

Regular Session, 2014

HOUSE BILL NO. 342

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 legislature may  
15 allocate executive branch offices, agencies, and other instrumentalities and their  
16 functions, powers, duties, and responsibilities to the department. The department  
17 shall be responsible for the functions of the state that are designed to meet the needs  
18 of Louisiana residents sixty years of age or older and for planning, monitoring,  
19 coordinating, and delivering services to the elderly of the state. The department shall  
20 have other powers, duties, and functions as authorized by this constitution or

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)

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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)]

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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))