

Regular Session, 2014

HOUSE BILL NO. 1256 (Substitute for House Bill No. 152 by Representative Harrison)

BY REPRESENTATIVE HARRISON

GOVERNMENT ORGANIZATION: Transfers the Department of Children and Family Services as a state agency to the Department of Health and Hospitals

1 AN ACT

2 To amend and reenact R.S. 36:471(A) and 801.1(A), to enact R.S. 36:259(M), and to repeal  
3 R.S. 36:4(A)(10), relative to reorganization of the executive branch of state  
4 government; to provide that the Department of Children and Family Services shall  
5 be an independent agency within the Department of Health and Hospitals; to provide  
6 for the powers, duties, functions, and responsibilities of the Department of Children  
7 and Family Services; to provide for effectiveness of the Act; to provide that the Act  
8 has the effect of abolishing one of the twenty executive branch departments and  
9 provides for the effectiveness of laws relative to the Department of Elderly Affairs;  
10 and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 36:471(A) and 801.1(A) are hereby amended and reenacted and R.S.  
13 36:259(M) is hereby enacted to read as follows:

14 §259. Transfer of agencies and functions to Department of Health and Hospitals

15 \* \* \*

16 M. The Department of Children and Family Services (R.S. 36:471 et seq.)  
17 and the agencies and functions of abolished agencies placed within the Department  
18 of Children and Family Services as provided in R.S. 36:478, including the following  
19 subject to the provisions of R.S. 36:478:

20 (1) The Louisiana Children's Trust Fund Board (R.S. 46:2401 et seq.)

1                   (2) The Child Poverty Prevention Council for Louisiana (R.S. 46:2801-2802)

2                   (3) The Council on the Status of Grandparents Raising Grandchildren (R.S.  
3 46:2911 et seq.)

4                   (4) The Louisiana Advisory Council on Child Care and Early Education  
5 (R.S. 46:1401 et seq.)

6                   (5) The powers, duties, functions, and responsibilities of the following  
7 agencies previously abolished that have been transferred to the secretary of the  
8 Department of Children and Family Services:

9                   (a) Louisiana Health and Human Resources Administration (R.S. 46:1751-  
10 46:1767, and generally Chapters 1 and 11 of Title 40 and all of Title 46 of the  
11 Louisiana Revised Statutes of 1950, except R.S. 46:1601-1608) to the extent that the  
12 cited provisions provide with respect to agencies or functions placed in or transferred  
13 to the Department of Children and Family Services

14                   (b) State Youth Planning Advisory Commission (Act 430 of the 1975  
15 Regular Session)

16                   (c) State Department of Public Welfare (Such provisions of Title 46 of the  
17 Louisiana Revised Statutes of 1950 as apply to the abolished department)

18                   (d) State Board of Public Welfare (Such provisions of Title 46 of the  
19 Louisiana Revised Statutes of 1950 as apply to the abolished board)

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21                   §471. Department of Children and Family Services; creation; domicile;  
22                   composition; purpose and functions

23                   A. The Department of Children and Family Services is created as a state  
24 agency within the Department of Health and Hospitals and shall be a body corporate  
25 with the power to sue and be sued. The domicile of the department shall be in Baton  
26 Rouge where it shall maintain its principal offices, but the secretary may maintain  
27 branch offices if he deems it in the best interest of the efficient administration of the  
28 department. The department shall be an agency as defined in R.S. 36:3 and shall not

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1       be one of the twenty executive branch departments authorized by Article IV, Section  
2       1 of the Constitution of Louisiana.

\*       \*       \*

4       §801.1. Transfer; retention of all functions

5           A. The agencies transferred by the provisions of R.S. 36:4(B)(1)(dd), (B)(18)  
6       and (D), 4.1(C) and (G), 53(H), 209(R), 259(J), L(1), and (M), 409(N), 509(O),  
7       651(D), 725(A), and 769(J) shall continue to be comprised and selected as provided  
8       by law.

\*       \*       \*

10       Section 2. R.S. 36:4(A)(10) is hereby repealed in its entirety.

11       Section 3. In accordance with the purposes of the Executive Reorganization Act, it  
12       is the purpose of this Act to promote economy and efficiency in the operation and  
13       management of the functions of the state relative to health and social services, to strengthen  
14       the executive capacity of the Department of Health and Hospitals and the Department of  
15       Children and Family Services for effective, efficient, and economic administration while  
16       also improving the quality of the functions performed and the programs and services  
17       rendered by the department for the citizens of the state, and to eliminate to the fullest  
18       practicable extent duplication of effort within the executive branch of state government.  
19       This Act is intended to serve these purposes by providing for the reorganization and  
20       consolidation of the powers, duties, functions, and responsibilities of state agencies and  
21       entities relating to health and social services.

22           Section 4.(A) On August 1, 2014, the Department of Children and Family Services  
23       shall no longer be one of the twenty executive branch departments authorized by Article IV,  
24       Section 1 of the Constitution of Louisiana but shall be an agency in the Department of  
25       Health and Hospitals as provided in R.S. 36:259(M) and 801.1 as provided in this Act.

26           (B) This Act has the effect of abolishing one of the twenty departments in the  
27       executive branch of state government, and pursuant to the provisions of Act No. 384 of the  
28       2013 Regular Session of the Legislature, Sections 1 through 7 of Act No. 384 of the 2013  
29       Regular Session of the Legislature shall become effective on August 1, 2014.

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are additions.

1 Section 5. This Act shall become effective on August 1, 2014.

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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. 1256

**Abstract:** Provides that the Dept. of Children and Family Services (DCFS) shall no longer be one of the 20 executive branch departments authorized by the Constitution of La. but shall be an independent agency in the Dept. of Health and Hospitals.

Present constitution provides that all offices, agencies, and other instrumentalities of the executive branch of state government and their functions, powers, duties, and responsibilities shall be allocated according to function within not more than 20 departments. Expects the offices of governor and lieutenant governor from such allocation. Provides that such allocation shall be as provided by law.

Present law provides for the 20 departments and includes within the 20 departments the Dept. of Health and Hospitals (DHH) and DCFS. Present law provides for the allocation of agencies and functions of abolished agencies to the departments.

Proposed law removes DCFS as one of the 20 executive branch departments and provides that it shall be a state agency. Transfers DCFS as an agency into DHH subject to provisions (R.S. 36:801.1) for such transfer that make it an independent agency within DHH. Present law (R.S. 36:801.1) provides that any agency transferred pursuant to it shall continue to exercise all policymaking, rulemaking, licensing, regulation, enforcement, and adjudication powers, duties, functions, and responsibilities provided or authorized by the constitution or laws and all advisory powers, duties, and functions provided by law, and that it shall continue to administer and implement all programs provided or authorized for it by law. Provides that the executive head of the agency shall continue to employ, appoint, remove, assign, and promote personnel necessary for the efficient administration and implementation of programs, in accordance with applicable laws, rules, and regulations and shall continue to perform and administer its functions which are in the nature of accounting and budget control, procurement and contract management, management and program analysis, data processing, personnel management, and grants management. Provides that the agency shall exercise its powers, duties, functions, and responsibilities as provided by the constitution and by law and administer and implement the programs authorized by law independently of the secretary, the undersecretary, and any assistant secretary.

Proposed law provides that DCFS shall be an agency within DHH effective Aug. 1, 2014, and on that date shall no longer be one of the 20 executive branch departments. Provides, since the Act has the effect of abolishing one of the twenty departments in the executive branch of state government, that on Aug. 1, 2014, pursuant to Act No. 384 of the 2013 RS, Sections 1 through 7 of Act No. 384 of the 2013 RS (establishing and providing for the Dept. of Elderly Affairs) shall become effective.

Effective on August 1, 2014.

(Amends R.S. 36:471(A) and 801.1(A), Adds R.S. 36:259(M), Repeals R.S. 36:4(A)(10))