

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

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

DIGEST

Abstract: Relative to the Department of Elderly Affairs, provides relative to officers and employees, rulemaking, and funding for the department.

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.

Present law (not effective; to become effective when an executive branch department is abolished or an additional department is authorized by constitutional amendment) (R.S. 36:153, 155, and 156) 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. Provides for an optional deputy secretary and for an undersecretary over the office of management and finance of the department. Provides for appointment and setting of salary of the deputy secretary (if appointed) by the secretary and of the undersecretary by the governor, with salaries limited to the amount approved by the legislature in session.

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))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and
Governmental Affairs to the engrossed bill

1. Deletes provisions relating to the Department secretary, undersecretary, and deputy secretary's civil service classification.