

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

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)]

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 (DHH).

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 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 20 departments in the executive branch of state government, that on Aug. 1, 2014, pursuant to Act No. 384 of the 2013 R.S., Sections 1 through 7 of Act No. 384 of the 2013 R.S. (establishing and providing for the Dept. of Elderly Affairs) shall become effective.

Effective on Aug. 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))