

## HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 246 by Representative Harrison

ELDERLY: Provides relative to the Department of Elderly Affairs, including provisions for officers and employees, rulemaking, and funding

### Synopsis of Senate Amendments

1. Removes provisions that would have provided for officers of the Dept. of Elderly Affairs (secretary, deputy secretary (if any), and undersecretary) to be in the *classified* state service. Retains provisions for department employees to be in the *classified* state service. (Note: Amends bill title to indicate that all employees of the department shall be in the *unclassified* state service.)
2. Removes provisions for appointment of the secretary by the governor in accordance with civil service rules and restores present law relative to such appointment, except does not restore present law provision for appointment of the secretary from recommendations of the La. Executive Board on Aging.
3. Removes proposed law that would have changed the appointing authority of the undersecretary from the governor to the secretary.

### Digest of Bill as Finally Passed by Senate

Present constitution (Const. Art. X) provides that the state civil service is divided into the unclassified and the classified service and that persons not included in the unclassified service are in the classified service. Provides, in part, that the unclassified service includes the heads of each principal executive department appointed by the governor and one person holding a confidential position and one principal assistant or deputy to such officers. Also provides that additional positions may be added to the unclassified service and those positions may be revoked by rules adopted by a state civil service commission. The commission has added most officers of the 20 executive branch departments to the unclassified service.

Proposed constitutional amendment (HB No. 343) creates the Dept. of Elderly Affairs as an executive branch department and provides for its functions and funds. Provides, in part, that all officers and employees of the department shall be in the classified state civil service, notwithstanding any provision of Const. Art. X to the contrary, and that their appointments and compensation shall be in accordance with state civil service rules.

Proposed law (R.S. 36:151(D)) specifies that all employees of the Dept. of Elderly Affairs shall be in the *classified* service of the state. (Note: Senate Floor Amendments to the bill title indicates that the bill provides that all employees of the department shall be in the *unclassified* service of the state.)

Present law (R.S. 36:153, 155, and 156; not effective, to become effective when an executive branch department is abolished or an additional department is authorized by constitutional amendment) provides that the secretary of the Dept. of Elderly Affairs shall be appointed by the governor with Senate consent from recommendations by the La. Executive Board on Aging to serve at the pleasure of the governor at a salary fixed by the governor not to exceed the amount approved by the legislature in session.

Proposed law retains present law except removes provisions for appointment of the secretary from recommendations of the La. Executive Board on Aging. Proposed law changes provision (R.S. 46:933) authorizing the La. Executive Board on Aging to make recommendations to the governor for replacement of the secretary and provides instead that

the board may make recommendations to the governor for disciplinary action against the secretary in accordance with civil service rules.

Proposed law (R.S. 36:154(A)(3), R.S. 46:932(8) and 934) provides that provisions of law authorizing the Dept. of Elderly Affairs to make rules or establish standards or rates shall be construed to mean the secretary. Removes provisions for rulemaking by the La. Executive Board on Aging and provides for the board to make recommendations to the secretary.

Proposed law provides that on and after the effective date of the Act, the Dept. of Elderly Affairs shall be the successor of the Office of Elderly Affairs as provided in Acts 2013, No. 384 and the present Act. Requires the commissioner of administration to take all actions necessary to provide for the transfer of appropriations and allocations made to the Office of Elderly Affairs to the Dept. of Elderly Affairs. Provides that, notwithstanding any law to the contrary, any appropriation or allocation of funds for any purpose, function, or program assigned to the Dept. of Elderly Affairs by statutory enactment in the R.S. shall be deemed to have been made to 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 for such purposes, functions, or programs to the Dept. of Elderly Affairs. Provides that such proposed law supersedes any appropriation or allocation made to any other department, agency, office, or entity for such purposes, functions, or programs.

Effective if and when the proposed amendment of Article IV of the Constitution of La. contained in the Act which originated as House Bill No. 343 of this 2014 R.S. is adopted at a statewide election and becomes effective (Jan. 1, 2015).

(Amends R.S. 36:153 and 154(A)(3) and R.S. 46:931, 932(8), 933(G), and 934(A) and (B); Adds R.S. 36:151(D))