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## DIGEST

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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. Excepts 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))