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SENATE BILL NO. 1218

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on January 25, 2023)

(Patron Prior to Substitute—Senator Mason)

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

Be it enacted by the General Assembly of Virginia:

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

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

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

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

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

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

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

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

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

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

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

D. The Commonwealth Council on Aging shall elect a chairman and a vice-chairman from among its members and shall appoint a secretary and such other officers as it deems necessary and prescribe their duties and terms of office. The Commonwealth Council on Aging may adopt bylaws to govern its operations.

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

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

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

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 the
69 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; and*

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

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

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

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

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

93 4. That, upon the expiration of terms on June 30, 2025, two persons shall be appointed to the
94 Council for terms of four years. Such persons shall be appointed by the Governor and shall
95 represent the region of the Commonwealth that most closely aligns with the congressional district
96 being represented by the person whom they are succeeding. The remaining two seats that expire
97 on June 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
99 Council for terms of four years. Such persons shall be appointed by the Governor and shall
100 represent the region of the Commonwealth that most closely aligns with the congressional district
101 being represented by the person whom they are succeeding.