

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Alabama Department of Senior Services  
Rule No. 70-x-1-03  
Rule Title: Department Duties Under Federal Aging Programs  
       New        x        Amend        Repeal        Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? no

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? yes

Is there another, less restrictive method of regulation available that could adequately protect the public? no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? no

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Does the proposed rule have an economic impact? no

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Emily T. Marsal

Date July 19, 2018

(DATE FILED)  
(STAMP)

(Agency Name)  
(Agency Division, if applicable)

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Senior Services

RULE NO. & TITLE: 70-x-1-.03 Department Duties Under Federal Aging Programs

INTENDED ACTION: Amendment

SUBSTANCE OF PROPOSED ACTION: This amendment will remove a reference to a previous version of the Older Americans Act and replace it with "as amended."

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or oral comments may be submitted to the Alabama Department of Senior Services, 201 Monroe Street, Suite 350, PO Box 301851, Montgomery Alabama 36130-1851. Agency business hours are 8:00 AM to 5:00 PM Monday through Friday.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written/Oral comments concerning this change must be received by ADSS no later than September 5, 2018.

CONTACT PERSON AT AGENCY: Emily Marsal, General Counsel, Alabama Department of Senior Services, 201 Monroe Street, Suite 350, PO Box 301851, Montgomery, Alabama 36130-1851.

*Todd Cotton*

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**70-X-1-.03 Department Duties Under Federal Aging Programs.**

(1) The Department serves as the State Unit on Aging pursuant to the Federal Older Americans Act of 1965, as amended.

(2) The Department is designated in Title 38 Chapter 3, Code of Alabama, as the State Agency to administer all programs made available to Alabama under the Federal Older Americans Act of 1965, as amended. The Department shall administer these programs in conformity with Title 45, Chapter 13, Code of Federal Regulations and policy guidance issuances from the Administration on Aging of the U.S. Department of Health and Human Services.

(3) Federal regulations governing grants for State and Community Programs on Aging as published in the Federal Register, are applicable to all recipients of grants and contracts funded by the Older Americans Act, including the Department, area agencies and service providers. These Alabama administrative rules are intended to complement and clarify requirements, procedures and Departmental policies applicable to the Older Americans Act Programs and Services. As such, the Department adopts by reference all rules and regulations promulgated by the U.S. Administration on Aging as it pertains to the Older Americans Act.

**Author:** Irene B. Collins, Commissioner

**Statutory Authority:** Code of Ala. 1975, § 38-3-8 (Act 2008-39), Older Americans Act of 1965, as amended ~~(Public Law 109-365)~~, 45 C.F.R. § 1321 Subpart B

History: Filed May 20, 1992. Repealed and New Rule:  
Filed June 5, 2009; effective July 10, 2009. **Amended:** Filed July 16, 2018.