteria for reviewing the performance of
348 the state officers listed in Subsection (1).

349 (5) Salaries for other Schedule A employees, as defined in Section 67-19-15, which are
350 not provided for in this chapter, or in Title 67, Chapter 8, Utah Executive and Judicial Salary
351 Act, shall be established as provided in Section 67-19-15.

Legislative Review Note
as of 12-1-04 2:25 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

The bill is repealed at the end of FY 2007. It is estimated that the Senate and the House of Representatives will each require \$1,700 of General Funds annually for FY 2006 and FY 2007. The other costs to implement provisions of this bill are estimated to be approximately \$160,000 annually for FY 2006 and FY 2007. As per the provisions of this bill, these costs will be covered within the existing budgets of the Department of Human Services.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$3,400	\$3,400	\$0	\$0
TOTAL	\$3,400	\$3,400	\$0	\$0

Individual and Business Impact

Aging individuals may financially benefit from information generated and disseminated by the commission.

Office of the Legislative Fiscal Analyst