HLS 19RS-498 ENGROSSED

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   |
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| 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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HB NO. 137 its records and its principal office in such space. It shall hold its regular meetings there, unless in the discretion of the chairman it is necessary or convenient in the performance of its duties to meet in some other city. At least one regular meeting shall be held in each quarter annual period. The commission shall not meet more than twelve days in any fiscal year, including any special meetings, which may be held at times and places specified by the call of the chairman. Written notice of the time and place of meetings shall be given by the director secretary, who shall call meetings whenever requested by a majority of the commission. A majority constitutes a quorum for the transaction of business. No action will be taken by the commission without the concurrence of at least five members personally present and voting. Voting by proxy, by representation, or by mail is prohibited. The secretary of the department director shall act as secretary of the commission and shall keep adequate records and minutes of its business and official actions. §254. Duties of the commission In addition to its other duties, the commission shall: (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 <u>advise</u> the <u>director secretary</u> in problems concerning the welfare of veterans, fix the duties of the director, and determine <u>and advise regarding the</u> 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.
- (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

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| 2  | the service offices.  |
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| 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.                 |
| 29 | * * *   |

| 1  | §259. Director Secretary; powers to qualify for federal aid                               |
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| 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.   |

## **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 Engrossed

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" <u>to</u> "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 the 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. Proposed law repeals this present law 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</u> law repeals this present law authority.

<u>Present law</u> requires departmental division chiefs to be appointed with consent of the commission and provides that duties of the division chiefs shall be fixed by commission rules and regulations.

<u>Proposed law</u> allows the secretary to appoint division chiefs without the consent of the commission. Further removes requirement that division chief duties be set by rules and regulations.

(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))

## Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

- 1. Allow the secretary to appoint division chiefs without consent of the Veterans' Affairs Commission.
- 2. Remove requirement that duties of division chiefs be set by rules and regulations of the commission.