

Regular Session, 2013

HOUSE BILL NO. 352

BY REPRESENTATIVES HARRISON, ADAMS, ANDERS, ARMES, ARNOLD, BARROW, BERTHELOT, BILLIOT, BROSSETT, BROWN, BURFORD, BURRELL, CARTER, CHANEY, CONNICK, COX, DANAHAY, DIXON, DOVE, EDWARDS, GAINES, GISCLAIR, GUILLORY, GUINN, HARRIS, HAVARD, HAZEL, HENSGENS, HILL, HODGES, HOFFMANN, HOLLIS, HONORE, HOWARD, HUNTER, GIROD JACKSON, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, JONES, KLECKLEY, TERRY LANDRY, LEBAS, LEOPOLD, MACK, MONTOUCET, MORENO, NORTON, ORTEGO, PIERRE, POPE, PRICE, PUGH, PYLANT, REYNOLDS, RICHARD, RITCHIE, SCHEXNAYDER, SCHRODER, SMITH, ST. GERMAIN, STOKES, THIBAUT, THIERRY, THOMPSON, WHITNEY, ALFRED WILLIAMS, PATRICK WILLIAMS, AND WILLMOTT AND SENATORS ADLEY, ALARIO, ALLAIN, BROOME, BROWN, BUFFINGTON, CLAITOR, CORTEZ, CROWE, DORSEY-COLOMB, ERDEY, GALLOT, GUILLORY, HEITMEIER, JOHNS, LAFLEUR, LONG, MILLS, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, WARD, AND WHITE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 23:73(E)(2), R.S. 35:406(A)(1) and (D), R.S. 36:258(F), R.S. 39:33(A)(2), R.S. 46:931, 932(introductory paragraph) and (14), 933(A), (D), and (G), 934, 935(A), (B)(introductory paragraph), and (C), 936, 937, 937.1(A) and (B)(1) and (3), 937.2, 937.3, 938, and 2351(E)(introductory paragraph), to enact R.S. 36:4(A)(15) and Chapter 4 of Title 36 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 36:151 through 157, and to repeal R.S. 36:4(B)(6), relative to elderly affairs; to create the Department of Elderly Affairs and provide for its purposes and organization and for its offices and officers and for their functions, powers, duties, and responsibilities; to abolish the Office of Elderly Affairs; to provide that the department shall be the successor to the office; to transfer the Louisiana Executive Board on Aging from the office of the governor to the Department of Elderly Affairs; to provide that the office of aging and adult services in the Department of Health and Hospitals shall have no responsibility or authority for any program or function assigned to the Department of Elderly Affairs; to

1 authorize and direct the Louisiana State Law Institute to change certain references  
 2 in law; to provide for implementation and effectiveness; to provide that funding for  
 3 purposes, functions, and programs within the jurisdiction or authority of the Office  
 4 of Elderly Affairs or its successor, the Department of Elderly Affairs, as provided by  
 5 the Louisiana Revised Statutes of 1950, shall be appropriated or allocated only to,  
 6 and available for use only by, the Office of Elderly Affairs and its successor, the  
 7 Department of Elderly Affairs; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 23:73(E)(2) is hereby amended and reenacted to read as follows:

10 §73. Comprehensive labor market information system

11 E.

12 \* \* \*

13 (2) The public entities whose data and assistance shall be considered  
 14 necessary for the system to fulfill its purpose shall include the commission and the  
 15 Departments of Economic Development, Education, Elderly Affairs, Health and  
 16 Hospitals, Public Safety and Corrections, Social Services, and Veterans Affairs, and  
 17 in the governor's office, the Offices of ~~Elderly Affairs~~, Lifelong Learning, Women's  
 18 Services, and Workforce Development, and the State Board of Elementary and  
 19 Secondary Education, and the Board of Regents and any other public entity the  
 20 commission deems necessary.

21 Section 2. R.S. 35:406(A)(1) and (D) are hereby amended and reenacted to read as  
 22 follows:

23 §406. Ex officio notaries public of the adult protection agency

24 A. Notwithstanding any provisions of law relative to qualifications for  
 25 notaries public, except R.S. 35:391:

26 (1) The ~~director of the office of elderly affairs~~ secretary of the Department  
 27 of Elderly Affairs may appoint two investigators in each region of the adult  
 28 protection agency, ~~office of elderly affairs, office of the governor, Department of~~  
 29 Elderly Affairs, as ex officio notaries public.

30 \* \* \*

1 D. The ~~director or~~ secretary authorized to make such appointments may  
 2 suspend or terminate any appointment made pursuant to this Section at any time.  
 3 Separation from the employ of the adult protection agency shall automatically  
 4 terminate the powers of such an ex officio notary public.

5 Section 3. R.S. 36:258(F) is hereby amended and reenacted and R.S. 36:4(A)(15)  
 6 and Chapter 4 of Title 36 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
 7 36:151 through 157, are hereby enacted to read as follows:

8 §4. Structure of executive branch of state government

9 A. In accordance with the provisions of Article IV, Section 1 and Article  
 10 XIV, Section 6 of the Constitution of Louisiana, all offices, boards, commissions,  
 11 agencies, and instrumentalities of the executive branch of state government, whether  
 12 constitutional or statutory, and/or their functions, powers, duties, and responsibilities  
 13 shall be allocated, either in the Act by which this Title was created or by legislation  
 14 enacted subsequent thereto, within the departments listed in this Section, except as  
 15 provided in Subsections B and C of this Section, and in order to comply with this  
 16 constitutional mandate, the agencies of the executive branch of state government  
 17 hereinafter enumerated, whether heretofore created by the constitution or by statute,  
 18 and/or their functions, powers, duties, and responsibilities are allocated, in the  
 19 manner hereinafter set forth in this Title, within the following designated  
 20 departments:

21 \* \* \*

22 (15) Department of Elderly Affairs

23 \* \* \*

24 CHAPTER 4. DEPARTMENT OF ELDERLY AFFAIRS

25 §151. Department of Elderly Affairs; creation; domicile; composition; purposes and  
 26 functions

27 A. The Department of Elderly Affairs is created and shall be a body  
 28 corporate with the power to sue and be sued. The domicile of the department shall  
 29 be in Baton Rouge.

1           B. The Department of Elderly Affairs, through its offices and officers, shall  
2           be responsible for the functions of the state that are designed to meet the needs of  
3           Louisiana residents sixty years of age or older and for planning, monitoring,  
4           coordination, and delivery of services to the elderly of the state, including but not  
5           limited to coordination of services of all state agencies serving the elderly and  
6           requiring reports from them; developing a plan for efficient coordination of functions  
7           and services for the elderly and for consolidation of such functions and services  
8           within the department with local administration by the parish voluntary councils on  
9           aging; administration of the Older Americans Act and related programs;  
10           administration of all federal funds appropriated, allocated, or otherwise made  
11           available to the state for services to the elderly, except funds for programs  
12           administered by other state departments or agencies as specified by the Louisiana  
13           Revised Statutes of 1950; exercising functions relative to nutrition programs for the  
14           elderly and handicapped citizens of Louisiana, homemaker services, home repair and  
15           maintenance services, employment and training services, recreational and  
16           transportation services, counseling, information and referral services, protective  
17           services as provided in R.S. 15:1501 et seq., and health-related outreach, but  
18           excluding the transportation program for the elderly and the handicapped  
19           administered by the Department of Transportation and Development under Section  
20           16(b)(2) of the Federal Urban Mass Transportation Act of 1964 as amended and  
21           other such programs and services assigned to other departments of state government  
22           as provided in Title 36 of the Louisiana Revised Statutes of 1950; collection of facts  
23           and statistics and making special studies of conditions pertaining to the employment,  
24           health, financial status, recreation, social adjustment, or other conditions affecting  
25           the welfare of the aged; keeping abreast of the latest developments in aging  
26           throughout the nation and interpreting such findings to the public; providing for a  
27           mutual exchange of ideas and information on national, state, and local levels; and  
28           making recommendations to the governor and to the legislature for needed  
29           improvements and additional resources to promote the welfare of the aging in the  
30           state.

1           C. The Department of Elderly Affairs shall be composed of the executive  
2           office of the secretary, the office of management and finance, and such other offices  
3           as shall be created by law. Whenever the secretary determines that the  
4           administration of the functions of the department may be more efficiently performed  
5           by eliminating, merging, or consolidating existing offices or establishing new  
6           offices, he shall present a plan therefor to the legislature for its approval by statute.

7           §152. Officers of the department; compensation for one office only

8           A. The officers of the department shall be the secretary, the undersecretary,  
9           and the deputy secretary if a deputy secretary is appointed, each of whom shall be  
10           selected and shall perform functions as provided in this Title.

11           B. No person serving as a secretary, deputy secretary, or undersecretary shall  
12           receive any additional salary from the state other than that salary which he receives  
13           by virtue of serving in any one of such offices. Any statewide elected official  
14           appointed to serve as a secretary, deputy secretary, or undersecretary shall not  
15           receive any additional salary from the state other than that salary which he receives  
16           as a statewide elected official.

17           C. Notwithstanding any provision of this Section to the contrary, subject to  
18           approval of the governor, any person, including any statewide elected official,  
19           serving or appointed to serve as a secretary, undersecretary, or deputy secretary may  
20           receive additional compensation for part-time services rendered as an instructor in  
21           postsecondary educational institutions or as a member of the National Guard.

22           §153. Secretary of elderly affairs

23           There shall be a secretary of the Department of Elderly Affairs, who shall be  
24           appointed by the governor with consent of the Senate from recommendations for  
25           appointment by the Louisiana Executive Board on Aging, and who shall serve at the  
26           pleasure of the governor at a salary fixed by the governor, which salary shall not  
27           exceed the amount approved for such position by the legislature while in session.  
28           The secretary shall serve as the executive head and chief administrative officer of the  
29           Department of Elderly Affairs and shall have the responsibility for the policies of the  
30           department except as otherwise provided by this Title, and for the administration,

1 control, and operation of the functions, programs, and affairs of the department;  
2 provided that the secretary shall perform his functions under the general control and  
3 supervision of the governor.

4 §154. Powers and duties of secretary of elderly affairs

5 A. In addition to the functions, powers, and duties otherwise vested in the  
6 secretary by law, he shall:

7 (1) Represent the public interest in the administration of this Chapter and  
8 shall be responsible to the governor, the legislature, and the public therefor.

9 (2) Determine the policies of the department, except as otherwise provided  
10 by this Title.

11 (3) In accordance with the Administrative Procedure Act, make, alter,  
12 amend, and promulgate rules and regulations necessary for the administration of the  
13 functions of the department, except as otherwise provided by this Title. The rules  
14 and policies of the Office of Elderly Affairs in effect on the effective date of this  
15 Paragraph shall remain in effect as rules of the Department of Elderly Affairs and  
16 such rules shall remain in effect subject to their own provisions until changed as  
17 provided in this Paragraph.

18 (4) Organize, plan, supervise, direct, administer, execute, and be responsible  
19 for the functions and programs vested in the department, in the manner and to the  
20 extent provided by this Title.

21 (5) Advise the governor on problems concerning the administration of the  
22 department.

23 (6) Act as the sole agent of the state or, in necessary cases, designate one of  
24 the officers within the department to cooperate with the federal government and with  
25 other state and local agencies in matters of mutual concern and in the administration  
26 of federal funds granted to the state or directly to the department or an office thereof  
27 to aid in the furtherance of any function of the department and its offices. For this  
28 purpose he may take such actions, in accordance with applicable state law, necessary  
29 to meet such federal standards as are established for the administration and use of

1            such federal funds, except as otherwise specifically provided in this Title or by the  
2            constitution and laws of this state.

3            (7) Make and publish an annual report to the governor and the legislature  
4            concerning the operations of the department and submit with each report such  
5            recommendations as he deems necessary for the more effective internal structure and  
6            administration of the department and make other reports and recommendations on  
7            his own initiative or upon request of the governor, the legislature, or any committee  
8            or member thereof.

9            (8) Provide for the ongoing merger and consolidation of the agencies and  
10           functions transferred to his department and submit a report thereon to the governor  
11           and the legislature, which report shall accompany the budget request which he  
12           submits under provisions of R.S. 39:33. Such report shall include a statement of the  
13           goals of the department and of the programs thereof and shall summarize the  
14           accomplishments of the department in meeting such goals and implementing such  
15           programs. The report shall also contain a specific statement of the reorganization  
16           and consolidation plan for the department for the next year and shall include a report  
17           on the implementation of such reorganization and consolidation plan for the previous  
18           year. The report concerning reorganization shall specifically detail the extent to  
19           which the department has achieved goals stated the previous year with respect to  
20           merger and consolidation of functions, abolition of agencies, elimination of job  
21           positions, and efficiency and economy in delivery of services. The report shall  
22           contain any recommendations with respect to reorganization which may require  
23           legislative action under the provisions of this Title. A copy of the report and  
24           recommended legislation shall also be submitted by the secretary to the presiding  
25           officer of both houses of the legislature. The presiding officer shall refer the report  
26           to the appropriate committee having jurisdiction of the subject matter as provided in  
27           the rules of the respective house.

28            B. The secretary may:

29            (1)(a) Except as otherwise specifically provided in R.S. 36:801 and 803:

1            (i) Employ, appoint, remove, assign, and promote such personnel as is  
2            necessary for the efficient administration of the executive office of the secretary and  
3            the performance of its powers, duties, functions, and responsibilities and such other  
4            personnel, who are not assigned to an office, as may be necessary for the efficient  
5            administration of the department, and for the performance of the responsibilities,  
6            powers, duties, and functions of agencies transferred to it.

7            (ii) Employ, assign, and remove all personnel employed for the department  
8            on a contractual basis.

9            (iii) Transfer the personnel of the department as necessary for the efficient  
10           administration of the department and its programs.

11           (b) All of the provisions of Subparagraph (a) of this Paragraph shall be  
12           accomplished in accordance with applicable civil service laws, rules, and regulations,  
13           and with policies and rules of the Department of Elderly Affairs, and all shall be  
14           subject to budgetary control and applicable laws.

15           (2) Appoint, subject to gubernatorial approval, advisory councils, boards,  
16           and commissions necessary in the administration of the department, except as  
17           otherwise provided by law or by executive order.

18           (3) Accept and use, in accordance with law, gifts, grants, bequests, and  
19           endowments for purposes consistent with the responsibilities and functions of the  
20           department, and take such actions as are necessary to comply with conditions  
21           required for such acceptance.

22           (4) Formulate and promulgate rules of administration for the department  
23           relating to employment and management.

24           (5) Do such other things not inconsistent with law as are necessary to  
25           perform properly the functions vested in him.

26           §155. Deputy secretary

27           There may be a deputy secretary of the department, who shall be appointed  
28           by the secretary with consent of the Senate and who shall serve at the pleasure of the  
29           secretary at a salary fixed by the secretary, which salary shall not exceed the amount  
30           approved for such position by the legislature while in session. The duties and



1 functions of the deputy secretary shall be determined and assigned by the secretary.  
 2 If appointed, he shall serve as acting secretary in the absence of the secretary.

3 §156. Undersecretary; functions; office of management and finance

4 A. There shall be an undersecretary of the Department of Elderly Affairs,  
 5 who shall be appointed by the governor with consent of the Senate and who shall  
 6 serve at the pleasure of the governor at a salary fixed by the governor, which salary  
 7 shall not exceed the amount approved for such position by the legislature while in  
 8 session. The undersecretary shall be directly responsible to and shall perform his  
 9 functions under the supervision and control of the secretary.

10 B. The undersecretary shall direct and be responsible for the functions of the  
 11 office of management and finance within the Department of Elderly Affairs. In such  
 12 capacity, he shall be responsible for accounting and budget control, procurement and  
 13 contract management, data processing, management and program analysis, personnel  
 14 management, and grants management for the department and all of its offices,  
 15 including all agencies transferred to the Department of Elderly Affairs, except as  
 16 otherwise specifically provided in this Title. He shall employ, appoint, remove,  
 17 assign, and promote such personnel as are necessary for the efficient administration  
 18 of the office of management and finance and the performance of its powers, duties,  
 19 functions, and responsibilities, in accordance with applicable civil service laws,  
 20 rules, and regulations, and with policies and rules of the department, all subject to  
 21 budgetary control and applicable laws. The undersecretary shall exercise all powers  
 22 and authority granted to him in this Title subject to the overall direction and control  
 23 of the secretary.

24 C. The duties and functions of the office of management and finance and of  
 25 the undersecretary shall be as provided in this Section, and these duties and functions  
 26 shall not be subject to change by the secretary, except that the undersecretary shall  
 27 perform such additional duties and functions as are assigned by the secretary.

1           §157. Transfer of agencies or their powers to Department of Elderly Affairs

2                   A. The Louisiana Executive Board on Aging (R.S. 46:931 et seq.) is placed  
3 within the Department of Elderly Affairs and shall exercise and perform its powers,  
4 duties, functions, and responsibilities as provided in R.S. 36:802.

5                   B. The Office of Elderly Affairs (formerly R.S. 46:931 et seq.) is hereby  
6 abolished and its powers, duties, functions, and responsibilities are transferred to the  
7 Department of Elderly Affairs and shall be exercised and performed as provided in  
8 Chapter 7 of Title 46 of the Louisiana Revised Statutes of 1950, as provided in this  
9 Chapter, and as provided in Part IV of Chapter 22 of this Title except as otherwise  
10 provided in Chapter 7 of Title 46 of the Louisiana Revised Statutes of 1950.

11   \*          \*          \*

12           §258. Offices; purposes and functions

13   \*          \*          \*

14                   F. The office of aging and adult services shall be responsible for the  
15 programs and functions of the Department of Health and Hospitals related to the  
16 long-term care of the elderly and the protection and long-term care of persons with  
17 adult onset disabilities. It shall administer the residential state-operated nursing  
18 homes, the Villa Feliciana Medical Complex, the protection services program of  
19 adults from ages eighteen to fifty-nine, the department's long-term support and  
20 services programs, the State Personal Assistance Services program, the Community  
21 and Family Support Program, the Traumatic Head and Spinal Cord Injury Trust  
22 Fund, as well as other related programs within the department. The office shall have  
23 no responsibility or authority for any programs or functions assigned by the  
24 Louisiana Revised Statutes of 1950 to the Department of Elderly Affairs.

25   \*          \*          \*

26           Section 4. R.S. 39:33(A)(2) is hereby amended and reenacted to read as follows:

27           §33. Agency budget request; time of submission; standing committees

28                   A.

29   \*          \*          \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

(2) Except as limited, restricted, or otherwise prohibited by the Constitution of Louisiana, simultaneously with budget units submitting their budget requests to the governor, the Department of Economic Development, the Department of Elderly Affairs, the Department of Public Safety and Corrections, the Department of Children and Family Services, the Louisiana Workforce Commission, the Department of Health and Hospitals, the Department of Education, the State Board of Elementary and Secondary Education, the Board of Regents, and in the office of the governor, the Department of Veterans Affairs and the Offices of Lifelong Learning, Workforce Development, ~~Elderly Affairs~~, and Women's Services shall submit a copy of their workforce budget requests to the Louisiana Workforce Investment Council, as created in R.S. 23:2042, for the commission's review, modification, and approval of funding to be incorporated into the executive budget.

\* \* \*

Section 5. R.S. 46:931, 932(introductory paragraph) and (14), 933(A), (D), and (G), 934, 935(A), (B)(introductory paragraph), and (C), 936, 937, 937.1(A) and (B)(1) and (3), 937.2, 937.3, 938, and 2351(E)(introductory paragraph) are hereby amended and reenacted to read as follows:

CHAPTER 7. ~~OFFICE~~ DEPARTMENT OF ELDERLY AFFAIRS

§931. Creation; personnel

~~An agency of the state to be known as the office of elderly affairs~~ The Department of Elderly Affairs is hereby created ~~and established in the office of the governor.~~ ~~Said office~~ The department shall exercise the powers and duties ~~hereinafter~~ set forth in this Chapter or otherwise provided by law. The ~~office~~ department shall be administered by ~~an executive director~~ a secretary, who shall be ~~recommended~~ appointed by the governor, subject to Senate confirmation, from recommendations for appointment by the Louisiana Executive Board on Aging, ~~to the governor to~~ The secretary shall serve at ~~his~~ the pleasure ~~of the governor, subject to confirmation by the Senate.~~ The ~~executive director~~ secretary shall employ necessary staff to carry out the duties and functions of the ~~office~~ department as otherwise provided in this Chapter, or as otherwise provided by law.

1 §932. Powers and duties

2 The ~~office~~ department shall have the following powers and duties:

3 \* \* \*

4 (14) To approve recommendations from any parish voluntary council on  
5 aging prior to the creation of any new state-funded senior center in the state.  
6 Recommendations from a parish voluntary council on aging and approval by the  
7 ~~Office~~ Department of Elderly Affairs shall be based on need for a new facility and  
8 whether the proposed facility will meet the criteria for a senior center as defined in  
9 the policies and regulations established by the ~~Office~~ Department of Elderly Affairs.

10 §933. Louisiana Executive Board on Aging established; membership; term of office;  
11 compensation of members

12 A. ~~There is hereby established the~~ The Louisiana Executive Board on Aging  
13 ~~within the office of the governor~~ is established within the Department of Elderly  
14 Affairs.

15 \* \* \*

16 D. A person is not eligible for appointment if the person or the person's  
17 spouse is either:

18 (1) ~~Employed~~ Is employed by a business entity or other organization  
19 regulated by or receiving funds from the ~~governor's office of elderly affairs~~  
20 Department of Elderly Affairs.

21 (2) Owns, controls, or has, directly or indirectly, more than a ten percent  
22 interest in a business entity or other organization regulated by or receiving funds  
23 from the ~~governor's office of elderly affairs~~ Department of Elderly Affairs.

24 \* \* \*

25 G. The board may recommend ~~discharge of the executive director~~ to the  
26 governor that the secretary be replaced. The board shall adopt rules for the  
27 transaction of its business and shall keep a record of its resolutions, transactions,  
28 findings, and determinations. A majority of members shall constitute a quorum. The  
29 ~~office~~ department shall provide office and meeting space and staff support for the  
30 board.



1           C. All state agencies administering programs or implementing policies which  
 2 affect the health or well being of the elderly shall cooperate with the ~~office~~  
 3 department in carrying out these responsibilities.

4           §936. Statement of intent

5           A. It is the intention of the legislature that, insofar as is practical and  
 6 consistent with the efficient administration of state government, programs and  
 7 services for the elderly population of Louisiana, with the exception of any programs  
 8 administered by the Department of Children and Family Services or the Department  
 9 of Health and Hospitals on August 15, 1995, shall eventually be consolidated within  
 10 the ~~Office~~ Department of Elderly Affairs, to be administered at the local level by the  
 11 sixty-four parish voluntary councils on aging.

12           B. It is further the intention of the legislature that the ~~Office~~ Department of  
 13 Elderly Affairs administer all federal funds appropriated, allocated, or otherwise  
 14 made available to the state for services to the elderly, whether by block grant or in  
 15 any other form, with the exception of funds for programs administered by the  
 16 Department of Children and Family Services or the Department of Health and  
 17 Hospitals on August 15, 1995. The ~~Office~~ Department of Elderly Affairs shall  
 18 distribute such funds in accordance with appropriate state and federal requirements  
 19 and consistent with this Section.

20           §937. Frail elderly program; administration

21           A. The ~~office of elderly affairs~~ Department of Elderly Affairs shall create the  
 22 frail elderly program which shall provide home and community services to persons  
 23 sixty years of age or older who have some degree of functional impairment in areas  
 24 serviced by a participating voluntary council on aging. Such impairment shall be  
 25 determined by the comprehensive assessment conducted in accordance with rules  
 26 and regulations promulgated by the ~~office~~ department.

27           B. In areas serviced by a voluntary council on aging which agrees to  
 28 participate, the program shall be administered by the council, subject to the rules and  
 29 regulations promulgated by the ~~office~~ department.

1 §937.1. Eligibility; services provided

2 A. Eligibility for ~~this~~ the frail elderly program shall be initially determined  
3 on the basis of the comprehensive assessment required by R.S. 46:937. No person  
4 shall receive services under this program without such services being authorized on  
5 the basis of the comprehensive assessment results.

6 B.(1) Services to be provided under ~~this~~ the frail elderly program shall be  
7 limited to those services provided in the person's home or those services intended to  
8 maintain the person's ability to live at home. These shall include but need not be  
9 limited to the social, nutrition, and support services currently provided by the  
10 councils on aging, such as home-delivered meals, respite care, homemaker services,  
11 and chore assistance.

12 \* \* \*

13 (3) All other services provided through ~~this~~ the frail elderly program shall  
14 be subject to any applicable state licensing laws and to such service standards as may  
15 be promulgated by the ~~office~~ department.

16 \* \* \*

17 §937.2. Funding

18 Funding for ~~this~~ the frail elderly program shall be provided by:

19 (1) That portion of appropriations from the state general fund to the parish  
20 voluntary councils on aging not needed to match the federal Older American Act or  
21 other matching fund programs. In January of each year, the ~~office~~ department shall  
22 certify to the legislature and to the councils on aging the amount of funds available  
23 under this program.

24 (2) Persons eligible for the program shall be assessed an appropriate fee on  
25 a sliding scale based upon the person's ability to pay. The fee scale shall be  
26 established by the ~~office~~ department by regulation and shall provide a minimum  
27 income level below which no fee shall be assessed. Fees collected pursuant to this  
28 program shall be maintained separate from other funds and shall be used only for the  
29 purposes of increasing the provision of any of the services allowed under this  
30 program to eligible persons.

1 §937.3. Duties of the ~~office~~ department; reimbursement

2 A. The ~~office~~ department shall adopt rules and regulations necessary to  
 3 administer ~~this~~ the frail elderly program in accordance with the Administrative  
 4 Procedure Act. Such rules and regulations shall be promulgated in order to allow for  
 5 the program to begin operation no later than July, 1993.

6 B. The ~~office~~ department shall establish reimbursement rates for each service  
 7 provided under this program.

8 C. The ~~office~~ department shall report annually to the legislature on the  
 9 implementation of the program. The first report shall be delivered to the legislature  
 10 no later than thirty days prior to the 1994 Regular Session and shall include the  
 11 office's assessment of the feasibility of the program and any recommendations as to  
 12 whether the program should be continued, expanded, or discontinued.

13 §938. Volunteer service credit program; creation

14 A. The ~~office of elderly affairs~~ Department of Elderly Affairs shall establish  
 15 a computer-based volunteer service credit program under which persons may  
 16 volunteer their services to provide respite care, homemaker care, home repair, and  
 17 maintenance services as provided by R.S. 46:937.1(B) and (C), or related services  
 18 to persons sixty years of age or older who are determined by the ~~office~~ department  
 19 to need such care. Volunteer participants in this program shall receive credit for  
 20 providing the volunteer services, which credit may then be drawn upon when  
 21 volunteers or their spouses are determined by the ~~office~~ department to need services  
 22 included in the volunteer service credit program.

23 B. The ~~office~~ department shall establish a computer-based volunteer skills  
 24 bank which shall include a registry of names, skills, and interests of persons earning  
 25 service credits, an accounting system necessary to track service credits earned by  
 26 each volunteer, and the capacity to provide each volunteer with monthly balances of  
 27 credits earned and credits expended.

28 C. To the extent possible, the ~~office~~ department shall recruit and train a  
 29 sufficient number of volunteers to assure the availability of volunteers to meet the  
 30 needs of persons who have service credits and who need to draw on their accounts.



1           The ~~office~~ department shall also develop a contingency plan for using the staff and  
2           programs of the ~~office~~ department to ensure that services are available in return for  
3           credit in the event no appropriate volunteer is available. The contingency plan shall  
4           be incorporated into rules adopted pursuant to the provisions of this Section.

5                     D. The ~~office~~ department shall adopt rules necessary to administer the  
6           program, which shall include standards to screen and train participants and to limit  
7           the number of hours of credit which may be accumulated by each volunteer.

8                     E. The ~~office~~ department shall coordinate this program with the parish  
9           councils on aging and other existing volunteer programs where feasible.

10                    F. The ~~office~~ department shall report annually to the legislature on the  
11           implementation of the program. The report shall include the number of volunteer  
12           participants, the number of credited hours of service, all costs associated with the  
13           program, any recommendations for program modifications, and any other  
14           information relevant to program effectiveness. The first annual report shall be  
15           delivered to the legislature no later than thirty days prior to the 1988 Regular Session  
16           and shall include the office's assessment of the feasibility of the program and any  
17           recommendations as to whether the program should be continued, expanded, or  
18           discontinued.

19   \*       \*       \*

20           §2351. Creation; membership; terms; compensation

21   \*       \*       \*

22                     E. Upon request of the commission, the directors of the following agencies,  
23           and the secretary in the case of the Department of Elderly Affairs, shall make  
24           themselves available for consultation and shall provide information regarding the  
25           services available to the deaf through their respective agencies:

26   \*       \*       \*

27           Section 6. R.S. 36:4(B)(6) is hereby repealed in its entirety.

28           Section 7. The Louisiana State Law Institute is hereby authorized and directed to  
29           change references as follows:

1 (A) Change "office of elderly affairs" to "Department of Elderly Affairs" in the  
2 following provisions: R.S. 40:2010.1(5) and 2010.2, R.S. 46:1602(A) and (C), 1606(A),  
3 (D)(2), and (E), 1608(A), and 2351(E)(4).

4 (B) Change "Governor's Office of Elderly Affairs" to "Department of Elderly  
5 Affairs" in the following provisions: R.S. 14:35.1(A)(3) and R.S. 46:2136.2(F).

6 (C) Change "office of elderly affairs in the office of the governor" to "Department  
7 of Elderly Affairs" in the following provisions: R.S. 15:1503(4)(a), R.S. 17:3932(A)(2), and  
8 R.S. 40:2010.1(1).

9 (D) Change "Office of Elderly Affairs within the governor's office" to "Department  
10 of Elderly Affairs" in the following provisions: R.S. 40:1300.212(3) and 1300.213(A) and  
11 (B).

12 (E) Change "governor's office of elderly affairs" to "Department of Elderly Affairs"  
13 in R.S. 40:2009.25(F)(10).

14 (F) Change "office of elderly affairs that is an organizational part of the governor's  
15 office, and" to "Department of Elderly Affairs, which" in R.S. 47:120.26(A)(1).

16 (G) Change "office of elderly affairs of the governor's office" to "Department of  
17 Elderly Affairs" in R.S. 47:305.66(B).

18 (H) Change "Office of Elderly Affairs" to "Department of Elderly Affairs" in R.S.  
19 46:56(A), (B)(1), and (F)(4)(b), 61(A)(1) and (C), 1608(E), 2673(A)(1), and 2674(A)(2)(a).

20 (I) Change "office" to "department" in R.S. 46:1608(A) and (C).

21 (J) Change "executive director" or "executive director of the office" or "executive  
22 director of the office of elderly affairs" or "executive director of the Office of Elderly  
23 Affairs" or "executive director of the Governor's Office of Elderly Affairs" to "secretary of  
24 the Department of Elderly Affairs" in R.S. 17:2048.61(D)(21), R.S. 23:2043(A)(9), and R.S.  
25 46:1606(A), (B)(1) and (2), (C), and (D)(3), 1608(A), and 2911(B)(8).

26 (K) Change "executive director of the office" or "executive director" to "secretary  
27 of the department" in R.S. 46:1608(B), (C), and (F).

28 (L) Change ""OEA"" to ""DEA"" in R.S. 47:120.26(A)(1) and change "OEA" to  
29 "DEA" in R.S. 47:120.26(C), (D), and (E).

1           Section 8. Notwithstanding any provision of law to the contrary, any funds  
2 appropriated or allocated for any purpose, function, or program that is under the purview,  
3 jurisdiction, or authority of the Office of Elderly Affairs or its successor, the Department of  
4 Elderly Affairs, by virtue of statutory enactment in the Louisiana Revised Statutes of 1950  
5 shall be appropriated or allocated only to, and available for use only by, the Office of Elderly  
6 Affairs or its successor, the Department of Elderly Affairs, and such funds shall not be  
7 appropriated, allocated, or transferred to any other state department, agency, office, or  
8 program. For purposes of this Section, the provisions of Title 36 of the Louisiana Revised  
9 Statutes of 1950, Organization of the Executive Branch of State Government, the provisions  
10 of Chapter 7 of Title 46 of the Louisiana Revised Statutes of 1950, and the provisions of the  
11 Adult Protective Services Act, R.S. 15:1501 et seq., shall supersede any other provision of  
12 law concerning assignment or allocation of purposes, functions, and programs to  
13 departments, agencies, and offices of the executive branch and shall also supersede the  
14 provisions of any appropriation or allocation made in contravention of this Section.  
15 Appropriations and allocations of funds for the purposes of programs affecting the elderly  
16 and persons age sixty and over shall be made to departments, agencies, and offices in  
17 accordance with the assignment of purposes, programs, and functions by the provisions of  
18 Title 36 of the Louisiana Revised Statutes of 1950, Organization of the Executive Branch  
19 of State Government, the provisions of Chapter 7 of Title 46 of the Louisiana Revised  
20 Statutes of 1950, and the provisions of the Adult Protective Services Act, R.S. 15:1501 et  
21 seq. Any appropriation or allocation of funds for any purpose, function, or program that is  
22 assigned to the Office of Elderly Affairs, or its successor, the Department of Elderly Affairs,  
23 shall be deemed to have been made to the Office of Elderly Affairs, or its successor, the  
24 Department of Elderly Affairs regardless of the entity to which such appropriation or  
25 allocation is made, and the state treasurer shall redirect funds appropriated or allocated to  
26 any other department, agency, office, or entity in contravention of this Section to the Office  
27 of Elderly Affairs, or its successor, the Department of Elderly Affairs.

28           Section 9.(A) This Section and Section 8 of this Act shall become effective on July  
29 1, 2013; if this Act is vetoed by the governor and subsequently approved by the legislature,

1 this Section and Section 8 of this Act shall become effective on July 1, 2013, or on the day  
2 following such approval by the legislature, whichever is later.

3 (B) Sections 1 through 7 of this Act shall become effective upon the effective date  
4 of the abolition of one or more of the twenty departments in the executive branch of state  
5 government or upon the effective date of a constitutional amendment that authorizes creation  
6 of an executive branch department in addition to the twenty departments authorized by  
7 Constitution Article IV, Section 1(B), whichever such effective date is earlier.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_