

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

Prior law provided 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.

Prior law also provided for the office to review and report on proposals of state agencies and departments for programs and services for the elderly. Provided 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. Provided for a frail elderly program and a volunteer service credit program in the office.

New 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 prior 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 existing law (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 specified federal law provisions 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.

New 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.

New law provides for a department secretary, to be appointed by the governor with Senate consent from persons recommended 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 existing law. Also grants the secretary the powers, duties, and functions of the executive director of the abolished Office of Elderly Affairs.

New 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.

New 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 existing 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.

Prior law established the La. Executive Board on Aging in the office of the governor. Authorized the board to recommend discharge of the executive director of the Office of Elderly Affairs. Required that the board develop and implement policies and procedures pertaining to the Office of Elderly Affairs and its functions, approve matters of policy and all rules and regulations promulgated by the board or the office that pertain to elderly affairs and voluntary parish councils on aging, 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 state's elderly, and submit an annual report to the legislature and the governor 60 days prior to the legislative session. Required that the board adopt rules governing the functions of the office, including rules prescribing policies and procedures followed for the board and the office. Authorized the board to delegate any portion of its rights, powers, and duties to the executive director.

New law places the board in the department and provides for the board to continue to exercise its powers, duties, functions, and responsibilities that are in the nature of policymaking, rulemaking, licensing, regulation, enforcement, or adjudication, including those that are advisory. Makes board duties and functions that were applicable to the Office of Elderly Affairs applicable instead to the new department. Makes the rules of the board effective for the department, until changed by the board.

New 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.

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

New 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 these provisions of new law. Requires that appropriations and allocations of funds for the purposes of programs affecting the elderly and persons age 60 and over shall be made to departments, agencies, and offices in accordance with the assignment of purposes, programs, and functions by the Title 36, Title 46, and Title 15 provisions 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 Dept. of Elderly Affairs, shall be deemed to have been made to the Office of Elderly Affairs, or its successor, the Dept. 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 requirement 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 are 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))