

# HOUSE BILL No. 1613

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-8; IC 12-9-2-6; IC 12-13; IC 12-21-2-7; IC 12-23-1-7.

**Synopsis:** Family and social services administration. Specifies that the secretary of family and social services, rather than certain division directors, is: (1) the appointing authority for divisions within the office of the secretary of family and social services (office of the secretary); (2) authorized to advise the governor concerning adopted rules; (3) authorized to adopt administrative rules; (4) authorized to enter into contracts for the office of the secretary; and (5) the authority for administering specified programs and grants.

**Effective:** July 1, 2015.

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January 22, 2015, read first time and referred to Committee on Family, Children and Human Affairs.

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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1613

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A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 12-8-1.5-7, AS ADDED BY P.L.160-2012,  
2       SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2015]: Sec. 7. The secretary, through the offices, may do the  
4       following:  
5               (1) Employ experts and consultants to carry out the duties of the  
6               secretary and the offices.  
7               (2) Utilize, with the consent of the other state agencies, the  
8               services and facilities of other state agencies without  
9               reimbursement.  
10              (3) Accept in the name of the state, for use in carrying out the  
11              purposes of this article, any money or other property received as  
12              a gift, by bequest, or otherwise.  
13              (4) Accept voluntary and uncompensated services.  
14              (5) Expend money made available according to policies enforced  
15              by the budget agency.



(6) Establish and implement the policies and procedures necessary to implement this article.

(7) Advise the governor concerning rules adopted by a division **before July 1, 2015, or the secretary after June 30, 2015.**

(8) Create advisory bodies to advise the secretary about any matter relating to the implementation of this article.

(9) Perform other acts necessary to implement this article.

**(10) Perform other functions permissible under this title.**

SECTION 2. IC 12-8-8.5-3, AS ADDED BY P.L.160-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. ~~A director~~ **The secretary** is the appointing authority for the ~~director's~~ division.

SECTION 3. IC 12-8-8.5-4, AS ADDED BY P.L.160-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) ~~A director~~ **The secretary** may adopt rules under IC 4-22-2 relating to the operation of the ~~director's~~ division and to implement the programs of the ~~director's~~ division.

(b) Whenever a division is required to adopt rules under IC 4-22-2, the ~~director of the division~~ **secretary** is the statutory authority that adopts the rules.

**(c) Rules adopted by a division before July 1, 2015, are considered, after June 30, 2015, rules of the secretary.**

SECTION 4. IC 12-8-8.5-5, AS ADDED BY P.L.160-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) ~~A director~~ **The secretary** is the ultimate authority under IC 4-21.5 for purposes of the operation of the ~~director's~~ division and the programs of the ~~director's~~ division.

~~(b) The director shall consult with the secretary on issues of family, social services, or health policy arising in a proceeding under IC 4-21.5.~~

SECTION 5. IC 12-8-12-2, AS AMENDED BY P.L.161-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. This chapter applies to all TANF recipients and applicants, except recipients and applicants exempted under rules adopted by the ~~director~~ **secretary** under IC 4-22-2.

SECTION 6. IC 12-8-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. The ~~director~~ **secretary** may adopt rules under IC 4-22-2 necessary to implement this chapter.

SECTION 7. IC 12-9-2-6, AS AMENDED BY P.L.99-2007, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The ~~director~~ **may secretary shall** act for the



1 division in entering into contracts for the disbursement of money and the  
 2 providing of service for approved community mental retardation and  
 3 other developmental disability centers where constructed and operated  
 4 or maintained by private nonprofit organizations, a local public agency,  
 5 or any other state agency that the ~~director~~ **secretary** determines to be  
 6 best suited to advance programs for individuals with developmental  
 7 disabilities.

8 (b) Before entering into a contract under this section, the ~~director~~  
 9 **secretary** shall submit the contract to the attorney general for approval  
 10 as to form and legality.

11 (c) A contract under this section must do the following:

12 (1) Specify the services to be provided and the client populations  
 13 to whom services must be provided.

14 (2) Specify that the definition of developmental disability set forth  
 15 in IC 12-7-2-61 must be used to determine the eligibility of an  
 16 individual for reimbursement of the center by the division for the  
 17 center's services for individuals with a developmental disability.  
 18 The division shall reimburse the centers at rates established by  
 19 rule.

20 (3) Provide for a reduction in funding for failure to comply with  
 21 terms of the contract.

22 SECTION 8. IC 12-13-2-3 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The director is  
 24 responsible for the following:

25 (1) The appointment of state investigators or boards of review  
 26 provided by law that are necessary to ensure a fair hearing to an  
 27 applicant or a recipient. A fair hearing shall be granted at the  
 28 request of an aggrieved person who desires a hearing. The  
 29 division shall review cases upon the request of an applicant, a  
 30 recipient, or an aggrieved person.

31 (2) The adoption of all policies ~~and rules~~ for the division.

32 (3) The administrative and executive duties and responsibilities  
 33 of the division.

34 (4) The establishment of salaries for the officers and employees  
 35 of the division within the salary ranges of the pay plan adopted by  
 36 the Indiana personnel advisory board and approved by the budget  
 37 committee.

38 (5) The establishment of minimum standards of assistance for old  
 39 age and dependent children recipients. A standard established  
 40 under this subdivision must apply to all individuals in Indiana.

41 SECTION 9. IC 12-13-7-1, AS AMENDED BY P.L.130-2009,  
 42 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2015]: Sec. 1. The ~~division~~ **office of the secretary** shall administer the following:

- (1) The Child Care and Development Block Grant under 42 U.S.C. 9858 et seq.
- (2) The federal Food Stamp Program under 7 U.S.C. 2011 et seq.
- (3) Title IV-A of the federal Social Security Act.
- (4) Any other funding source:
  - (A) designated by the general assembly; or
  - (B) available from the federal government under grants that are consistent with the duties of the division.

SECTION 10. IC 12-13-7-2, AS AMENDED BY P.L.234-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The ~~division~~ **office of the secretary** is the single state agency responsible for administering the following:

- (1) The Child Care and Development Block Grant under 42 U.S.C. 9858 et seq. The ~~division~~ **office of the secretary** shall apply to the United States Department of Health and Human Services for a grant under the Child Care Development Block Grant.
- (2) The federal Food Stamp Program under 7 U.S.C. 2011 et seq.

SECTION 11. IC 12-21-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The ~~director~~ **secretary** may act for the division in entering into contracts for the disbursal of money and the providing of service.

(b) Before entering into a contract under this section, the ~~director~~ **secretary** shall submit the contract to the attorney general for approval as to form and legality.

(c) A contract under this section must do the following:

- (1) Specify the services to be provided and the client populations to whom services must be provided.
- (2) Provide for a reduction in funding for the failure to comply with terms of the contract.

SECTION 12. IC 12-23-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Except as provided in subsection (b) and notwithstanding any other law, the ~~division~~ **office of the secretary** is the sole state authority authorized to:

- (1) disburse grants, loans, or gifts made by the federal government or any other source to the state, state agencies, and subdivisions of the state; and
- (2) review and approve grants or contracts made by the federal government to or with a local governmental unit or other public or private agency;



1 for alcoholism, compulsive gambling, or drug abuse prevention or for  
2 treatment in the field of addictions.

3 (b) Subsection (a) does not apply if the federal law regulating a  
4 grant, loan, or gift does not allow exclusive power and control over the  
5 disbursement of the grant, loan, or gift to be vested in a single state  
6 authority.

