2019 Regular Session

HOUSE BILL NO. 137

BY REPRESENTATIVES ARMES AND PUGH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

VETERANS: Provides relative to veterans' affairs

1	AN ACT
2	To amend and reenact R.S. 29:252(A), 253(C), 254, 255, 256, 257, 259, 261(A), and 385(C),
3	and to repeal R.S. 29:258 and R.S. 36:781(C)(2) and (3), relative to veterans' affairs;
4	to provide relative to the Louisiana Department of Veterans Affairs; to provide
5	relative to the organization of the department; to provide relative to the secretary of
6	the department; to provide relative to the duties and authority of the Veterans' Affairs
7	Commission; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 29:252(A), 253(C), 254, 255, 256, 257, 259, 261(A), and 385(C) are
10	hereby amended and reenacted to read as follows:
11	§252. Department of veterans affairs Veterans Affairs
12	A. There is established in the state government a department Department of
13	veterans affairs Veterans Affairs, the administrative head of which is the state
14	director secretary of the department of veterans affairs.
15	* * *
16	§253. Veterans' Affairs Commission
17	* * *
18	C. The commission shall elect one of its members as chairman. It shall
19	maintain its principal office in Baton Rouge in space provided by state officials or
20	in rented offices if suitable space is not available in state buildings. It shall maintain

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	its records and its principal office in such space. It shall hold its regular meetings
2	there, unless in the discretion of the chairman it is necessary or convenient in the
3	performance of its duties to meet in some other city. At least one regular meeting
4	shall be held in each quarter annual period. The commission shall not meet more
5	than twelve days in any fiscal year, including any special meetings, which may be
6	held at times and places specified by the call of the chairman. Written notice of the
7	time and place of meetings shall be given by the director secretary, who shall call
8	meetings whenever requested by a majority of the commission. A majority
9	constitutes a quorum for the transaction of business. No action will be taken by the
10	commission without the concurrence of at least five members personally present and
11	voting. Voting by proxy, by representation, or by mail is prohibited. The secretary
12	of the department director shall act as secretary of the commission and shall keep
13	adequate records and minutes of its business and official actions.
14	§254. Duties of the commission
15	In addition to its other duties, the commission shall:
15 16	In addition to its other duties, the commission shall : (1) Adopt, amend, and promulgate rules and regulations.
16	(1) Adopt, amend, and promulgate rules and regulations.
16 17	 (1) Adopt, amend, and promulgate rules and regulations. (2) Make and publish annual reports and whatever special reports it thinks
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 16 17 18 19 20 21 22 23 24 25 26 	 (1) Adopt, amend, and promulgate rules and regulations. (2) Make and publish annual reports and whatever special reports it thinks desirable to the governor concerning the administration and general operation of the department. (3) Establish departmental divisions, when and if necessary, and adopt rules and regulations governing their operation. (4) Advise advise the director secretary in problems concerning the welfare of veterans, fix the duties of the director, and determine and advise regarding the what functions are necessary or desirable for him to perform in carrying out the purposes of this Part. (5) Determine the general and administrative policies of the department.

1	qualifications and appointment of service officers and the conduct and operation of
2	the service offices.
3	§255. Appointment Position of the director secretary
4	The position of the director secretary of veterans' veterans affairs as an
5	officer of the state is established, as provided in R.S. 36:783 et seq.
6	The director shall be appointed by the veterans' affairs commission to serve at its
7	pleasure. At least three members of the commission shall concur in the appointment
8	or removal of the director. The director shall be a veteran, a qualified voter, and a
9	resident of the state for five years preceding his appointment. His salary shall be
10	fixed by the commission.
11	§256. Duties of the director secretary
12	The director secretary shall be the executive and administrative head of the
13	department and shall direct and supervise all of its administrative and technical
14	activities, subject, however, to the authority of with advice from the commission.
15	In addition to his other duties as provided in R.S. 36:783 and 784, the director
16	secretary shall:
17	(1) Attend all meetings of the commission and act as its secretary and keep
18	minutes of its proceedings.
19	(2) Appoint, with the consent of the commission and in accordance with the
20	provisions of this Part, all parish service officers and whatever department
21	employees, experts, and special assistants are necessary to carry out effectively the
22	provisions of this Part.
23	(3) Investigate from time to time the operation and effect of this Part and of
24	the rules, and report his findings and recommendations to the commission.
25	§257. Departmental divisions
26	Departmental divisions shall be administered by division chiefs, who shall
27	be appointed by the director secretary with the consent of the commission. Their
28	duties shall be fixed by the rules and regulations of the commission.

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1	§259. Director Secretary; powers to qualify for federal aid
2	The director secretary may make, with the consent of the commission, the
3	regulations necessary to receive the benefits of all acts of the congress of the United
4	States of America pertaining to veterans' affairs, particularly the Servicemen's
5	Readjustment Act of 1944, and on behalf of the state, may make contracts with the
6	United States of America for the purpose of receiving the benefits of the federal laws
7	pertaining to aid and benefits for veterans.
8	* * *
9	§261. Establishment of service offices; rules; contributions by department
10	A. With the approval of the commission, the director The secretary shall
11	establish service offices in the several parishes or consolidate service offices to serve
12	more than one parish and municipality when the parishes and municipalities affected
13	contribute to the maintenance of these offices in accordance with the authority
14	contained in R.S. 29:260.
15	* * *
16	§385. Deposit of residents' funds; disbursements; interest
17	* * *
18	C. Interest earned on funds deposited with the Department of Veterans
19	Affairs as provided in R.S. 29:385(A) Subsection A of this Section and any private
20	donations so designated shall be deposited in a resident's recreation and welfare fund
21	and shall be expended by the department for the recreation and general welfare of all
22	residents of its healthcare facilities. The Veterans' Affairs Commission shall
23	establish by rule appropriate guidelines and policies with respect to the expenditure
24	of such funds.
25	Section 2. R.S. 29:258 and R.S. 36:781(C)(2) and (3) are hereby repealed in their
26	entirety.

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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)]

HB 137 Original

2019 Regular Session

Armes

Abstract: Changes the title "director" of the La. Dept. of Veterans Affairs (LDVA) to "secretary" and eliminates certain additional duties of the Veterans' Affairs Commission.

Present law provides that the administrative head of the LDVA is the director.

<u>Proposed law</u> changes the <u>present law</u> title of the head of the LDVA <u>from</u> "director" to "secretary" to be consistent with the Title 36 provisions of <u>present law</u>.

<u>Present law</u> provides for the Veterans' Affairs Commission and provides for following additional duties of the commission:

- (1) Adopt, amend, and promulgate rules and regulations.
- (2) Make and publish annual reports and special reports to the governor concerning the administration and general operation of the department.
- (3) Establish departmental divisions, when and if necessary, and adopt rules and regulations governing their operation.
- (4) Advise the director in problems concerning the welfare of veterans, fix the duties of the director, and determine what functions are necessary or desirable for him to perform in carrying out the purposes of present law.
- (5) Determine the general and administrative policies of the department.
- (6) Establish, discontinue, or consolidate service offices throughout the state, and in connection therewith, adopt and amend rules and regulations governing the qualifications and appointment of service officers and the conduct and operation of the service offices.

<u>Proposed law</u> repeals all <u>present law</u> duties except it retains the requirement that the commission advise the secretary in problems concerning the welfare of veterans and advise regarding the functions necessary or desirable for him to perform in carrying out the purposes of <u>present law</u>.

<u>Present law</u> authorizes the Veterans' Affairs Commission to establish the organization of the department in accordance with <u>present law</u>. <u>Proposed law</u> repeals this <u>present law</u> authority.

<u>Present law</u> provides that the director shall make recommendations to the commission rules he considers necessary or desirable to carry out the provisions of <u>present law</u> and that the commission may approve, amend, or reject those recommendations in whole or in part and may propose and adopt new rules on its own accord. <u>Proposed law</u> repeals this <u>present law</u> authority.

<u>Present law</u> provides that whenever the Veterans' Affairs Commission determines that the administration of the functions of the department may be more efficiently performed by eliminating, merging, or consolidating existing offices or establishing new offices, the

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commission shall present a plan therefor to the legislature for its approval by statute. <u>Proposed law</u> repeals this <u>present law</u> authority.

<u>Present law</u> provides that the Veterans' Affairs Commission shall establish by rule appropriate guidelines and policies with respect to the expenditure of such funds. <u>Proposed law</u> repeals this <u>present law</u> authority.

(Amends R.S. 29:252(A), 253(C), 254, 255, 256, 257, 259, 261(A), and 385(C); Repeals R.S. 29:258 and R.S. 36:781(C)(2) and (3))