Funds/Funding. Provides relative to the Community and Family Support System Fund. (8/1/22)

AN ACT

To amend and reenact R.S. 28:826, relative to the Community and Family Support System Fund; to change the name of the fund from the Community and Family Support System Fund to the Disability Services Fund; to provide for the purposes of the Disability Services Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:826 is hereby amended and reenacted to read as follows:

§826. Community and Family Support System Disability Services Fund

A. There is hereby created, as a special fund in the state treasury, the Community and Family Support System Disability Services Fund, hereafter sometimes referred to as "the fund."

B.(1) Notwithstanding any other provision of law to the contrary, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay deposit into the fund an amount equal to the amount collected
by the state attributable to the sale or lease of all or part of any movable and
immovable property previously operated by the office for citizens with
developmental disabilities within the Louisiana Department of Health, and the
proceeds of the fee assessed pursuant to the provisions of R.S. 40:1046(H)(8)(a), and
the proceeds of the taxes levied pursuant to R.S. 47:9105(A) and (B).

(2)(a) The state treasurer shall establish separate accounts within the
fund.

(b) The state treasurer shall deposit monies attributable to the collections
by the state for the sale or lease of all or part of any movable and immovable
property previously operated by the office for citizens with developmental
disabilities within the Louisiana Department of Health into a separate account
within the fund.

(c) The state treasurer shall deposit one-half of the monies attributable
to the proceeds of the fee assessed pursuant to the provisions of R.S.
40:1046(H)(8)(a) into a separate account within the fund.

(d) The state treasurer shall deposit one-half of the monies attributable
to the proceeds of the fee assessed pursuant to the provisions of R.S.
40:1046(H)(8)(a) and the proceeds of the taxes levied pursuant to R.S.
47:9105(A) and (B) into a separate account within the fund.

(2)(3) Monies appropriated from the fund shall be used solely as provided by
Subsections C and D of this Section and only in the amounts
appropriated by the legislature. All unexpended and unencumbered monies in
remaining in the separate accounts of the fund at the end of the fiscal year shall
remain in the separate accounts of the fund. The monies in the fund shall be
invested by the state treasurer in the same manner as monies in the state general
fund, and interest earned on the investment of these monies shall be credited to the
fund following compliance with the requirements of Article VII, Section 9(B)
relative to the Bond Security and Redemption Fund and allocated to each separate
account on a prorata basis.
C.(1) Subject to annual appropriation by the legislature, the monies in the Community and Family Support System Fund shall be appropriated from the separate accounts of the fund as follows:

(a) The account containing the monies attributable to the collections by the state for the sale or lease of all or part of any movable and immovable property previously operated by the office for citizens with developmental disabilities within the Louisiana Department of Health shall be used solely to improve the capacity of the state to meet the varying and complex needs of individuals with developmental disabilities, with emphasis on increasing the number of recipients of waiver services and no less than fifty percent of the proceeds of the fee assessed pursuant to the provisions of R.S. 40:1046(H)(8)(a) deposited into the fund shall be used to provide funding for the Early Steps intervention program for infants and toddlers with disabilities and their families as established in R.S. 28:461 et seq.

(b) The account containing the monies attributable to one-half of the proceeds of the fee assessed pursuant to the provisions of R.S. 40:1046(H)(8)(a) shall be used solely to provide funding for the Early Steps intervention program for infants and toddlers with disabilities and their families as established in R.S. 28:461 et seq.

(c) The account containing the monies attributable to one-half of the proceeds of the fee assessed pursuant to the provisions of R.S. 40:1046(H)(8)(a) and the proceeds of the taxes levied pursuant to R.S. 47:9105(A) and (B) shall be used solely to support and enhance developmental disabilities services within the Medicaid program or the Office for Citizens with Developmental Disabilities, or its successor.

(2) The monies in the fund shall not be used to displace, replace, or supplant appropriations from the state general fund for the state and Medicaid community-based developmental services below the amount of state general fund appropriations for the 2006-2007 Fiscal Year.
For the purposes of this Section "waiver services" means Medicaid services provided under the New Opportunities Waiver, the Children's Choice Waiver, or any other Medicaid home and community-based waiver for persons with developmental disabilities as promulgated by rule by the Louisiana Department of Health.

Section 2. The Louisiana State Law Institute is hereby directed to change the name of the Community and Family Support System Fund to the Disability Services Fund wherever it may appear in law.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Martha S. Hess.

DIGEST

SB 260 Engrossed 2022 Regular Session Hewitt

Present law creates the Community and Family Support System Fund in the state treasury.

Proposed law changes the name of the fund from the Community and Family Support System Fund to the Disability Services Fund.

Present law provides that subject to annual appropriation by the legislature, the monies in the fund shall be used solely to improve the capacity of the state to meet the varying and complex needs of individuals with developmental disabilities, with emphasis on increasing the number of recipients of waiver services and that no less than 50% of the proceeds of the fee assessed pursuant to present law on the gross sales of therapeutic marijuana, deposited into the fund shall be used to provide funding for the Early Steps intervention program for infants and toddlers with disabilities and their families as established in present law.

Proposed law amends present law to create three separate accounts within the fund and provide for the use of each account.

Proposed law establishes one account within the fund containing the monies attributable to the sale or lease of previous Office for Citizens with Developmental Disabilities (OCDD) properties, movable and immovable, to be used to improve the capacity of the state to meet the needs of individuals with developmental disabilities, with emphasis on increasing the number of recipients of waiver services.

Proposed law establishes one account containing the monies attributable to one-half of the proceeds of the fee assessed pursuant to present law on the gross sales of therapeutic marijuana, to be used to provide funding for the Early Steps program.

Proposed law establishes one account containing one-half of the monies attributable to the fee assessed on therapeutic marijuana sales and all of the proceeds of the taxes levied on sports wagering to be used to support and enhance developmental disabilities services within the Medicaid program or OCDD.

Present law provides that for purposes of present law "waiver services" means Medicaid services provided under the New Opportunities Waiver, the Children's Choice Waiver, or any other Medicaid home and community based waiver for persons with developmental disabilities as promulgated by the Dept. of Health and Hospitals, now known as the La. Dept.
of Hospitals. Proposed law retains present law.

Effective August 1, 2022.

(Amends R.S. 28:826)

Summary of Amendments Adopted by Senate

<table>
<thead>
<tr>
<th>Committee Amendments Proposed by Senate Committee on Finance to the original bill</th>
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<tbody>
<tr>
<td>1. Makes technical corrections to the existing statute and to incorporate the proposed new law into the existing law.</td>
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<tr>
<td>2. Establishes separate accounts within the fund and provides for the use of each account.</td>
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<tr>
<td>3. One account containing the monies attributable to the sale or lease of previous OCDD properties, movable and immovable, to be used to improve the capacity of the state to meet the needs of individuals with developmental disabilities, with emphasis on increasing the number of recipients of waiver services.</td>
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<tr>
<td>4. One account containing the monies attributable to one-half of the proceeds of the 7% fee assessed on the gross sales of therapeutic marijuana to be used to provide funding for the Early Steps program.</td>
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<tr>
<td>5. One account containing the other half of the monies attributable to the fee assessed on therapeutic marijuana sales and all proceeds of the taxes levied on sports wagering to be used to support and enhance developmental disabilities services within the Medicaid program or OCDD.</td>
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Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.