

First Extraordinary Session, 1998

SENATE BILL NO. 72 (DUPLICATE OF HOUSE BILL NO. 147)

BY SENATOR EWING AND REPRESENTATIVE DOWNER AND
COAUTHORED BY SENATORS DARDENNE,
HAINKEL, BARHAM, ROMERO, BAJOIE, CASANOVA,
DYESS, HINES, IRONS, LANDRY AND SCHEDLER
AND REPRESENTATIVES DEWITT, MCMAINS,
CLARKSON, DURAND, SCHWEGMANN AND BRUCE

AN ACT

To amend and reenact R.S. 36:4(B)(8), to enact Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2601 through 2607, and to repeal Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, as enacted by Acts 1992, No. 971, as amended by Acts 1993, No. 424, Acts 1995, No. 945 and No. 1232, Acts 1997, No. 883 and No. 1172, relative to the Children's Cabinet; to provide for the establishment of the cabinet and the Children's Cabinet Advisory Board; to provide for the powers, duties, and functions of the cabinet and the advisory board; to provide for actions taken by the cabinet and board; to provide for termination of the cabinet; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:4(B)(8) is hereby amended and reenacted to read as follows:

§4. Structure of executive branch of state government

* * *

B. The office of the governor shall be in the executive branch of state government.

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(8) The Children's Cabinet and the Children's Cabinet Advisory

Board, as more specifically provided in R.S. 46:2601 through 2607, shall be placed within the office of the governor.

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Section 2. Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2601 through 2607 is hereby enacted to read as follows:

CHAPTER 45. CHILDREN'S CABINET

§2601. Legislative findings and intent

A.(1) The legislature finds that programs and services to children and their families are provided by a myriad of state departments, offices, and agencies, as well as many entities at the local level. Funding for such programs is provided from numerous sources, federal, state, and local. There is a serious need to coordinate and focus programs and funding to achieve the most effective and efficient use of monetary, human, and organizational resources.

(2) The legislature further finds that the policies of many funding programs have directed funding for needs of children and their families toward meeting crises, toward out-of-home placement, and toward services related to this focus.

(3) The legislature recognizes a need to identify all potential sources of funding for services for children and their families and to develop strategies for the most coordinated use of such funding possible, in order to make the best use of all available monies.

B. In order to meet these needs the legislature creates the Children's Cabinet.

§2602. Children's Cabinet; creation; purpose

A. The Children's Cabinet, hereafter referred to as the "cabinet", is hereby created as a state agency within the office of the governor.

The governor shall select an executive director and the cabinet shall be funded through equal interagency transfers from the departments headed by the persons listed in Paragraphs B(1) through (5) of this Section at a level to be determined annually by the commissioner of administration. In addition, the cabinet may accept and expend grants and private donations to assist the cabinet to carry out its functions. The purpose of the cabinet shall be to facilitate and require coordination of policy, planning, and budgeting affecting programs and services for children and their families; to coordinate delivery of services to children and their families; and to eliminate duplication of services where appropriate. The cabinet shall carry out its functions in order to assure the most efficient and effective use of resources, particularly through programs for intervention and prevention intended to be less costly in terms of human costs and ultimately in expenditures as well.

B. The cabinet shall be composed of the following members:

(1) The secretary of the Department of Social Services.

(2) The secretary of the Department of Health and Hospitals.

(3) The secretary of the Department of Public Safety and Corrections.

(4) The secretary of the Department of Labor.

(5) The state superintendent of education.

(6) The commissioner of administration.

(7) A representative of the office of the governor, to be determined by the governor.

(8) A member of the House of Representatives appointed by the speaker of the House of Representatives.

(9) A member of the Senate appointed by the president of the Senate.

(10) A representative of the Children's Cabinet Advisory Board as selected by its members.

(11) A member of the Louisiana Council of Juvenile and Family Court Judges appointed by the chief justice of the Louisiana Supreme Court.

C. Members shall serve during their tenure in the offices listed in Subsection B. All members shall serve without additional compensation.

D. The cabinet may elect officers as it deems necessary. The cabinet shall meet at least quarterly according to a schedule established by the cabinet. Meetings shall also be held on call of the chairman or at the request of at least three members of the cabinet. The chairman shall give seven days notice to the members of the cabinet of the time and place where regular or special meetings will be held.

E. A quorum of the cabinet shall consist of a majority of the members of the cabinet. The presence of a quorum shall be required for the cabinet to transact business, and no official action shall be taken by the cabinet unless a quorum is present. The approval of a majority of the cabinet shall be required for the cabinet to decide a question or to take official action on any matter.

F. The cabinet may adopt such rules as it may deem necessary to govern its own operation and the conduct of its business not in conflict with this Chapter. Vote by proxy shall not be permitted.

§2603. Children's Cabinet; powers and duties

A. In order to carry out the purposes of this Chapter and the purposes for which it is created, the Children's Cabinet shall:

(1) Develop and implement a comprehensive plan for coordination of policy making and planning for all state agencies and

programs responsible for services to children and their families. Such plan shall be completed and adopted by the cabinet and submitted to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare for review not later than January 31, 1999, and shall be updated annually thereafter.

(2) Provide for and implement the coordination of service delivery by all state agencies and programs having responsibility for services to children and their families, resolve conflicts among programs and agencies, and develop and implement structures and procedures necessary to accomplish such coordination.

(3) Monitor and evaluate the effectiveness and efficiency of individual programs and the effectiveness and efficiency of delivery of services by coordinated programs.

(4) Undertake studies and develop proposals and recommendations to redirect programs for children and their families from crisis intervention and residential programs toward early intervention and prevention and family preservation when such redirection will be more efficient and effective in terms of human costs and monetary costs.

(5) Adopt and implement provisions for a children's budget, as more specifically provided in R.S. 46:2604.

(6) Require and receive such reports from state agencies and programs having responsibility for children and their families as shall be necessary to carry out its purposes and functions.

(7) Submit an annual report to the governor and the legislature by January thirty-first summarizing the accomplishments of the past year and indicating specific goals for the next fiscal year.

(8) Adopt and promulgate rules and regulations and formulate

all necessary policies, procedures, and rules of administration and operation necessary to carry out the purposes of this Chapter, all subject to the Administrative Procedure Act. Legislative oversight of the cabinet, pursuant to the Administrative Procedure Act, shall be the responsibility of the Senate Committee on Health and Welfare and the House Committee on Health and Welfare.

(9) Do all the things reasonably necessary to accomplish the purposes for which the cabinet is created.

(10) Develop proposals and recommendations for state agencies that provide residential and/or foster care to children to integrate life skills training into their daily programming and provide for reports to the cabinet on the implementation thereof. Such proposals and recommendations shall comply with relevant federal statutory provisions and regulations.

B. In addition to the above duties and responsibilities, in order to carry out its purposes and functions, the cabinet may:

(1) Request data and assistance from state departments or agencies of the state. When the cabinet requests a state department or agency to provide needed data or assistance, the department or agency shall give priority to such request and shall provide such data or assistance as requested. The cabinet shall maintain the confidentiality of any information or records provided to it, as required by laws relative to such records and information.

(2) Create and appoint such advisory committees or task forces to act in an advisory capacity to the cabinet to assist in its studies, composed of such representatives of the public and private sectors, as it shall deem appropriate.

(3) Enter into such contracts in accordance with applicable law

that may be necessary and proper to carry out the provisions of this Chapter relating to the coordination of the delivery of services to children and families.

§2604. Children's budget; preparation and submission

A. In adopting the children's budget annually, the cabinet shall hold such hearings and solicit and review such information and recommendations from affected agencies and programs and other sources as it shall find necessary. To the extent possible, the cabinet shall seek to establish agreement among and support by the affected agencies and programs with respect to the children's budget.

B. In studying and recommending the children's budget, the cabinet shall determine the feasibility, advisability, and merit of:

(1) Identification of and pooling of funds from as many sources as possible and use of such funds for any or all purposes for which any such funds may be used.

(2) Single-purchase systems for purchase of services and other means to eliminate competing rates.

(3) Using funding mechanisms to effect greater coordination of services.

(4) Directing funding to family preservation and nonresidential options directed toward long-range savings by avoiding residential placement.

C. The governor's executive budget shall include the governor's recommended children's budget which shall be a compilation and listing of the recommended budgets contained in the various schedules of the executive budget for all services and programs for children and their families.

D. The General Appropriation Act enacted by the legislature

shall include the children's budget. This shall be a separate section of the Act which shall include a compilation and listing of all appropriations contained in the various schedules and appropriations in the Act which are for services and programs for children and their families.

§2605. Children's Cabinet Advisory Board

A. The Children's Cabinet Advisory Board, hereinafter referred to as the "advisory board", is hereby created. The purpose of the advisory board shall be to provide information and recommendations from the perspective of advocacy groups, service providers, and parents.

B. The advisory board shall be composed of the following members:

- (1) A representative from Agenda for Children.
- (2) A representative from the Louisiana Children's Trust Fund.
- (3) A representative from the Louisiana Council on Child Abuse.
- (4) A representative from the Louisiana Maternal and Child Health Coalition.
- (5) A representative from Child Net.
- (6) A representative from the Louisiana Council of Juvenile and Family Court Judges.
- (7) A representative from Head Start.
- (8) A representative from the Juvenile Justice and Delinquency Prevention Advisory Board.
- (9) A representative from Louisiana State University, Louisiana Cooperative Extension Service.
- (10) No less than three and no more than five parents nominated

by agencies represented above and approved by the cabinet.

(11) The assistant secretary of the office of community services of the Department of Social Services.

(12) The assistant secretary of the office of family support of the Department of Social Services.

(13) The assistant secretary of the office for citizens with developmental disabilities of the Department of Health and Hospitals.

(14) The assistant secretary of the office of public health of the Department of Health and Hospitals.

(15) The assistant secretary of the office of mental health of the Department of Health and Hospitals.

(16) The director of the bureau of health services financing of the Department of Health and Hospitals.

(17) The deputy secretary for corrections services of the Department of Public Safety and Corrections.

(18) A representative of the Department of Labor, to be designated by the secretary.

(19) The assistant secretary of the office of youth development of the Department of Public Safety and Corrections.

(20) Four representatives of the Department of Education, as designated by the superintendent, one each representing academic programs, special education, educational support programs, and secondary vocational education.

(21) A representative of the division of administration, as designated by the commissioner.

(22) A member of the Commission on Perinatal Care and Prevention of Infant Mortality.

(23) A member of the Louisiana Families In Need Of Services

Association.

(24) A member of the Louisiana Court-Appointed Special Advocate Association.

(25) A member of the Louisiana Catholic Conference.

(26) A member of the Catholic Health Association of Louisiana.

(27) The chancellor of the Louisiana State University Medical Center.

(28) A member of the National Association of Social Workers.

(29) A representative of the Louisiana Association of Nonprofit Organizations.

C. Members shall be appointed by the cabinet and shall serve at its pleasure. All members shall serve without compensation.

D. The advisory board shall be invited to all cabinet meetings and may participate in its discussions but shall have no vote.

E. The advisory board may elect officers, shall meet as needed, and may meet at times other than when the full cabinet is meeting.

F. The governor may appoint from time to time and to serve at his pleasure additional members to the advisory board to serve on matters about which such additional members shall possess or have expertise or experience. In consideration of those matters for which an additional member is appointed, each additional member appointed pursuant to this Subsection shall have the same powers and duties during the period of his service as enjoyed by the membership provided by Subsection B of this Section.

§2606. Construction; local governing authorities

Nothing in this Chapter shall be construed to limit the authority of a local governing authority to create a children's cabinet or an advisory board to coordinate programs and services for children and

families within the authority's jurisdiction and to provide for the powers, duties, and functions of such cabinet or advisory board.

§2607. Termination

The existence of the Children's Cabinet shall terminate, all legal authority therefor shall cease, and this Chapter shall be repealed on August 15, 2003.

Section 3. Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, as enacted by Acts 1992, No. 971, as amended by Acts 1993, No. 424, Acts 1995, No. 945 and No. 1232, Acts 1997, No. 883 and No. 1172, is hereby repealed in its entirety.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____