

1 SENATE BILL NO. 1218

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the Senate Committee on General Laws and Technology

4 on _____)

5 (Patron Prior to Substitute--Senator Mason)

6 A BILL to amend and reenact §§ 51.5-127 and 51.5-128 of the Code of Virginia, relating to Department
7 for Aging and Rehabilitative Services; Commonwealth Council on Aging; membership and staff
8 support.

9 **Be it enacted by the General Assembly of Virginia:**

10 **1. That §§ 51.5-127 and 51.5-128 of the Code of Virginia are amended and reenacted as follows:**

11 **§ 51.5-127. Commonwealth Council on Aging; purpose; membership; terms.**

12 A. The Commonwealth Council on Aging (the Council) is established as an advisory council,
13 within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the
14 ~~Commonwealth Council on Aging~~ shall be to promote an efficient, coordinated approach by state
15 government to meeting the needs of older Virginians.

16 B. ~~The Commonwealth Council on Aging~~ shall consist of 24 ~~18~~ members as follows: ~~one member~~
17 ~~from each of the 11 congressional districts of the Commonwealth~~

18 1. Eight members to be appointed by the Governor subject to confirmation by the General
19 Assembly, each of whom shall represent one of the eight regions of the Commonwealth identified by the
20 University of Virginia's Weldon Cooper Center for Public Service in its Virginia Regional Map (2017).
21 Four of such members shall be area agencies on aging directors, and the other four members shall be
22 persons with personal and professional experience in issues specific to aging; ~~four at large nonlegislative~~
23 ~~citizen~~

24 2. Two members appointed by the Speaker of the House of Delegates, one of whom shall be an at-
25 large nonlegislative citizen member and one of whom shall be a current member of the House of
26 Delegates; four at large nonlegislative citizen

27 3. Two members appointed by the Senate Committee on Rules, one of whom shall be an at-large
28 nonlegislative citizen member and one of whom shall be a current member of the Senate; and the

29 4. The Executive Director of the Virginia Center on Aging; and

30 5. Five members who shall serve as nonvoting ex officio members, including the Commissioner
31 for Aging and Rehabilitative Services or the Deputy Director, if one has been appointed, the Director of
32 the Department of Medical Assistance Services, the Commissioner of Social Services, the Secretary of
33 Health and Human Resources, and the President of the Virginia Association of Area Agencies on Aging,
34 or their designees, who shall serve as nonvoting ex officio members. All ex officio members of the Council
35 shall have demonstrated, through their professional experience, subject matter expertise in at least one
36 issue specifically related to aging.

37 Members of the ~~Commonwealth Council on Aging~~ shall be citizens of the Commonwealth
38 appointed at large without regard to political affiliation but with due consideration of geographical
39 representation. Appointees shall be selected for their ability, and all appointments shall be of such nature
40 as to aid the work of the ~~Commonwealth Council on Aging~~ and to inspire the highest degree of cooperation
41 and confidence.

42 C. After the initial staggering of terms, all appointments shall be for four-year terms. Appointments
43 to fill vacancies shall be for the unexpired term. No person having served on the ~~Commonwealth Council~~
44 ~~on Aging~~ for two full consecutive terms shall be eligible for reappointment to the ~~Commonwealth Council~~
45 ~~on Aging~~ for two years thereafter. The remainder of any term to which a member is appointed to fill a
46 vacancy shall not constitute a term in determining the member's eligibility to serve.

47 D. The ~~Commonwealth Council on Aging~~ shall elect a chairman and a vice-chairman from among
48 its members and shall appoint a secretary and such other officers as it deems necessary and prescribe their

49 duties and terms of office. The ~~Commonwealth Council on Aging~~ may adopt bylaws to govern its
50 operations.

51 E. Members shall receive compensation for the performance of their duties as provided in § 2.2-
52 2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the
53 performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of
54 compensation and expenses of the members shall be provided by the Department.

55 F. The Commissioner shall appoint an executive director who shall serve as secretary to the
56 Council but shall not be a member of the Council. The Department shall provide staff support to the
57 ~~Commonwealth Council on Aging~~.

58 **§ 51.5-128. Duties of the Commonwealth Council on Aging.**

59 A. The Commonwealth Council on Aging (the Council) shall have the following duties:

60 1. Examine the needs of older Virginians and their caregivers and ways in which state government
61 can most effectively and efficiently assist in meeting those needs;

62 2. Advise the Governor and General Assembly on aging issues and aging policy for the
63 Commonwealth;

64 3. Advise the Governor on any proposed regulations deemed by the Director of the Department of
65 Planning and Budget to have a substantial and distinct impact on older Virginians and their caregivers.
66 Such advice shall be provided in addition to other regulatory reviews required by the Administrative
67 Process Act (§ 2.2-4000 et seq.);

68 4. Advocate for and assist in developing the Commonwealth's planning for meeting the needs of
69 the growing number of older Virginians and their caregivers;~~and~~

70 5. Assist and advise the Department regarding strategies to improve nutritional health, alleviate
71 hunger, and prevent malnutrition among older adults;

72 6. Recommend budget requests for consideration in the Governor's development of the budget;
73 and

74 7. Review and provide input as part of the development of the four-year-plan for aging services as
75 defined in § 51.5-136.

76 B. ~~The Commonwealth Council on Aging~~ may apply for and expend such grants, gifts, or bequests
77 from any source as may become available in connection with its duties under this section, and may comply
78 with such conditions and requirements as may be imposed in connection therewith.

79 C. ~~The Commonwealth Council on Aging~~ shall submit to the Governor, General Assembly, and
80 Department by October 1 of each year an electronic report regarding the activities and recommendations
81 of the ~~Commonwealth Council on Aging~~, which shall be submitted for publication as a report document
82 as provided in the procedures of the Division of Legislative Automated Systems for the processing of
83 legislative documents and reports and shall be posted on the General Assembly's website and the
84 Department's website.

85 **2. That the persons serving on the Commonwealth Council on Aging on the effective date of this act**
86 **shall continue to serve until the expiration of the term to which they were appointed.**

87 **3. That, upon the expiration of terms on June 30, 2024, five persons shall be appointed to the Council**
88 **for terms of four years as follows: one at-large nonlegislative citizen member and one current**
89 **member of the House of Delegates shall be appointed by the Speaker of the House of Delegates; one**
90 **at-large nonlegislative citizen member and one current member of the Senate of Virginia shall be**
91 **appointed by the Senate Committee on Rules; and the Executive Director of the Virginia Center on**
92 **Aging. The remaining four seats that expire on June 30, 2024, shall not be filled.**

93 **4. That, upon the expiration of terms on June 30, 2025, two persons shall be appointed to the Council**
94 **for terms of four years. Such persons shall be appointed by the Governor and shall represent the**
95 **region of the Commonwealth that most closely aligns with the congressional district being**
96 **represented by the person whom they are succeeding. The remaining two seats that expire on June**
97 **30, 2025, shall not be filled.**

98 5. That, upon the expiration of terms on June 30, 2026, six persons shall be appointed to the Council
99 for terms of four years. Such persons shall be appointed by the Governor and shall represent the
100 region of the Commonwealth that most closely aligns with the congressional district being
101 represented by the person whom they are succeeding.

102 #