

ACT No. 384

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.

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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

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

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 * * *

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

* * *

14 Section 5. R.S. 46:931, 932(introductory paragraph) and (14), 933(A), (D), and (G),
15 934, 935(A), (B)(introductory paragraph), and (C), 936, 937, 937.1(A) and (B)(1) and (3),
16 937.2, 937.3, 938, and 2351(E)(introductory paragraph) are hereby amended and reenacted
17 to read as follows:

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

§931. Creation; personnel

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

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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 §934. Louisiana Executive Board On Aging; powers, duties, and functions

2 A. The board shall develop and implement policies and procedures
 3 pertaining to the ~~office of elderly affairs~~ Department of Elderly Affairs and its
 4 functions, shall approve matters of policy and all rules and regulations promulgated
 5 by the board or the ~~office~~ department ~~which~~ that ~~that~~ that pertain to elderly affairs and
 6 voluntary parish councils on aging, shall review and make recommendations to the
 7 ~~director~~ secretary on matters of general importance and relevance to the planning,
 8 monitoring, coordination, and delivery of services to the elderly of the state, and
 9 shall prepare and submit an annual report to the legislature and to the governor sixty
 10 days prior to the legislative session.

11 B. The board shall adopt rules governing the functions of the ~~office~~
 12 department, including rules that prescribe the policies and procedures followed by
 13 the board and the ~~office~~ department in the administration of its programs, all in
 14 accordance with the Administrative Procedure Act. The rules adopted by the board
 15 for the Office of Elderly Affairs in effect on the effective date of this Subsection
 16 shall remain in effect and shall be applicable to the board and the Department of
 17 Elderly Affairs and such rules shall remain in effect subject to their own provisions
 18 until changed as provided in this Subsection.

19 C. The board by rule or its order may delegate any portion of its rights,
 20 powers, and duties to the ~~executive director~~ secretary of the department.

21 §935. Power of review of proposals of state agencies

22 A. Any state agency or department proposing to establish, modify, or expand
 23 programs or services for the elderly of the state shall consult with the ~~director of the~~
 24 ~~office~~ secretary of the department, who shall consult and coordinate a response with
 25 the parish voluntary councils on the aging as appropriate.

26 B. The ~~office~~ department shall review and report upon all such proposals
 27 submitted to it and shall comment as to the following:

28 * * *

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: _____