

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

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:

16 ~~(1) Adopt, amend, and promulgate rules and regulations.~~

17 ~~(2) Make and publish annual reports and whatever special reports it thinks~~
18 ~~desirable to the governor concerning the administration and general operation of the~~
19 ~~department.~~

20 ~~(3) Establish departmental divisions, when and if necessary, and adopt rules~~
21 ~~and regulations governing their operation.~~

22 ~~(4) Advise~~ advise the ~~director~~ secretary in problems concerning the welfare
23 of veterans, ~~fix the duties of the director, and determine~~ and advise regarding the
24 ~~what functions are~~ necessary or desirable for him to perform in carrying out the
25 purposes of this Part.

26 ~~(5) Determine the general and administrative policies of the department.~~

27 ~~(6) Establish, discontinue, or consolidate service offices throughout the state,~~
28 ~~and in connection therewith, adopt and amend rules and regulations governing the~~

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.

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.

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

Present law 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.

Proposed law repeals all present law 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 present law.

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

Present law provides that the director shall make recommendations to the commission rules he considers necessary or desirable to carry out the provisions of present law 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. Proposed law repeals this present law authority.

Present law 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

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

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