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## FISCAL IMPACT REPORT

SPONSOR Salazar DATE TYPED 2/1/04 HB 34/aHGUAC/aHAFC

SHORT TITLE Aging & Long Term Services Department Act SB \_\_\_\_\_

ANALYST Gilbert

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SB 141

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
 State Agency on Aging (SAA)  
 Developmental Disabilities Planning Council (DDPC)

### SUMMARY

#### Synopsis of HAFC Amendment

The House Appropriations and Finance Committee (HAFC) amendment to House Bill 34 makes numerous technical amendments to render the bill gender neutral.

The following technical amendment was also made as follows:

#### Page 6, line 7

Ø A rule promulgated by the director of any division in carrying out the functions and duties of the division shall not be effective until approved by the secretary unless otherwise provided by statute.

#### Synopsis of HGUAC Amendment

The House Government and Urban Affairs Committee (HGUAC) amendment to House Bill 34 changes section 13C on page 11 by removing responsibility from the State Board of Finance for

certifying to the legislature that resources transferred from other agencies to the Aging and Long-Term Services Department are sufficient to continue the same level of services. Instead, the amended language transfers this responsibility to the Governor's Office and to the State Budget Division.

A minor technical correction was also made to page 9, line 2.

### Synopsis of Original Bill

House Bill 34 creates an Aging and Long-Term Services Department (ALTSD) in accordance with the terms of Executive Order No. 2003-022. The new department is composed of five divisions: administrative services, consumer and elder rights, aging network services, long-term care, and adult protective services. An office of Indian elder affairs is also created within the secretary's office. This bill addresses directives and recommendations made in Committee Substitute for House Bill 585 passed and signed by the Governor during the 2003 Legislative Session and by the Legislative Subcommittee on Reorganization.

### Significant Issues

The purpose of this bill is to create a single, unified department to administer all laws (including the federal Older Americans Act) and exercise all functions formerly administered by the State Agency on Aging and to administer laws and exercise certain functions of the Human Services Department (HSD), the Department of Health (DOH) and the Children, Youth & Families Department (CYFD) that relate to aging, adults with disabilities or long-term care services.

### **FISCAL IMPLICATIONS**

HB34 does not contain an appropriation. According to the Agency on Aging, transfer of funds and FTEs from the DOH, HSD, and CYFD are being negotiated between the departments, with assistance from the Department of Finance and Administration (DFA), to ensure appropriate transfers to the Aging and Long-Term Services Department.

### **ADMINISTRATIVE IMPLICATIONS**

This bill contains standard legislative language necessary to transfer appropriations, money, personnel and property to the ALTSD for all programs being transferred.

The ALTSD has developed a plan to implement functional transfers of certain long-term care programs. The traumatic brain injury program is to be transferred from DOH on July 1, 2004, the HSD home and community-based Medicaid waiver programs for the disabled and elderly are to be transferred no later than January 1, 2006, and the functions of adult protective services, adult day care, attendant care and other home- and community-based long-term care programs that serve seniors or adults with disabilities will be transferred from CYFD to ALTSD no later than January 1, 2006.

The Developmental Disabilities Planning Council recommends obtaining input from persons receiving services, families, advocates, and providers prior to the transfer of any program which provides services to persons with disabilities or to their families.

**TECHNICAL ISSUES**

On page 9, line 2, the word *Care* between the words *Long-Term* and *Act* should be stricken and replaced with the words *Services Department*.

RLG/yr:pr:lg:njw