
DIGEST

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Harrison

HB No. 352

Abstract: Abolishes the Office of Elderly Affairs and creates the Dept. of Elderly Affairs as its successor and provides that funding for purposes, functions, and programs of the office and the department be appropriated or allocated only to the office or the department. Creation of the department will become effective with the abolition of an existing department or a constitutional amendment authorizing an additional department.

Present law creates the Office of Elderly Affairs as a state agency in the office of the governor. Provides that the office is administered by an executive director, who is recommended for appointment by the La. Executive Board on Aging and appointed by the governor, to serve at his pleasure, subject to Senate confirmation.

Present law provides for the powers and duties of the office, including among others administration of the Older Americans Act and related programs; collecting information and making studies of conditions pertaining to employment, health, financial status, recreation, social adjustment, or other conditions affecting the welfare of the aged; making recommendations to the governor and to the legislature for needed improvements and additional resources to promote the welfare of the aging; coordinating the services of all state agencies serving the elderly and requiring reports from state agencies and institutions; promulgating rules and regulations necessary to implement provisions for the office and its functions; administration of all federal funds appropriated, allocated, or otherwise made available to the state for services to the elderly, except funds for programs administered by other state departments or agencies; exercising functions relative to nutrition programs for the elderly and handicapped citizens of La., homemaker services, home repair and maintenance services, employment and training services, recreational and transportation services, counseling, information and referral services, specified protective services, and health-related outreach, but excluding a specified transportation program for the elderly and the handicapped administered by the Dept. of Transportation and Development and other such programs and services assigned to other departments of state government.

Present law also provides for the office to review and report on proposals of state agencies and departments for programs and services for the elderly. Provides legislative intent to eventually consolidate programs and services for the elderly in the office except those administered by the Dept. of Health and Hospitals and the Dept. of Children and Family Services on Aug. 15, 1995, and for the office to administer all federal funds for services to the elderly except for programs administered by the Dept. of Health and Hospitals and the Dept. of Children and Family Services on Aug. 15, 1995. Provides for a frail elderly program and a volunteer service credit

program in the office.

Proposed law abolishes the Office of Elderly Affairs and creates the Department of Elderly Affairs. Provides legislative intent to eventually consolidate programs and services for the elderly in the department with the same exceptions as provided in present law above. Grants the department all powers and duties of the abolished office and makes it responsible for the programs and functions of the abolished office. Transfers to the department the unfinished business, obligations, property, and employees of the abolished office. Makes the rules of the office effective for the department, until changed by the department. Provides that the office shall be responsible for state functions designed to meet the needs of residents age 60 or older and for planning, monitoring, coordination, and delivery of services to the elderly of the state, including but not limited to coordination of services of all state agencies serving the elderly and requiring reports from them; developing a plan for efficient coordination of functions and services for the elderly and for consolidation of such functions and services within the department with local administration by the parish voluntary councils on aging; administration of the Older Americans Act and related programs; administration of all federal funds appropriated, allocated, or otherwise made available to the state for services to the elderly, except funds for programs administered by other state departments or agencies as specified by the La. Revised Statutes of 1950; exercising functions relative to nutrition programs for the elderly and handicapped citizens of La., homemaker services, home repair and maintenance services, employment and training services, recreational and transportation services, counseling, information and referral services, protective services as provided in R.S. 15:1501 et seq., and health-related outreach, but excluding the transportation program for the elderly and the handicapped administered by the Dept. of Transportation and Development under Section 16(b)(2) of the Federal Urban Mass Transportation Act of 1964 as amended and other such programs and services assigned to other departments of state government as provided in Title 36 of the La. Revised Statutes of 1950; collection of facts and statistics and making special studies of conditions pertaining to the employment, health, financial status, recreation, social adjustment, or other conditions affecting the welfare of the aged; keeping abreast of the latest developments in aging throughout the nation and interpreting such findings to the public; providing for a mutual exchange of ideas and information on national, state, and local levels; and making recommendations to the governor and to the legislature for needed improvements and additional resources to promote the welfare of the aging in the state.

Proposed law provides that the department shall be composed of the executive office of the secretary, the office of management and finance, and such other offices as shall be created by law.

Proposed law provides for a secretary of the department, to be appointed by the governor with consent of the Senate from recommendations for appointment by the La. Executive Board on Aging, who shall serve at the pleasure of the governor at a salary fixed by the governor not to exceed the amount approved for the position by the legislature in session. Provides for the powers and duties of the secretary, which are similar to the powers and duties granted to the secretaries of other executive branch departments by present law. Also grants the secretary the powers, duties, and functions of the executive director of the

abolished Office of Elderly Affairs.

Proposed law authorizes but does not require a deputy secretary for the department, to be appointed by the secretary with Senate consent and to serve at the pleasure of the secretary at a salary set by the secretary not to exceed the amount approved for the position by the legislature in session.

Proposed law provides for an office of management and finance for the department with functions similar to those of the offices of management and finance of other executive branch departments as provided by present law, that is, accounting and budget control, procurement and contract management, data processing, management and program analysis, personnel management, and grants management for the department, all of its offices, and agencies transferred to the department. Provides that the undersecretary shall be responsible for the functions of the office of management and finance and that he shall be appointed by the governor to serve at his pleasure at a salary fixed by the governor not to exceed the amount approved for the position by the legislature in session.

Present law establishes the La. Executive Board on Aging in the office of the governor. Provides that the board may recommend discharge of the executive director of the Office of Elderly Affairs. Provides that the board shall develop and implement policies and procedures pertaining to the office of elderly affairs and its functions, shall approve matters of policy and all rules and regulations promulgated by the board or the office which pertain to elderly affairs and voluntary parish councils on aging, shall review and make recommendations to the director on matters of general importance and relevance to the planning, monitoring, coordination, and delivery of services to the elderly of the state, and shall prepare and submit an annual report to the legislature and to the governor sixty days prior to the legislative session. Provides that the board shall adopt rules governing the functions of the office, including rules that prescribe the policies and procedures followed by the board and the office in the administration of its programs. Provides that the board may delegate any portion of its rights, powers, and duties to the executive director.

Proposed law places the board in the department and provides that the board shall continue to exercise all of the powers, duties, functions, and responsibilities provided or authorized for it by law which are in the nature of policymaking, rulemaking, licensing, regulation, enforcement, or adjudication and also shall continue to exercise all advisory powers, duties, functions, and responsibilities provided by law. Makes the rules of the board effective for the department, until changed by the board.

Proposed law provides that the office of aging and adult services of the Dept. of Health and Hospitals shall have no responsibility or authority for any programs or functions assigned by the La. Revised Statutes of 1950 to the Dept. of Elderly Affairs.

Proposed law changes references in present law from the office to the department and directs the La. State Law Institute to change other similar references.

Proposed law provides that, notwithstanding any law to the contrary, any funds appropriated or

allocated for any purpose, function, or program that is under the purview, jurisdiction, or authority of the Office of Elderly Affairs, or its successor, the Dept. of Elderly Affairs, by virtue of statutory enactment in the La. Revised Statutes of 1950 shall be appropriated or allocated only to, and available for use only by, the Office of Elderly Affairs or its successor, the Dept. of Elderly Affairs, and shall not be appropriated, allocated, or transferred to any other state department, agency, office, or program. Provides that Title 36 of the La. Revised Statutes of 1950 (Organization of the Executive Branch of State Government), Chapter 7 of Title 46 of the La. Revised Statutes of 1950 (elderly affairs), and the Adult Protective Services Act (R.S. 15:1501 et seq.) shall supersede any other provision of law concerning assignment or allocation of purposes, functions, and programs to departments, agencies, and offices of the executive branch and shall also supersede the provisions of any appropriation or allocation made in contravention of this Section of proposed law. Requires that appropriations and allocations of funds for the purposes of programs affecting the elderly and persons age sixty and over shall be made to departments, agencies, and offices in accordance with the assignment of purposes, programs, and functions by the provisions of Title 36, Title 46, and Title 15 cited above. Provides that any appropriation or allocation of funds for any purpose, function, or program that is assigned to the Office of Elderly Affairs, or its successor, the Department of Elderly Affairs, shall be deemed to have been made to the Office of Elderly Affairs, or its successor, the Department of Elderly Affairs regardless of the entity to which such appropriation or allocation is made, and requires the state treasurer to redirect funds appropriated or allocated to any other department, agency, office, or entity in contravention of this Section to the Office of Elderly Affairs, or its successor, the Dept. of Elderly Affairs.

Effective upon the effective date of the abolition of one or more of the 20 departments in the executive branch of state government or upon the effective date of a constitutional amendment that authorizes creation of an additional executive branch department, whichever such effective date is earlier; except provisions requiring appropriation and allocation of funding of elderly affairs purposes, functions, and programs in accordance with the assignment thereof by the La. Revised Statutes of 1950 is effective July 1, 2013.

(Amends 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(intro. para.) and (14), 933(A), (D), and (G), 934, 935(A), (B)(intro. para.), and (C), 936, 937, 937.1(A) and (B)(1) and (3), 937.2, 937.3, 938, and 2351(E)(intro. para.); Adds R.S. 36:4(A)(15) and 151-157; Repeals R.S. 36:4(B)(6))