

HOUSE BILL NO. HB0281

Commission on aging.

Sponsored by: Representative(s) Diercks

A BILL

for

1 AN ACT relating to senior citizens; creating a commission
2 on aging; providing for membership on commission;
3 transferring duties of department of health to the
4 commission on aging as specified; and providing for an
5 effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 9-2-1216 is created to read:

10

11 **9-2-1216. Commission on aging created; appointment;**
12 **composition; term; representation; removal.**

13

14 (a) There is created the Wyoming commission on aging
15 which shall report directly to the governor.

16

1 (b) The commission shall consist of seven (7) members
2 appointed by the governor with the consent of the senate.
3 One (1) member shall be appointed from each appointment
4 district pursuant to W.S. 9-1-218. Subsequent appointments
5 shall rotate between the several counties within each
6 appointment district. No more than (4) members shall be of
7 the same political party. No federal or state employee
8 shall serve on the commission. Members may be removed by
9 the governor pursuant to W.S. 9-1-202.

10
11 (c) Commencing with initial appointments made in
12 2007, three (3) members of the board shall be appointed for
13 a term of one (1) year, two (2) members for a term of two
14 (2) years and two (2) members for a term of three (3)
15 years. Terms thereafter shall be three (3) years and
16 staggered.

17
18 (d) Vacancies in the membership of the commission
19 shall be filled by the governor from nominees of the
20 appointment district in which the vacancy occurs.

21
22 (e) Within thirty (30) days of the initial
23 appointment the commission shall meet on the call of the
24 governor to organize and elect a chairman, a vice-chairman

1 and a secretary from its membership. Thereafter officers
2 shall be elected annually from the membership.

3
4 (f) The commission shall meet four (4) times
5 annually. Additional meetings may be called by the
6 chairman or by a majority of the membership if necessary.
7 A majority of the membership constitutes a quorum for the
8 transaction of business and a majority shall be required
9 for the adoption of any motion. Written records are
10 required of all meetings or proceedings.

11
12 (g) Members shall be reimbursed for necessary
13 expenses incurred in the performance of commission duties
14 in the manner and amount provided to state employees.

15
16 **Section 2.** W.S. 9-2-1201(a) by creating new
17 paragraphs (v) and (vi) and by amending and renumbering (v)
18 as (vii), 9-2-1204(a)(intro), (xiii) through (xvii) and by
19 creating a new paragraph (xviii), 9-2-1206(a), 9-2-1208(a)
20 and (c)(intro), 9-2-1209(a)(intro) and (b), 9-2-1210,
21 9-2-1211(a)(i), 9-2-1212(a)(iv) and (b)(i), 9-2-1214(a),
22 (b), (c)(intro) and (ii), 9-2-1215 and 9-2-1302(a) by
23 creating a new paragraph (viii) are amended to read:

1 **9-2-1201. Definitions.**

2

3 (a) As used in this act:

4

5 (v) "Commission" means the commission on aging
6 created pursuant to W.S. 9-2-1216;

7

8 (vi) "Director" means the administrator employed
9 by the commission pursuant to W.S. 9-2-204(a)(xviii);

10

11 ~~(v)~~ (vii) "This act" means W.S. 9-2-1201 through
12 ~~9-2-1215~~ 9-2-1216.

13

14 **9-2-1204. Powers and duties; rules and regulations;**
15 **addressing problems of senior citizens; funds and grant**
16 **awards; development of senior citizen programs; report to**
17 **governor.**

18

19 (a) The ~~department of health~~ commission shall:

20

21 (xiii) Review applications for funding submitted
22 to the ~~department~~ commission and, if requested, conduct
23 hearings thereon in accordance with the Wyoming
24 Administrative Procedure Act;

1

2 (xvi) Administer the community based in-home
3 services program as provided by W.S. 9-2-1208;~~and~~

4

5 (xvii) Administer the licensed shelter care
6 program for eligible senior citizens as provided in W.S.
7 9-2-1209;~~;~~ and

8

9 (xviii) With the consent of the governor, hire
10 an administrator who shall serve at the pleasure of the
11 commission. Qualifications of the position of administrator
12 shall be determined by the commission.

13

14 **9-2-1206. State advisory council; appointment;**
15 **composition; term; representation; removal.**

16

17 (a) The ~~department~~ advisory council on aging
18 appointed pursuant to the "Older Americans Act", P.L.
19 89-73, is established as the state advisory council to ~~a~~
20 ~~designated division on aging~~ the commission. Each member
21 serving on the council as of April 1, 1991 shall continue
22 to serve until the normal expiration of his term and any
23 member is eligible for reappointment.

24

1 **9-2-1208. Community based in-home services.**

2

3 (a) The ~~department of health~~ commission shall
4 administer a state program to provide community based
5 in-home services for senior citizens.

6

7 (c) The ~~department~~ commission shall:

8

9 **9-2-1209. Licensed shelter care program established;**
10 **implementation.**

11

12 (a) The ~~department of health~~ commission shall
13 administer a licensed shelter care program in accordance
14 with this section. In administering the licensed shelter
15 care program, the ~~department~~ commission through rule and
16 regulation shall:

17

18 (b) When the number of elderly persons applying for
19 licensed shelter care assistance exceeds the funds
20 available for the program, the ~~department of health~~
21 commission shall create a waiting list and provide
22 assistance as feasible on a first-come first-served basis.

23

24 **9-2-1210. Wyoming senior services board created.**

1

2 There is created the Wyoming senior services board. The
3 board shall consult with the ~~division on aging~~ commission
4 to determine the award of grants under W.S. 9-2-1214.

5

6 **9-2-1211. Wyoming senior services board; members;**
7 **expenses.**

8

9 (a) The Wyoming senior services board shall consist
10 of seven (7) members, as follows:

11

12 (i) The ~~administrator of the division on aging~~
13 ~~within the department of health~~ director of the commission
14 on aging or his designee;

15

16 **9-2-1212. Board; duties and responsibilities.**

17

18 (a) The Wyoming senior services board shall:

19

20 (iv) In consultation with the ~~division on aging~~
21 commission, promulgate reasonable rules and regulations in
22 accordance with the Wyoming Administrative Procedure Act to
23 implement the provisions of W.S. 9-2-1210 through 9-2-1215;
24 and

1

2 (b) In fulfilling its duties under subsection (a) of
3 this section, the board shall:

4

5 (i) Consult with the ~~division on aging~~
6 commission and the advisory council on aging appointed
7 pursuant to W.S. 9-2-1206, as necessary;

8

9 **9-2-1214. Disbursement of grants.**

10

11 (a) From the funds available for distribution, the
12 board may award grants to senior centers throughout the
13 state to support the purposes specified in W.S.
14 9-2-1212(a)(ii). The ~~division on aging~~ commission shall
15 disburse the funds in accordance with awards made by the
16 board under this section.

17

18 (b) Notwithstanding W.S. 9-4-207, unobligated or
19 unencumbered funds retained by the ~~division on aging~~
20 commission under this section shall not lapse at the end of
21 a fiscal period and shall remain available for distribution
22 as provided in this section.

23

1 (c) The board, in consultation with the ~~division on~~
2 ~~aging~~ commission, shall by rule and regulation establish a
3 formula for distribution of funds available for
4 distribution under this section as follows:

5
6 (ii) Of the amounts remaining after the basic
7 grants are awarded, the board shall award seventy-five
8 percent (75%) for grants to eligible senior centers based
9 on the formula developed by the ~~division on aging~~
10 commission and approved by the board and twenty-five
11 percent (25%) to eligible senior centers based on
12 innovative grant proposals.

13
14 **9-2-1215. Biennial report by board.**

15
16 Beginning September 1, 2003, the board shall report to the
17 ~~division on aging~~ commission, the governor and the joint
18 labor, health and social services interim committee no
19 later than September 1 of each odd-numbered year with
20 respect to the grants awarded, and how those grants have
21 benefited senior citizens in the state.

22
23 **9-2-1302. Definitions.**

1 (a) As used in this act:

2

3 (viii) "Commission" means the commission on
4 aging created pursuant to W.S. 9-2-1216.

5

6 **Section 3.** W.S. 9-2-1201(a)(ii), 9-2-1213 and
7 9-2-1302(a)(iv) are repealed.

8

9 **Section 4.**

10

11 (a) It is the intention and direction of the
12 legislature that:

13

14 (i) All duties of the department of health,
15 division of aging with respect to senior citizens programs
16 be transferred to the Wyoming commission on aging created
17 pursuant to this act. Effective July 1, 2007, all duties
18 of the department of health, division of aging with respect
19 to senior citizens programs not assumed by the commission
20 on aging are terminated;

21

22 (ii) Any appropriated funds not otherwise
23 obligated and any property, if any, of the department of
24 health, division of aging exclusively dedicated to senior

1 citizens programs be transferred to the commission on
2 aging;

3

4 (iii) Any contract, agreement or obligation
5 entered into or assumed by the department of health,
6 division of aging with respect to senior citizens programs,
7 if the execution or assumption was within the lawful powers
8 of the department of health, division of aging, be assumed
9 by the commission on aging;

10

11 (iv) Any policy adopted by the department of
12 health, division of aging with respect to senior citizens
13 programs remain in effect unaltered as policy of the
14 commission on aging until amended or repealed by the
15 commission on aging.

16

17 **Section 5.** This act is effective July 1, 2007.

18

19 (END)