

2022 Regular Session

HOUSE BILL NO. 524

BY REPRESENTATIVE LYONS

EXCEPTIONAL PERSONS: Establishes a program for needs assessment and coordination of services for people with disabilities affected by disasters

1 AN ACT

2 To amend and reenact R.S. 27:625(G)(5) and R.S. 29:726.6(Section heading) and to enact
3 R.S. 29:726.7, relative to services for people with disabilities affected by disasters;
4 to create the Disability-Focused Disaster Preparedness and Response Fund as a
5 special fund in the state treasury; to provide for dedication to the fund of revenue
6 from the tax upon net gaming proceeds from sports wagering; to authorize the use
7 of monies in the fund for certain purposes; to create and provide for a program to
8 conduct needs assessments among, and provide services to, people with disabilities
9 affected by disasters; to provide for duties and responsibilities of the Governor's
10 Office of Homeland Security and Emergency Preparedness with respect to the
11 program; to authorize the Governor's Office of Homeland Security and Emergency
12 Preparedness to utilize certain monies for administrative costs and grant
13 administration; to require the Governor's Office of Homeland Security and
14 Emergency Preparedness to contract with a disability assessment and coordination
15 entity for certain functions; to provide relative to state actions to obtain federal
16 reimbursement for certain disaster-related expenses; and to provide for related
17 matters.

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. R.S. 27:625(G)(5) is hereby amended and reenacted to read as follows:

20 §625. State tax; levy

21 * * *

1 G. After complying with the provisions of Subsection D of this Section, each
2 fiscal year the state treasurer shall credit the following amounts to the following
3 funds:

4 * * *

5 (5) Two percent of the monies collected pursuant to this Section, not to
6 exceed five hundred thousand dollars, shall be credited to the ~~Disability Affairs Trust~~
7 ~~Fund established by R.S. 46:2583~~ Disability-Focused Disaster Preparedness and
8 Response Fund established by R.S. 29:726.7.

9 * * *

10 Section 2. R.S. 29:726.6(Section heading) is hereby amended and reenacted and R.S.
11 29:726.7 is hereby enacted to read as follows:

12 §726.6. Fund and grant program for security measures; eligible applicants

13 * * *

14 §726.7. Disability-Focused Disaster Preparedness and Response Fund and program

15 A.(1) The legislature hereby creates in the state treasury a special fund to be
16 known as the "Disability-Focused Disaster Preparedness and Response Fund". The
17 fund shall consist of monies deposited pursuant to R.S. 27:625(G)(5); any additional
18 monies transferred to the fund by the legislature; and any monies designated for the
19 fund and received by the state treasurer from donations, gifts, or grants. Monies in
20 the fund shall be invested by the state treasurer in the same manner as monies in the
21 state general fund. Interest earned on the investments of monies in the fund shall be
22 deposited in and credited to the fund following compliance with applicable
23 requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative
24 to the Bond Security and Redemption Fund. Unexpended and unencumbered monies
25 in the fund at the end of the fiscal year shall remain in the fund.

26 (2) The monies in the Disability-Focused Disaster Preparedness and
27 Response Fund shall be used solely for the purposes provided for in this Section and
28 only in the amounts appropriated by the legislature.

1 (3) The Governor's Office of Homeland Security and Emergency
2 Preparedness may utilize no more than three percent of the monies annually
3 deposited into the fund pursuant to R.S. 27:625(G)(5) for administrative costs,
4 including costs of grant administration.

5 B. As used in this Section, the following terms have the meaning ascribed
6 to them in this Subsection:

7 (1) "DACE" means a disability assessment and coordination entity.

8 (2) "Person with a disability" means any person with access and functional
9 needs across the life span, including persons who are elderly.

10 C. The purpose of this Section is to address particular identified needs of
11 people with disabilities affected by disasters through assessment of individual needs,
12 coordination of resources to meet those needs, and training of personnel to
13 competently and effectively identify needs through appropriate assessment methods
14 and to proficiently coordinate with the proper entities that provide necessary
15 services, thereby establishing an effective network that will identify people who need
16 disability-related resources in disaster periods and ensure that those who need help
17 will be connected to those who can provide help.

18 D. The Governor's Office of Homeland Security and Emergency
19 Preparedness, referred to hereafter in this Section as "GOHSEP", shall contract with
20 a DACE whose director possesses the qualifications required by Subsection F of this
21 Section. The DACE shall perform all of the following functions:

22 (1) Work with GOHSEP to develop a statewide plan which shall include but
23 not be limited to all of the following elements:

24 (a) Conduct individual assessments of needs of people with disabilities in
25 shelters and areas impacted by disasters.

26 (b) Provide training that addresses meeting the needs of people with
27 disabilities impacted by disasters to disability stakeholders, other entities that serve
28 people with disabilities, and government agencies.

1 (c) Enhance cooperation between the entities identified in Subparagraph (b)
2 of this Paragraph so that the needs of people with disabilities relating to disaster
3 preparedness and response will be met.

4 (d) Where necessary, directly meet the needs of people with disabilities
5 impacted by disasters.

6 (2) Administer the initial implementation of the plan provided for in this
7 Subsection.

8 (3) Administer the plan provided for in this Subsection on an ongoing basis.

9 (4) Conduct individual needs assessments for people with disabilities.

10 (5) Coordinate with state and local governmental entities, disability
11 stakeholders, and affected individuals with disabilities or their representatives to
12 meet individual needs identified in assessments.

13 (6) Directly meet the needs of people with disabilities impacted by disasters
14 in instances in which no other option for furnishing of such assistance is available.

15 (7) Provide necessary training to persons, entities, and government agencies
16 that serve people with disabilities in order to meet the needs of people with
17 disabilities that are impacted by disasters.

18 (8) Maintain staffing necessary to administer the plan provided for in this
19 Subsection.

20 (9) Collect data relative to the activities conducted pursuant to this Section
21 and provide an annual report to GOHSEP.

22 E. All state and local governmental agencies with which the DACE engages
23 in carrying out its functions shall work collaboratively with the DACE.

24 F. The director of the DACE shall possess all of the following qualifications:

25 (1) At least two years of experience in each of the following:

26 (a) A leadership role in community-based disability-related non-profit
27 organizations in Louisiana.

28 (b) The role of appointed member of a statewide disability-related council
29 in Louisiana.

1 (c) Disaster response with a focus on people with disabilities.

2 (d) Employment at a Louisiana state agency with a focus on people with
3 disabilities.

4 (e) Employment in the field of special education.

5 (f) Employment at an administrative level with a home- and
6 community-based service provider licensed by the Louisiana Department of Health.

7 (2) A master's degree or above in education, health care, or social services.

8 G.(1) GOHSEP shall seek federal reimbursement for eligible disaster-related
9 expenses incurred in the provision of resources and services to people with
10 disabilities affected by disasters as authorized by the provisions of this Section.

11 (2) GOHSEP may enter into a contract, memorandum of understanding, or
12 any other type of agreement with the DACE for the purpose of securing federal
13 reimbursement for eligible disaster-related expenses.

14 Section 3. The provisions of Sections 1 and 2 of this Act shall become effective
15 when an Act of the Louisiana Legislature containing a specific appropriation of monies for
16 the implementation of the provisions of this Act becomes effective.

17 Section 4. The provisions of this Section and Section 3 of this Act shall become
18 effective upon signature of this Act by the governor or, if not signed by the governor, upon
19 expiration of the time for bills to become law without signature by the governor, as provided
20 by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the
21 governor and subsequently approved by the legislature, the provisions of this Section and
22 Section 3 of this Act shall become effective on the day following such approval.

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)]

HB 524 Reengrossed

2022 Regular Session

Lyons

Abstract: Creates the Disability-Focused Disaster Preparedness and Response Fund and a program of needs assessment and services for people with disabilities affected by disasters.

Present law provides that 2% of the monies collected annually from the tax upon gaming proceeds from sports wagering established by present law, not to exceed \$500,000, shall be credited to the Disability Affairs Trust Fund.

Proposed law revises present law to dedicate this revenue instead to the Disability-Focused Disaster Preparedness and Response Fund, a special fund created by proposed law. Provides that the monies in the Disability-Focused Disaster Preparedness and Response Fund shall be used solely for the purposes provided for in proposed law.

Proposed law provides that its purpose is to address particular identified needs of people with disabilities affected by disasters through needs assessment, coordination of resources to meet those needs, and training of personnel to identify needs through appropriate methods and to proficiently coordinate with the proper entities that provide necessary services, thereby establishing a network that will identify people who need disability-related resources in disaster periods and ensure that those who need help will be connected to those who can provide help.

Proposed law requires the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) to contract with a disability assessment and coordination entity (DACE). Provides that the DACE shall perform all of the following functions:

- (1) Work with GOHSEP to develop a statewide plan which shall include but not be limited to all of the following elements:
 - (a) Conduct individual assessments of needs of people with disabilities in shelters and areas impacted by disasters.
 - (b) Provide training that addresses meeting the needs of people with disabilities impacted by disasters to disability stakeholders, other entities that serve people with disabilities, and government agencies.
 - (c) Enhance cooperation between the entities identified in paragraph (b) above so that the needs of people with disabilities relating to disaster preparedness and response will be met.
 - (d) Where necessary, directly meet the needs of people with disabilities impacted by disasters.
- (2) Administer the initial implementation of the statewide plan.
- (3) Administer the statewide plan on an ongoing basis.
- (4) Conduct individual needs assessments for people with disabilities.
- (5) Coordinate with state and local governmental entities, disability stakeholders, and affected individuals with disabilities or their representatives to meet individual needs identified in assessments.
- (6) Directly meet the needs of people with disabilities impacted by disasters in instances in which no other option for furnishing of such assistance is available.
- (7) Provide necessary training to persons, entities, and government agencies that serve people with disabilities in order to meet the needs of people with disabilities that are impacted by disasters.
- (8) Maintain staffing necessary to administer the statewide plan.

- (9) Collect data relative to the activities conducted pursuant to proposed law and provide an annual report to GOHSEP.

Proposed law sets forth minimum qualifications that the director of the DACE must possess.

Proposed law requires GOHSEP to seek federal reimbursement for eligible disaster-related expenses incurred in the provision of resources and services to people with disabilities affected by disasters as authorized by the provisions of this Section. Authorizes GOHSEP to enter into any type of agreement with the DACE as necessary for the purpose of securing federal reimbursement for eligible disaster-related expenses.

Proposed law authorizes GOHSEP to utilize no more than 3% of the monies annually deposited into the Disability-Focused Disaster Preparedness and Response Fund pursuant to proposed law for administrative costs, including costs of grant administration.

Effective upon appropriation of funds by the legislature.

(Amends R.S. 27:625(G)(5) and R.S. 29:726.6(Section heading); Adds R.S. 29:726.7)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill:

1. Add provision requiring the DACE to provide training to persons, entities, and government agencies that serve people with disabilities in order to meet the needs of people with disabilities that are impacted by disasters.
2. Make effectiveness of proposed law subject to appropriation.