

BOBBY JINDAL
Governor



JUNE S. WILLIAMS
Chairman

State Of Louisiana
Executive Board on Aging

**MINUTES OF THE LA EXECUTIVE BOARD ON AGING (LEBA) MEETING
GOVERNOR'S OFFICE OF ELDERLY AFFAIRS
525 Florida, 4th Floor, Room 427, 10:00 AM Baton Rouge LA
March 11, 2014**

CALL TO ORDER

The regularly scheduled Quarterly Meeting of the Louisiana Executive Board on Aging (LEBA) was called to order at 10:07 AM by June Williams, LEBA Chairman, with Carol Frain serving as Secretary, at the Governor's Office of Elderly Affairs, 525 Florida 4th Floor Room 427 Baton Rouge LA 70801. Invocation: Huey Beverly; Pledge of Allegiance: Noah Aguillard.

ROLL CALL

MEMBERS PRESENT

June Williams
Huey Beverly
Lee Perry Roy
Noah Aguillard
Rose Sibley

MEMBERS ABSENT

Annette Kelly
Raymond Franklin
Pat Regan
Willie Lewis
Jo Ann Walker
Donald Mallet
Myrtle Winbush

3 VACANCIES – Governor, PSC#1 & PSC#2; House PSC#5

GOEA STAFF: Karen Ryder, GOEA Deputy Assistant Director; GOEA Administrative Assistant, Carol Frain, Compliance & Planning Unit; Dee Farmer, Accounting Technician, Finance & Accounting Unit. **Guests:** **HANDOUT 1**

JUNE WILLIAMS, LEBA CHAIRMAN

LEBA Chairman June Williams declared a quorum was present with (5) members in attendance. **Motion:** – To approve the November 12, 2013 minutes as written, Lee Perry Roy. 2nd Rose Sibley. Motion carried. **HANDOUT 2**

GOEA guest, Dee Farmer, was introduced to the board by Chairman Williams. Carol Frain will be retiring from the Governor's Office of Elderly Affairs effective Friday, June 6th with 35.7 years of state service. Chairman Williams thanked her for the service she had given the LA Executive Board on Aging during her tenure with GOEA. Ms. Farmer will replace Carol as assistant to the LEBA board.

KAREN RYDER, ASSISTANT EXECUTIVE DIRECTOR'S REPORT

The Executive Budget for FY2014-2015 for the Governor's Office of Elderly Affairs will cut four (4) additional positions – ITT Management Consultant 1; Internal Auditor; Public Health Nutritionist; and Safety/Administrative Coordinator 4.

GOEA Deputy Assistant Director, Karen Ryder, gave a review of the legislative bills of interest to LEBA and GOEA during the 2014 Legislative Session. **HANDOUT 3**

HB 152 (Representative Harrison) – Abolishes the Department of Health & Hospitals and the Department of Children & Family Services and Creates the Department of Health & Social Services

HB 246 (Representative Harrison) – Provides relative to the Department of Elderly Affairs, including provisions for officers and employees, rulemaking, and funding. This law would allow the Director of the Governor's Office of Elderly Affairs to become a classified civil service position.

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HB 341 (Representative Harrison) (Constitutional Amendment) - Provides relative to departments of the executive branch of state government. The law would change the maximum number of departments in the executive brand of state government from 20 to 21. It provides for submission of the proposed amendment to the voters at the statewide election to be held on November 4, 2014.

HB 342 (Representative Harrison) (Constitutional Amendment) – Creates and provides for a Department of Elderly Affairs. It provides for submission of the proposed amendment to the voters at the statewide election to be held on November 4, 2014. The law would become effective January 1, 2015, if ratified by the state's voters.

HB 343 (Representative Harrison) (Constitutional Amendment) – Creates and provides for a Department of Elderly Affairs. This department is responsible for meeting the needs of Louisiana's residents age 60 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. This bill provides for submission of the proposed amendment to the voters at the statewide election to be held on November 4, 2014, to become effective January 1, 2014, if ratified by the state's voters.

HB 360 (Representative Harrison) – Provides for the allocation of appropriations to the Office of Elderly Affairs for the voluntary parish councils on aging. This proposed law would increase the allocation to each parish from 42.50 for each person age 60 and older or \$37,500, whichever is greater to \$6.00 for each person age 60 and older or \$100,000, whichever is greater. This proposed law would increase the minimum amount of appropriations from \$2,776,000 to \$7,900,000.

SB 355 (Senator Mills) (Constitutional Amendment) – Establishes a budget stabilization program for Medicaid programs, certain elderly services, rehabilitation services, and other health care services. It specifies submission of the amendment to the voters at the statewide election to be held on November 4, 2014.

HB 512 (Representative Hazel) – Creates the Aged and Law Enforcement Response Team. A team would be located in each parish composed of the sheriff, district attorney, chiefs of police, seniors, and representatives from the primary elderly services organizations.

NEXT MEETING

LEBA's third meeting for 2014 is scheduled for Tuesday, May 20th.

ADJOURN

Rose Sibley: Motion: To Adjourn, 2nd Huey Beverly
Meeting Adjourned: 11:00 AM

Prepared by Carol S. Frain, GOEA Administrative Assistant

- Handouts:**
- (1) LEBA Sign In Sheet, March 11, 2013
 - (2) LA Executive Board on Aging Agenda for Tuesday, March 11, 2013
 - (3) 2014 Legislative Session Bills pertaining to the Governor's Office of Elderly Affairs/LEBA



QUARTELY LEBA MEETING
Tuesday, March 11, 2014

	<u>NAME</u>	<u>AGENCY</u>	<u>TITLE</u>
1.	Lee Perry Roy		LEBA
2.	Ellie Roy		Guest
3.	Christine Dubon		Guest
4.	Huey Beverly		Leba
5.	Rose Sibley		LeBa
6.	Susan D. Dora		CAAA
7.	Walt Hurd		LEBA
8.	Fau Blau		GOEA
9.	Pat Jarman		GOEA
10.	Jim Williams		LEBA
11.	Haren Hyder		GOEA
12.	Carol Fran		GOEA
13.			
14.			
15.			
16.			
17.			
18.			

BOBBY JINDAL
Governor



JUNE WILLIAMS
Chair

State Of Louisiana

Executive Board on Aging

Governor's Office of Elderly Affairs
525 Florida Street, 4th Floor, Room 427
Baton Rouge, LA
Tuesday, March 11, 2014
10:00 A.M.

AGENDA

Call to Order	June S. Williams, Chairman
Invocation	Huey Beverly, PSC 1, House
Pledge of Allegiance	Willie Lewis, PSC 2, House
Roll Call / Approval of Minutes of November 12, 2013	Carol Frain, Adm. Assist.
Chairman's Report	June S. Williams, Chairman
Karen Ryder, Deputy Assist. Sec. 2	GOEA Executive Director's Report
Date For Next Board Meeting	
Adjourn	

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. 152

Abstract: Abolishes the Dept. of Health and Hospitals and the Dept. of Children and Family Services and creates the Dept. of Health and Social Services. Provides for the department officers and offices and for reorganization and consolidation of the powers, duties, functions, and responsibilities of the former departments into the new department.

Proposed law, effective Nov. 1, 2014, abolishes the Dept. of Health and Hospitals (DHH) and the Dept. of Children and Family Services (DCFS) (prior departments) and creates the Dept. of Health and Social Services (new department). Provides that the new department is the successor of the prior departments. Provides that, in accordance with the purposes of the Executive Reorganization Act, the purpose of the Act is to promote economy and efficiency in the operation and management of state functions relative to health and social services, to strengthen the executive capacity of the new department for effective, efficient, and economic administration while improving the quality of the functions performed and the programs and services rendered, and to eliminate duplication of effort within the executive branch of state government. Provides that the Act is intended to serve these purposes by providing for the reorganization and consolidation of the powers, duties, functions, and responsibilities of state agencies and entities relating to health and social services.

Proposed law creates offices in the new department that duplicate the offices of the prior departments and provides that each office shall be the successor of the prior office(s) having the same name. Offices of the new department include the executive office of the secretary, the office of management and finance, and (as successors to DHH offices) the office of public health, the office of behavioral health, the office for citizens with developmental disabilities, and the office of aging and adult services, and (as successor to the DCFS office) the office of children and family services.

Proposed law provides for department officers, including the secretary, the deputy secretary, the undersecretary, and an assistant secretary for each of the programmatic offices. Grants the secretary essentially the same authority as provided in present law for the secretaries of the prior departments. In present law the secretary of DCFS, but not the secretary of DHH, has responsibility for "management and program analysis" for the department. (This responsibility for most departments is in the office of management and finance). Proposed law places this responsibility with the secretary of the new department. Present law (R.S. 36:8), relative to department responsibilities for fiscal oversight and program evaluation, provides for certain powers and duties for each department's undersecretary; however, for DCFS some of these powers have been transferred to the secretary. Proposed law places these same responsibilities in

the secretary of the new department rather than the undersecretary. Present law makes the secretary of DHH responsible for grants management for the department. In present law this function is in the office of management and finance in DCFS. Proposed law places this responsibility in the office of the secretary rather than in the office of management and finance.

Proposed law provides for the transfer of all unfinished business, references in laws and documents, employees, property, obligations, and books and records of the prior departments to the new department and provides similarly for the transfer of all unfinished business, references in laws and documents, and obligations of the former offices to their successor offices. Provides for the continued effectiveness of rules and policies of the prior departments and offices. Provides for the continuation of pending legal proceedings and the effectiveness of related documents in the name of the new department and new offices. Continues dedications and allocations of revenues and sources of revenues made to or for either of the prior departments or offices in the same manner, to the same extent, and for the same purposes, unless and until other provision is made therefor. Provides that the Act shall not be construed or applied to prevent full compliance by the state, or any department, office, or agency thereof, with the requirements of any Act of the U.S. Congress or any regulation providing for federal assistance.

Proposed law requires DHH and DCFS secretaries jointly to prepare a workable transition plan for abolition of the two departments and the creation of the new department and for the merger and consolidation of the powers, duties, functions, responsibilities, and programs of the two departments into the new department in accordance with the Act, such plan to include provisions for the assignment, consolidation, and coordination of powers, duties, functions, responsibilities, and programs and procedures for the transfer and utilization of positions, personnel, funds, office space, facilities, and equipment, and other detail necessary to effectuate the Act's purposes. Requires that the plan be completed and submitted to the Joint Legislative Committee on the Budget and to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs no later than Oct. 1, 2014, and that a copy thereof be submitted to the governor and to the commissioner of administration. Provides that the plan shall be implemented beginning on Nov. 1, 2014.

Proposed law requires that the governor appoint the secretary, undersecretary, and assistant secretaries of the new department not later than Aug. 1, 2014, such appointments to be effective on Nov. 1, 2014. Authorizes the secretary, after his appointment, to appoint the deputy secretary and other necessary personnel, appointments to become effective on Nov. 1, 2014.

Proposed law further requires that, not later than March 1, 2015, the secretary of the new department submit to the Joint Legislative Committee on the Budget, with copies sent to the governor and the commissioner of administration, a comprehensive written report on reorganization of the department to include:

- (1) A detailed statement of reorganization accomplishments completed at the time of the report, including details of implementation of the transition plan required to be submitted to the joint committee by Oct. 1, 2014, and identifying any provisions of the transition plan which have not been fully implemented.

- (2) A statement and explanation of the department's proposals for further reorganization, consolidation, and improved and more efficient operation and management to accomplish the purposes of the Act and the Executive Reorganization Act. Requires the secretary to provide for a comprehensive study and examination of the organization and operations of the department in order to determine such proposals, such study to include consideration of merger and consolidation of functions, abolition of agencies, consolidation of offices, elimination of job positions, elimination of duplication of functions, full implementation of the office of management and finance and consolidation of its functions, and efficiency and economy in delivery of services.
- (3) A statement and explanation of the budget proposals for the department to implement its proposals for further reorganization, consolidation, and improved and more efficient management, including the number and classification of personnel requested broken down by office; the amount of total funds requested by office broken down to reflect the proposed use of such funds; information concerning use of vehicles by each office and budget requirements therefor; information concerning consolidation of the operations of the office of management and finance; information concerning the budget and personnel effects and effects on service delivery of each proposal in the report; and information concerning utilization of building space, supplies, and equipment, and improved delivery of services.
- (4) Any proposals for legislation necessary to accomplish the department's proposals or the purposes of the Act.

Requires the joint committee to conduct such hearings as it deems appropriate to review the secretary's report and requires the department to furnish the joint committee any information it requests concerning department reorganization and to appear before the committee to provide such information if requested. Provides that, based on its review of the report and any other related committee findings, the joint committee shall make recommendations to the legislature to carry out the Act's purposes. Authorizes recommendations for this purpose to the appropriate legislative committees and recommendations related to the "Sunset Law" concerning the termination of agencies, and provides for recommendations to the Joint Legislative Audit Advisory Council or to the appropriate standing committee of any problem area that should be the subject of a detailed program evaluation.

Proposed law changes references to the former departments to the new department. Also provides that in the La. Revised Statutes (as amended), the Code of Civil Procedure, the Code of Evidence, and the Children's Code, "Department of Health and Hospitals" or "Department of Children and Family Services" shall mean the "Department of Health and Social Services". Requires the La. State Law Institute to change all references to the Dept. of Health and Hospitals or the Dept. of Children and Family Services in such bodies of law (that are not amended in the bill) to the Dept. of Health and Social Services and to change references to offices and officers of the former departments to the appropriate officers of the new department.

Provisions for the abolition of the former departments and creation of the new department, for

changes in references, and for the secretary's report on continued reorganization and committee action thereon become effective on Nov. 1, 2014.

~~Provisions for the transition plan for reorganization, for appointment of department officers, and for effectiveness of the Act are effective upon signature of governor or lapse of time for gubernatorial action.~~

(Amends R.S. 15:555(A)(12) and (16) and R.S. 36:3(4) and (7), 4(A)(5), 8(E)(2)(d), 9(C), 108(B)(6), 251, 252(C), 253, 254(A)(11) and (12)(b) and (c) and (B)(1)(a)(intro. para.), (6), and (9), 254.1(C)(intro. para.), 254.2, 256(A) and (B), 257(A), 258(A) and (F), 259(B), (C), (D)(intro. para.), (E)(intro. para.), (F)-(L), (N)-(Q), and (S), 605(B)(4)(a), 801(intro. para.), 801.1(A), 802(intro. para.), 802.9, 901(A), 919.2, 919.4, and the heading of Chapter 6 of Title 36 of the La. Revised Statutes, and R.S. 46:(F)(9)(h) and 1428(B)(1); Adds R.S. 36:254(A)(15) and (L), 254.1(D), 258(E), and 259(E)(15), (22), (24), (26), and (27), (M), and (R); Repeals R.S. 15:555(A)(17) and R.S. 36:4(A)(10), 254.1(C)(4), (5), and (6), 259 (T), (U), (W), (X), (BB)-(GG), (MM), and (NN), and 471-478)

Regular Session, 2014

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

AN ACT

To amend and reenact R.S. 36:5, 153, 154(A)(3), 155, and 156(A) and R.S. 46:931, 932(8), 933(G), and 934(A) and (B) and to enact R.S. 36:151(D), relative to the Department of Elderly Affairs; to provide relative to officers and employees, rulemaking, and funding for the department; to provide that all officers and employees of the department shall be in the classified state service; to provide for rulemaking authority for the department; to provide for appropriation and allocation to the department of funds appropriated or allocated for department functions; to provide for implementation; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:5, 153, 154(A)(3), 155, and 156(A) are hereby amended and reenacted and R.S. 36:151(D) is hereby enacted to read as follows:

§5. Departmental officers; unclassified service

A. The secretary, deputy secretary, undersecretary, and assistant secretaries of departments of the executive branch of state government shall be in the unclassified service of the state.

B. Notwithstanding the provisions of Subsection A of this Section or of any other law to the contrary, the secretary, deputy secretary, undersecretary, and any assistant secretary and all officers and employees of the Department of Elderly Affairs shall be in the classified service of the state.

* * *

1 for the department or granting such authority to the Louisiana Executive Board on
2 Aging shall be construed to grant such authority to the secretary. The rules and
3 policies of the Office of Elderly Affairs in effect on the effective date of this
4 Paragraph shall remain in effect as rules of the Department of Elderly Affairs and
5 such rules shall remain in effect subject to their own provisions until changed as
6 provided in this Paragraph.

7 * * *

8 §155. Deputy secretary

9 There may be a deputy secretary of the department, who shall be in the
10 classified state civil service. If appointed, a deputy secretary shall be appointed by
11 the secretary with consent of the Senate and who shall serve at the pleasure of the
12 secretary at in accordance with civil service rules. He shall be paid a salary fixed by
13 the secretary, which salary shall not exceed the amount approved for such position
14 by the legislature while in session in accordance with civil service rules. The duties
15 and functions of the deputy secretary shall be determined and assigned by the
16 secretary. If appointed, he shall serve as acting secretary in the absence of the
17 secretary.

18 §156. Undersecretary; functions; office of management and finance

19 A. There shall be an undersecretary of the Department of Elderly Affairs,
20 who shall be in the classified state civil service. The undersecretary shall be
21 appointed by the governor with consent of the Senate and who shall serve at the
22 pleasure of the governor at secretary as provided in civil service rules. He shall be
23 paid a salary fixed by the governor, which salary shall not exceed the amount
24 approved for such position by the legislature while in session in accordance with
25 civil service rules. The undersecretary shall be directly responsible to and shall
26 perform his functions under the supervision and control of the secretary.

27 * * *

1 Section 2. R.S. 46:931, 932(8), 933(G), and 934(A) and (B) are hereby amended and
2 reenacted to read as follows:

3 ~~§931. Creation; personnel.~~

4 A. The Department of Elderly Affairs is hereby created. The department
5 shall exercise the powers and duties set forth in this Chapter or otherwise provided
6 by law. The department shall be administered by a secretary, who shall be in the
7 classified state civil service. The secretary shall be appointed by the governor;
8 subject to Senate confirmation, from recommendations for appointment by the
9 Louisiana Executive Board on Aging. The secretary shall serve at the pleasure of the
10 governor in accordance with civil service rules.

11 B. The secretary shall employ necessary staff to carry out the duties and
12 functions of the department as otherwise provided in this Chapter; or as otherwise
13 provided by law, including without limitation Title 36 of the Louisiana Revised
14 Statutes of 1950.

15 C. All officers and employees of the Department of Elderly Affairs shall be
16 in the classified state civil service as more specifically provided in Chapter 4 of Title
17 36 of the Louisiana Revised Statutes of 1950.

18 §932. Powers and duties

19 The department shall have the following powers and duties:

20 * * *

21 (8) ~~To~~ Through the secretary, to adopt and promulgate rules and regulations
22 that are deemed necessary to implement the provisions of this Chapter in accordance
23 with the provisions of the Administrative Procedure Act.

24 * * *

25 §933. Louisiana Executive Board on Aging established; membership; term of office;
26 compensation of members

27 * * *

28 G. The board may ~~recommend~~ make recommendations to the governor ~~that~~
29 ~~the secretary be replaced~~ for disciplinary action against the secretary in accordance

1 contrary, any appropriation or allocation of funds for any purpose, function, or program that
 2 is assigned to the Department of Elderly Affairs by virtue of statutory enactment in the
 3 ~~Louisiana Revised Statutes of 1950 shall be deemed to have been made to the Department~~
 4 of Elderly Affairs regardless of the entity to which such appropriation or allocation is made,
 5 and the state treasurer shall redirect funds appropriated or allocated to any other department,
 6 agency, office, or entity for such purposes, functions, or programs to the Department of
 7 Elderly Affairs. The provisions of this Section shall supersede any appropriation or
 8 allocation to any other department, agency, office, or entity for such purposes, functions, or
 9 programs assigned to the Department of Elderly Affairs by virtue of statutory enactment.

10 Section 3. This Act shall take effect and become operative if and when the proposed
 11 amendment of Article IV of the Constitution of Louisiana contained in the Act which
 12 originated as House Bill No. __ of this 2014 Regular Session of the Legislature is adopted
 13 at a statewide election and becomes effective.

 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. 246

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. __) 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.

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 provides for appointment of the secretary by the governor and for appointment of the deputy secretary (if one is appointed) and the undersecretary by the secretary.

Present law (R.S. 36:5) provides that the secretary, deputy secretary, undersecretary, and assistant secretaries of departments of the executive branch of state government shall be in the unclassified service of the state.

Proposed law (R.S. 36:5 and 151(D) and R.S. 46:931) provides that, notwithstanding present law the secretary, deputy secretary, undersecretary, and any assistant secretary and all officers and employees of the Dept. of Elderly Affairs shall be in the classified service of the state. Provides that the appointment and salary of the secretary, the deputy secretary (if appointed) and the undersecretary shall be in accordance with state civil service rules. 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. ___ of this 2014 R.S. is adopted at a statewide election and becomes effective. (Jan. 1, 2015)

(Amends R.S. 36:5, 153, 154(A)(3), 155, and 156(A) and R.S. 46:931, 932(8), 933(G), and 934(A) and (B); Adds R.S. 36:151(D))

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Harrison

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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. ___) 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.

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 provides for appointment of the secretary by the governor and for appointment of the deputy secretary (if one is appointed) and the undersecretary by the secretary.

Present law (R.S. 36:5) provides that the secretary, deputy secretary, undersecretary, and assistant secretaries of departments of the executive branch of state government shall be in the unclassified service of the state.

Proposed law (R.S. 36:5 and 151(D) and R.S. 46:931) provides that, notwithstanding present law

the secretary, deputy secretary, undersecretary, and any assistant secretary and all officers and employees of the Dept. of Elderly Affairs shall be in the classified service of the state. Provides that the appointment and salary of the secretary, the deputy secretary (if appointed) and the undersecretary shall be in accordance with state civil service rules. 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. ___ of this 2014 R.S. is adopted at a statewide election and becomes effective. (Jan. 1, 2015)

(Amends R.S. 36:5, 153, 154(A)(3), 155, and 156(A) and R.S. 46:931, 932(8), 933(G), and 934(A) and (B); Adds R.S. 36:151(D))

Regular Session, 2014

HOUSE BILL NO. 341

~~BY REPRESENTATIVE HARRISON~~

GOVERNMENT ORGANIZATION: (Constitutional Amendment) Provides relative to departments of the executive branch of state government

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A JOINT RESOLUTION

Proposing to amend Article IV, Section 1(B) of the Constitution of Louisiana, relative to organization of the executive branch of state government; to provide for the maximum number of departments in the executive branch of state government; 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 amend Article IV, Section 1(B) of the Constitution of Louisiana, to read as follows:

§1. Composition; Number of Departments; Reorganization

Section 1.

* * *

(B) Number of Departments. Except for the offices of governor and lieutenant governor, all offices, agencies, and other instrumentalities of the executive branch and their functions, powers, duties, and responsibilities shall be allocated according to function within not more than ~~twenty~~ twenty-one departments. The powers, functions, and duties allocated by this constitution to any executive office or commission shall not be affected or diminished by the allocation provided herein except as authorized by Section 20 of this Article.

* * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Section 2. Be it further resolved that this proposed amendment shall be submitted
2 to the electors of the state of Louisiana at the statewide election to be held on November 4,
3 2014.

4 Section 3. Be it further resolved that on the official ballot to be used at the election,
5 there shall be printed a proposition, upon which the electors of the state shall be permitted
6 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
7 follows:

8 Do you support an amendment to change the maximum number of
9 departments in the executive branch of state government from twenty to
10 twenty-one? (Amends Article IV, Section 1(B))

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. 341

Abstract: Changes the maximum number of departments in the executive branch of state government from 20 to 21.

Present constitution provides that the executive branch of state government consists of all executive offices, agencies, and instrumentalities of the state. Requires that, except for the offices of governor and lieutenant governor, all offices, agencies, and other instrumentalities of the executive branch and their functions, powers, duties, and responsibilities shall be allocated according to function within not more than 20 departments.

Proposed constitutional amendment retains present constitution except changes the maximum number of executive branch departments from 20 to 21.

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

(Amends Art. IV, §1(B))

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. 341

Abstract: Changes the maximum number of departments in the executive branch of state government from 20 to 21.

Present constitution provides that the executive branch of state government consists of all executive offices, agencies, and instrumentalities of the state. Requires that, except for the offices of governor and lieutenant governor, all offices, agencies, and other instrumentalities of the executive branch and their functions, powers, duties, and responsibilities shall be allocated according to function within not more than 20 departments.

Proposed constitutional amendment retains present constitution except changes the maximum number of executive branch departments from 20 to 21.

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

(Amends Art. IV, §1(B))

1 provided by law. No funds shall be appropriated for functions for which the
2 department is responsible to any other department or organizational unit of the
3 executive branch of state government, and any funds appropriated for functions for
4 which the department is responsible shall be deemed appropriated to the department.
5 All officers and employees of the department shall be in the classified state civil
6 service, notwithstanding any provision of Article X of this constitution to the
7 contrary, and their appointments and compensation shall be in accordance with civil
8 service rules.

9 Section 2. Be it further resolved that this proposed amendment shall be submitted
10 to the electors of the state of Louisiana at the statewide election to be held on November 4,
11 2014.

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

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

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

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. 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))

Regular Session, 2014

HOUSE BILL NO. 343

BY REPRESENTATIVE HARRISON

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

1 A JOINT RESOLUTION

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

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

12 §23. Department of Elderly Affairs

13 Section 23. The Department of Elderly Affairs is created as one of the
14 departments in the executive branch of state government. The department shall not
15 be subject to the limitation on the number of executive branch departments provided
16 in this constitution and may be in addition to the number of departments permitted
17 by such limitation. The legislature may allocate executive branch offices, agencies,
18 and other instrumentalities and their functions, powers, duties, and responsibilities
19 to the department. The department shall be responsible for the functions of the state
20 that are designed to meet the needs of Louisiana residents sixty years of age or older

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

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

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

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

23 Do you support an amendment to create a Department of Elderly Affairs to
24 be responsible for meeting the needs of Louisiana residents sixty years of age
25 or older and for planning, monitoring, coordinating, and delivering services
26 to the state's elderly, to provide for appropriation of funds for such functions
27 to the department and to prohibit appropriation of funds for such functions
28 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. 343

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)

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. 343

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)

Regular Session, 2014

HOUSE BILL NO. 360

BY REPRESENTATIVE HARRISON

ELDERLY: Provides for the allocation of appropriations to the office of elderly affairs for the voluntary parish councils on aging

1 AN ACT

2 To amend and reenact R.S. 46:1606(A) and (B)(1), relative to the office of elderly affairs;
3 to provide with respect to appropriations to the office of elderly affairs for purposes
4 of the voluntary councils on aging; to provide for the formula for allocation of
5 monies to the voluntary parish councils on aging; to provide for effectiveness; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:1606(A) and (B)(1) are hereby amended and reenacted to read
9 as follows:

10 §1606. Annual appropriation

11 A. The legislature shall appropriate to the office of elderly affairs, for
12 distribution by the executive director of the office to the various voluntary parish
13 councils on aging, funds sufficient to allocate to each parish council ~~two dollars and~~
14 ~~fifty cents~~ six dollars for each person sixty years or older who is a resident of the
15 parish as shown by the latest official census estimate or ~~thirty-seven thousand five~~
16 ~~one hundred thousand~~ thousand dollars, whichever is greater, but not to exceed ~~one three~~
17 hundred twenty-five thousand dollars to any one parish council. The office of
18 elderly affairs shall include funds in their annual budget request for increases in
19 funding based on the number of elderly as estimated in the above census.
20 Notwithstanding the foregoing, such total annual appropriation shall be for a

1 minimum of ~~two million seven hundred seventy-six thousand eight~~ seven million
2 nine hundred thousand nine hundred dollars.

3 ~~B.(1)~~ Funds appropriated by the legislature pursuant to Subsection A of this
4 Section shall be distributed by the executive director of the office of elderly affairs
5 and shall be allocated to each parish council in an amount equal to ~~two dollars and~~
6 ~~fifty cents~~ six dollars for each resident of the parish age sixty years or older, as
7 shown by the latest official estimate approved by the United States Bureau of the
8 Census, or ~~thirty-seven thousand five~~ one hundred thousand dollars, whichever is
9 greater, but not to exceed ~~one hundred~~ three hundred twenty-five thousand dollars
10 for any one parish council. The sums so allocated shall be distributed quarterly
11 during the first thirty days of each quarter of the fiscal year. In appropriating funds
12 pursuant to this Section, the legislature shall specifically provide for the allocation
13 of funds to the respective parish councils in accordance with the provisions of this
14 Section.

15 * * *

16 Section 2. This Act shall become effective on July 1, 2014; if vetoed by the governor
17 and subsequently approved by the legislature, this Act shall become effective on July 1,
18 2014, or on the day following such approval by the legislature, whichever is later.

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. 360

Abstract: With respect to appropriations to the office of elderly affairs for allocation to the voluntary parish councils on aging, increases both the total amount to be appropriated as well as allocations to individual parishes.

Present law requires that certain monies appropriated to the office of elderly affairs be allocated to the voluntary parish councils on aging (parish) in the amount of \$2.50 for each person age 60 and older or \$37,500, whichever is greater.

Proposed law changes present law by increasing the allocation to each parish from \$2.50 for each person age 60 and older or \$37,500, whichever is greater to \$6.00 for each person age 60 and older or \$100,000, whichever is greater.

Present law limits the maximum amount allocated to any parish to \$100,000.

Proposed law increases the maximum amount allocated to any parish from \$100,000 to \$325,000.

Present law requires a minimum annual appropriation of \$2,776,800 to the office of elderly affairs for distribution to the parishes.

Proposed law increases the minimum annual appropriation from \$2,776,800 to \$7,900,900.

Effective July 1, 2014.

(Amends R.S. 46:1606(A) and (B)(1))

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. 360

Abstract: With respect to appropriations to the office of elderly affairs for allocation to the voluntary parish councils on aging, increases both the total amount to be appropriated as well as allocations to individual parishes.

Present law requires that certain monies appropriated to the office of elderly affairs be allocated to the voluntary parish councils on aging (parish) in the amount of \$2.50 for each person age 60 and older or \$37,500, whichever is greater.

Proposed law changes present law by increasing the allocation to each parish from \$2.50 for each person age 60 and older or \$37,500, whichever is greater to \$6.00 for each person age 60 and older or \$100,000, whichever is greater.

Present law limits the maximum amount allocated to any parish to \$100,000.

Proposed law increases the maximum amount allocated to any parish from \$100,000 to \$325,000.

Present law requires a minimum annual appropriation of \$2,776,800 to the office of elderly affairs for distribution to the parishes.

Proposed law increases the minimum annual appropriation from \$2,776,800 to \$7,900,900.

Effective July 1, 2014.

(Amends R.S. 46:1606(A) and (B)(1))

Regular Session, 2014

SENATE BILL NO. 355

BY SENATOR MILLS

FUNDS/FUNDING. Constitutional amendment to establish a budget stabilization program for Medicaid programs, certain elderly services, rehabilitation services, and other health care services. (2/3-CA13s1(A))

1 A JOINT RESOLUTION

2 Proposing to add Article VII, Section 10.13 of the Constitution of Louisiana, relative to
3 establishing a budget stabilization program for Medicaid programs, certain elderly
4 services, rehabilitation services, and other health care programs; to provide for
5 establishing annual appropriations necessary to fund certain health care programs;
6 to provide procedures for the legislature to adjust appropriations in order to eliminate
7 a projected deficit; and to specify an election for submission of the proposition to
8 electors and provide a ballot proposition.

9 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
10 elected to each house concurring, that there shall be submitted to the electors of the state of
11 Louisiana, for their approval or rejection in the manner provided by law, a proposal to add
12 Article VII, Section 10.13 of the Constitution of Louisiana, to read as follows:

13 **§10.13. Budget stabilization program for Medicaid programs, certain elderly**
14 **programs, rehabilitation services, and other health care programs**

15 **(A)(1) The legislature shall annually appropriate the funds necessary to**
16 **provide for Medicaid program rates to provider groups, excluding those**
17 **provider groups that pay fees or assessments that are deposited into a special**

1 fund established in this constitution, which Medicaid rates shall be no less than
2 the average Medicaid program rates established for Fiscal Year 2013-2014. The
3 Medicaid rates may be adjusted annually by establishing the rates of inflation,
4 or rebasing, if applicable, or as otherwise provided by law. The inflation rate
5 adjustments shall not be negative. For the purposes of this Section, "Medicaid
6 program" shall refer to the Louisiana medical assistance program provided for
7 in Title XIX of the Social Security Act, or its successor.

8 (2) Notwithstanding Article VII, Section 10(F) of this constitution,
9 neither the governor nor the legislature may reduce the rates as provided for
10 in this Paragraph to eliminate a budget deficit, except the governor may reduce
11 the appropriation for the rates if the following occur:

12 (a) The reduction does not exceed the average reduction made to the
13 appropriations and reimbursements for other providers under the Medicaid
14 program, or its successor; and

15 (b)(i) If the legislature is in session, the reduction shall receive written
16 consent of two-thirds of the elected members of each house in the manner
17 provided by law; or

18 (ii) If the legislature is not in session, the reduction is approved by a
19 favorable vote of two-thirds of the members of the Joint Legislative Committee
20 on the Budget, or its successor.

21 (B)(1) The legislature shall annually appropriate the funds necessary to
22 provide funding for any health care agency operated under the purview of the
23 Department of Health and Hospitals, or its successor, rehabilitation services
24 operated or managed by the Louisiana Workforce Commission, or its successor,
25 or elderly services program operated or managed by the Governor's Office of
26 Elderly Affairs, or its successor, that is not less than the appropriation for those
27 agencies or facilities in Fiscal Year 2013-2014. For the purpose of this Section,
28 "health care agency or facility" shall refer to the agencies and facilities that are
29 owned, operated or managed by the Department of Health and Hospitals, or its

1 successor, and shall exclude the Medicaid program.
2 (2) Notwithstanding the provisions of Article VII, Section 10(F) of this
3 constitution, neither the governor nor the legislature may reduce the
4 appropriations for any health care agency operated under the purview of the
5 Department of Health and Hospitals, or its successor, rehabilitation services
6 agency operated or managed by the Louisiana Workforce Commission, or its
7 successor, or elderly services program operated or managed by the Governor's
8 Office of Elderly Affairs, or its successor, to satisfy a budget deficit, except the
9 governor may reduce the appropriations if the following occur:

10 (a) The reductions are proportionally equivalent among all agencies and
11 facilities provided for in Paragraphs A and B of this Section, and;

12 (b)(i) If the legislature is in session, the reductions receive written
13 consent of two-thirds of the elected members of each house in a manner
14 provided by law; or

15 (ii) If the legislature is not in session, the reductions are approved by a
16 favorable vote of two-thirds of the members of the Joint Legislative Committee
17 on the Budget, or its successor.

18 Section 2. Be it further resolved that this proposed amendment shall be submitted
19 to the electors of the state of Louisiana at the statewide election to be held on November 4,
20 2014.

21 Section 3. Be it further resolved that on the official ballot to be used at said election
22 there shall be printed a proposition, upon which the electors of the state shall be permitted
23 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
24 follows:

25 Do you support an amendment to establish a budget stabilization program for
26 Medicaid programs, certain non-Medicaid health care programs operated
27 under the purview of the Department of Health and Hospitals, elderly
28 programs, and rehabilitation services; provide for annual appropriation levels
29 for such programs, and provide for adjusting such appropriations in the event

- 1 of a budget deficit in the current year or for the ensuing fiscal year?
- 2 (Adds Art. VII, Section 10.13)

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jay R. Lueckel.

DIGEST

Mills (SB 355)

Proposed constitutional amendment provides for the stabilization of the budget for the Medicaid program, other Department of Health and Hospitals agencies and facilities, and the Louisiana Workforce Commission's rehabilitation services program.

Proposed constitutional amendment requires the legislature to annually appropriate the funds necessary to provide for Medicaid reimbursement rates to providers, excluding the rates for provider groups that pay fees or assessments that are deposited in fund established by constitution, that are no less than the average Medicaid rates established for FY 2013-2014. Further, the proposed constitutional amendment provides that Medicaid reimbursement rates may be adjusted annually by inflation or rebasing and such adjustments shall not be negative.

Proposed constitutional amendment also provides for reductions in Medicaid reimbursement rates to satisfy a budget deficit only if the following occur:

- (1) The reduction does not exceed the average reduction of those made to the appropriations and reimbursements for other providers under the Medicaid program; and
- (2) If the legislature is in session, the reduction shall receive written consent of two-thirds of the elected members of each house in a manner provided by law, or if the legislature is not in session, the reduction is approved by a favorable vote of two-thirds of the members of the Joint Legislative Committee on the Budget.

Proposed constitutional amendment requires the legislature to annually appropriate the funds necessary to provide funding for the Department of Health and Hospitals' agencies and facilities and Louisiana Workforce Commission's rehabilitation services that is no less than the appropriation for these agencies, facilities and services in FY 2013-2014.

Proposed constitutional amendment further provides for reductions to the appropriation for these health care and rehabilitation programs to satisfy a budget deficit only if the following occur:

- (1) The reductions are proportionally equivalent among all agencies, facilities and programs provided for the constitutional amendment; and
- (2) If the legislature is in session, the reductions receive written consent of two-thirds of the elected members of each house in a manner provided by law, or if the legislature is not in session, the reduction is approved by a favorable vote of two-thirds of the members of the Joint Legislative Committee on the Budget.

Specifies submission of the amendment to the voters at the statewide election to be held November 4, 2014.

(Adds Const. Art. VII, Sec. 10.13)

Regular Session, 2014

HOUSE BILL NO. 512

~~BY REPRESENTATIVE HAZEL~~

ELDERLY: Creates the Aged and Law Enforcement Response Team

1 AN ACT

2 To enact Chapter 8-A of Title 15 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 15:1231 through 1233, relative to the victimization of senior
4 citizens; to create the Aged and Law Enforcement Response Team Program; to
5 create the Aged and Law Enforcement Response Team Board; to provide for the
6 board membership; to provide for the objectives, duties, and responsibilities of the
7 board; to establish state and parish level participation; to provide for rulemaking; to
8 provide for a selection, testing, training, and certification program for law
9 enforcement officers; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 8-A of Title 15 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 15:1231 through 1233, is hereby enacted to read as follows:

13 CHAPTER 8-A. VICTIMIZATION OF SENIOR CITIZENS

14 §1231. Aged and Law Enforcement Response Team Board; members;
15 compensation; meetings; quorum

16 A. The board shall consist of the following members:

17 (1) A representative of the Department of Public Safety and Corrections,
18 office of state police, to be appointed by the deputy secretary of public safety
19 services.

1 (2) Two representatives of the Louisiana Sheriffs' Association, to be
2 appointed by its president.

3 ~~(3) Two representatives of the Louisiana Municipal Chiefs of Police~~
4 Association, to be appointed by its president.

5 (4) One representative of the office of elderly affairs, to be appointed by its
6 executive director.

7 (5) Two representatives from parish volunteer councils on aging, to be
8 appointed by the executive director of the office of elderly affairs.

9 (6) One representative from the Louisiana Commission on Law Enforcement
10 and Administration of Criminal Justice, to be appointed by its executive director.

11 (7) Two representatives from the American Association of Retired Persons,
12 to be appointed by the president of the state American Association of Retired
13 Persons.

14 (8) One representative from the Department of Justice, executive office of
15 the attorney general, to be appointed by the attorney general.

16 B. In the performance of its functions, the board shall, to the extent possible,
17 solicit the participation and involvement of retired law enforcement personnel.

18 C. The board shall elect the chairperson by a majority vote of the
19 membership.

20 D. Members of the board shall serve until the appropriately designated
21 person in each representative organization selects another representative, and all
22 persons on the board shall be subject to the approval of the governor.

23 E. Membership on the board shall not constitute the holding of a public
24 office, and members of the board shall not be required to take and file oaths of office
25 before serving on the board.

26 F. The members of the board shall receive no compensation for their services
27 as members.

1 G. No member of the board shall be disqualified from holding any public
2 office or employment, nor shall any member forfeit any employment or office by
3 reason of his membership on the board.

4 H. The board shall meet as often as deemed necessary, but in no event less
5 than four times annually. The chairman shall call the first meeting of the board no
6 later than January 1, 2015. A majority of the membership shall constitute a quorum
7 for conducting business.

8 §1232. Powers and duties of the board

9 The Aged and Law Enforcement Response Team shall:

10 (1) Provide oversight and monitoring of the Elderly Services Officers
11 program.

12 (2) Review all grants under the program, from either state or federal sources,
13 and make recommendations relative to funding, program structure, or special
14 conditions to the Louisiana Commission on Law Enforcement and the
15 Administration of Criminal Justice.

16 (3) Assist the Louisiana Peace Officer Standards and Training Council,
17 relative to the design of the training program and the certification of Elderly Services
18 Officers.

19 (4) Provide a comprehensive clearinghouse for materials relative to the
20 elderly services which will be made available to the Elderly Services Officers
21 statewide.

22 (5) Receive information from Elderly Services Officers in each parish
23 relative to the law enforcement and service needs of elderly citizens in their parishes.

24 (6) Prepare an annual report to the governor and the legislature relative to
25 emerging crime problems affecting the elderly.

26 §1233. Creation of the Aged and Law Enforcement Response Team

27 A. The Aged and Law Enforcement Response Team Program hereinafter
28 known as "ALERT" is hereby established within the Louisiana Commission on Law
29 Enforcement and Administration of Criminal Justice. ALERT shall augment the state

1 and local Triad Program by creating a supportive implementation and training
2 program.

3 B. ALERT shall accomplish the following objectives:

4 (1) Creation of a statewide network of law enforcement officers hereinafter
5 known as "Elderly Services Officers" with specialized training in working with
6 elderly citizens and the crime problems specific to the elderly.

7 (2) Creation of a statewide network of assistant district attorneys with
8 specialized training in working with elderly victims, witnesses and defendants, and
9 criminal justice issues specific to the elderly.

10 (3) Provide uniformity in the delivery of high quality law enforcement
11 services to the state's elderly citizens through training and certification.

12 (4) Provide accountability and accessibility of services through parish level
13 boards composed of law enforcement officials and seniors, thus making the program
14 more responsive to the local needs of elders.

15 C.(1) The Aged and Law Enforcement Council hereinafter known as the
16 "council" shall be established in each parish and shall be composed of the sheriff,
17 district attorney, chiefs of police, seniors, and representatives from the primary
18 elderly services organization. The chairman of the council shall be a criminal justice
19 official with parish-wide authority and selected by the council members.

20 (2) The council shall be charged with the following duties and
21 responsibilities:

22 (a) Coordination of service delivery among the various agencies involved
23 with the law enforcement related services for the elderly.

24 (b) Monitoring local crime conditions and alerting the state board, local
25 criminal justice agencies, and the seniors of emerging crime problems.

26 (c) Monitoring of the Elderly Service Officer program in the parish.

27 (d) Cooperating with all agencies involved in the delivery of law
28 enforcement services to the elderly to identify gaps in the service delivery system
29 and seek ways to fill those needs.

1 (e) Receive the annual report prepared by the Elderly Services Officer which
2 sets forth the law enforcement service needs of the elderly citizens in the parish, the
3 ~~corresponding response of the Elderly Services Officer program, and potential crime~~
4 problems affecting the elderly.

5 D.(1) The Elderly Services Officer training and certification program shall
6 be developed by P.O.S.T. with advice from the board. ALERT shall fund the cost of
7 developing and conducting the training subject to a specific appropriation for such
8 purpose and subject to the approval of the Joint Legislative Committee on the
9 Budget.

10 (2) The criteria and process for the screening of applicants shall be
11 developed by P.O.S.T. in consultation with the board and a physician in the practice
12 of geriatric medicine recommended by the Louisiana State University Medical
13 School. All persons nominated by local law enforcement agencies to receive the
14 Elderly Services Officers training program shall be approved through the screening
15 process before they may attend the training or receive certification.

16 E.(1) Upon completion of the training program, all candidates for Elderly
17 Services Officers shall be required to pass a certification examination developed by
18 the P.O.S.T. council with advice from the board.

19 (2) Each certified Elderly Services Officer shall be required to complete an
20 annual training course.

21 Section 2. This Act shall become effective upon signature by the governor or, if not
22 signed by the governor, upon expiration of the time for bills to become law without signature
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
25 effective on the day following such approval.

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)]

Hazel

HB No. 512

Abstract: Creates the Aged and Law Enforcement Response Team Program, provides for the Aged and Law Enforcement Response Team Board, and provides for the duties, objectives, and responsibilities of the Board.

Proposed law creates the Aged and Law Enforcement Response Team Board.

Proposed law provides for a statewide network of law enforcement officers to be known as Elderly Services Officers with specialized training in working with elderly citizens.

Proposed law creates the Aged and Law Enforcement Team Board which provides the following services:

- (1) Oversight and monitoring of the Elderly Services Officers program.
- (2) Review of all grants under the program, from either state or federal sources.
- (3) Assist in the design of the training and certification program of the Elderly Services Officers.
- (4) Provide a clearinghouse for materials and information concerning elderly services.
- (5) Prepare an annual report to the governor and the legislature relative to emerging crime problems as they affect the elderly.

Proposed law creates the Aged and Law Enforcement Response Team Council in each parish composed of the sheriff, district attorney, chiefs of police, seniors, and representatives from the primary elderly services organization.

Proposed law provides that the Aged and Law Enforcement Response Team Council shall:

- (1) Coordinate the delivery of services among the various agencies for the elderly.
- (2) Monitor local crime conditions and the effectiveness of the Elderly Services Officers program in the parish.
- (3) Cooperate with all agencies involved in the delivery of law enforcement services to the elderly.
- (4) Receive the annual report prepared by the Elderly Services Officers and the corresponding response of the Elderly Services Officers program.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 15:1231-1233)

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