

Regular Session, 2014

HOUSE BILL NO. 342

BY REPRESENTATIVE HARRISON

ELDERLY: (Constitutional Amendment) Creates and provides for a Department of Elderly Affairs

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A JOINT RESOLUTION

Proposing to add Article IV, Section 23 of the Constitution of Louisiana, to provide for the Department of Elderly Affairs; to create the department and provide for its authority and functions; to provide relative to officers and employees and relative to funding; to provide for the effectiveness of legislation creating the department; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to add Article IV, Section 23 of the Constitution of Louisiana, to read as follows:

§23. Department of Elderly Affairs

Section 23. The Department of Elderly Affairs is created as one of the departments in the executive branch of state government. The department shall not be subject to the limitation on the number of executive branch departments provided in this constitution and may be in addition to the number of departments permitted by such limitation. The legislature may allocate executive branch offices, agencies, and other instrumentalities and their functions, powers, duties, and responsibilities to the department. The department shall be responsible for the functions of the state

1 that are designed to meet the needs of Louisiana residents sixty years of age or older
2 and for planning, monitoring, coordinating, and delivering services to the elderly of
3 the state. The department shall have other powers, duties, and functions as
4 authorized by this constitution or provided by law. No funds shall be appropriated
5 for functions for which the department is responsible to any other department or
6 organizational unit of the executive branch of state government, and any funds
7 appropriated for functions for which the department is responsible shall be deemed
8 appropriated to the department. All officers and employees of the department shall
9 be in the classified state civil service, notwithstanding any provision of Article X of
10 this constitution to the contrary, and their appointments and compensation shall be
11 in accordance with civil service rules.

12 Section 2. Be it further resolved that this proposed amendment shall be submitted
13 to the electors of the state of Louisiana at the statewide election to be held on November 4,
14 2014.

15 Section 3. Be it further resolved that, if the proposed amendment contained in this
16 Joint Resolution is ratified by the electors of the state, the provisions of the amendment and
17 Sections 1 through 7 of Act No. 384 of the 2013 Regular Session of the Legislature,
18 including any amendments to the provisions contained therein enacted at this 2014 Regular
19 Session of the Legislature of Louisiana, shall become effective on January 1, 2015.

20 Section 4. Be it further resolved that on the official ballot to be used at the election,
21 there shall be printed a proposition, upon which the electors of the state shall be permitted
22 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
23 follows:

24 Do you support an amendment to create a Department of Elderly Affairs to
25 be responsible for meeting the needs of Louisiana residents sixty years of age
26 or older and for planning, monitoring, coordinating, and delivering services
27 to the state's elderly, to provide for appropriation of funds for such functions
28 to the department and to prohibit appropriation of funds for such functions
29 to any other unit of the executive branch of state government, and to provide

1 that department officers and employees shall be in the classified civil
2 service? (Effective January 1, 2015) (Adds Article IV, Section 23)

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Harrison

HB No. 342

Abstract: Creates a Dept. of Elderly Affairs to be responsible for meeting the needs of La. residents age 60 years or older and for planning, monitoring, coordinating, and delivering services to the state's elderly and prohibits appropriation of funds for such functions to any other unit of the executive branch of state government.

Present constitution provides for the executive branch of state government and provides for allocation of the functions, powers, duties, and responsibilities of the executive branch within not more than 20 departments.

Proposed constitutional amendment creates a Dept. of Elderly Affairs as an executive branch department, which is not to be subject to or considered for purposes of the 20-department limit on the number of executive branch departments. Specifies that the legislature may allocate executive branch offices, agencies, and instrumentalities and their functions, powers, duties, and responsibilities to the department. Provides that the Dept. of Elderly Affairs is responsible for the functions of the state that are designed to meet the needs of La. residents age 60 or older and for planning, monitoring, coordinating, and delivering services to the state's elderly. Provides that the department shall have other powers, duties, and functions as authorized by the constitution or provided by law. Provides 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 their appointments and compensation shall be in accordance with civil service rules.

Proposed constitutional amendment prohibits appropriation of funds for functions for which the Dept. of Elderly Affairs is responsible to any other organizational unit of the executive branch of state government, and provides that any funds appropriated for functions for which the department is responsible shall be deemed appropriated to the department.

Present law (Act No. 384 of 2013 R.S.) creates a Dept. of Elderly Affairs to become effective upon the effective date of the abolition of one or more of the 20 executive branch departments or the effective date of a constitutional amendment that authorizes creation of an additional executive branch department, whichever such effective date is earlier.

Proposed law provides that Sections 1-7 of Act No. 384 of the 2013 R.S., including any amendments enacted at the 2014 R.S., shall become effective on Jan. 1, 2015, if the constitutional amendment is ratified by the voters.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 4, 2014.

Effective Jan. 1, 2015, if ratified by the state's voters.

(Adds Const. Art. IV, §23))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Provides that the Dept. of Elderly Affairs is not to be subject to or considered for purposes of the 20-department limit on the number of executive branch departments.