

Proposed Rules

Tennessee Commission on Aging and Disability – 0030

Chapter 0030-01-03  
Commission Organization and Conduct of Business

Presented herein is a proposed amendment of the Commission on Aging and Disability submitted pursuant to Tennessee Code Annotated, Section 4-5-202. It is the intent of the Commission on Aging and Disability to promulgate this rule amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment is published. Such petition to be effective must be filed in the office of the Commission on Aging and Disability, Suite 825 Andrew Jackson State Office Building, 500 Deaderick Street, Nashville, TN 37243-0860 and in the Department of State, Eighth Floor, William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, TN 37243, and must be signed by twenty five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule amendment, or an association of twenty five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact:

Kathy Zamata, Assistant Director, Commission on Aging and Disability, Suite 825 Andrew Jackson State Office Building, 500 Deaderick Street, Nashville, TN 37243-0860, (615) 741-2056.

The text of the proposed amendment is as follows:

Amendments

Rule 0030-01-03-.01 Name is amended by deleting the rule in its entirety and substituting the following language so that amended the rule shall read:

0030-01-03-.01           Name

The legal name of this agency shall be the Tennessee Commission on Aging and Disability hereinafter referred to as the Commission.

Authority: T.C.A. §71-2-104(a)

Rule 0030-01-03.06 Membership is amended by deleting the rule in its entirety and substituting the following language so that amended the rule shall read:

0030-01-03-.06           Membership

- (1) The general provisions of membership are as follows:
  - (a) The Commission shall consist of twenty-five (25) members, twenty-three of whom shall be appointed by the Governor.
  - (b) Appointments shall be made on the basis of recognized interest in and knowledge of the circumstances surrounding the aging and persons living with disabilities.
  - (c) A minimum of twelve (12) members shall be sixty (60) years of age or older. Commission membership shall include women and minorities in proportion to their presence in the elderly population.

- (d) Staff members of programs funded wholly or in part by the Commission shall be ineligible to serve as Commission members.
- (2) The qualifications for membership are as follows:
- (a) One member shall be appointed from the rural area of each of the nine (9) planning and service areas.
  - (b) The following five (5) urban areas shall each have one representative: Shelby, Davidson, Hamilton, and Knox Counties, and the Tri-Cities area of Bristol, Kingsport, and Johnson City.
  - (c) One member of the Governor's personal staff.
  - (d) One (1) person who is an active member of a chartered, statewide organization that advocates exclusively for older person shall be appointed.
  - (e) One (1) person who is an active member of a federally chartered organization that advocates exclusively for older persons having membership statewide with chapters chartered in this state shall be appointed.
  - (f) One (1) person who is an active member of a chartered, statewide organization that advocates exclusively for disabled persons shall be appointed.
  - (g) The Commissioners of the State Departments of Human Services, Health, Veterans Affairs, and Mental Health and Development Disabilities, and the Executive Director of the Council on Development Disabilities; and
  - (h) The speaker of the senate and the speaker of the house of representatives each shall name one (1) legislator from such speaker's respective house to serve on the commission as ex officio members without vote to attend and sit with the commission in open meetings, in order to report back to the general assembly on actions being taken or considered by the commission.
- (3) The terms of office are as follows:
- (a) The terms of office for members of the Commission shall be six (6) years except for members of the Governor's personal staff and cabinet whose terms shall coincide with that of the appointing Governor and except for the legislators whose terms shall be coterminous with the terms for which they have been elected to the General Assembly.
  - (b) Vacancies shall be filled by appointment only for the remainder of the unexpired terms.
  - (c) A two year absence from Commission membership qualifies any member for reappointment following the criteria above.

Authority: T.C.A. §71-2-104(b)(1)

#### 0030-01-03.-09 Duties and Responsibilities

Paragraphs (4) and (7) of Rule 0030-01-03.-09 Duties and Responsibilities are amended by deleting the paragraphs in their entirety and substituting the following language so that as amended the paragraphs shall read:

- (4) The Commission shall serve as an advocate within government and in the community for older persons and adults with disabilities in Tennessee.
- (7) The Commission may hold such hearings and conduct such studies or investigations concerning all matters affecting the health, safety, and welfare of older persons and adults with disabilities.

Authority: T.C.A. §14-6-105

The proposed rules set out herein were properly filed in the Department of State on the 2nd day of January, 2006, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the day of 28th day of June, 2007. (FS 02-08-07, DBID 2341)