

SENATE BILL NO. 260

BY SENATORS HEWITT AND BARROW

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

8 §826. ~~Community and Family Support System~~ **Disability Services** Fund

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

12 B.(1) Notwithstanding any other provision of law to the contrary, after  
13 compliance with the requirements of Article VII, Section 9(B) of the Constitution of  
14 Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient  
15 amount is allocated from that fund to pay all of the obligations secured by the full  
16 faith and credit of the state which become due and payable within any fiscal year, the  
17 treasurer shall ~~pay~~ **deposit into the fund** an amount equal to the amount collected  
18 by the state attributable to the sale or lease of all or part of any movable and  
19 immovable property previously operated by the office for citizens with  
20 developmental disabilities within the Louisiana Department of Health, ~~and~~ the

1 proceeds of the fee assessed pursuant to the provisions of R.S. 40:1046(H)(8)(a), **and**  
 2 **the proceeds of the taxes levied pursuant to R.S. 47:9105(A) and (B).**

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

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

10 **(c) The state treasurer shall deposit one-half of the monies attributable**  
 11 **to the proceeds of the fee assessed pursuant to the provisions of R.S.**  
 12 **40:1046(H)(8)(a) into a separate account within the fund.**

13 **(d) The state treasurer shall deposit one-half of the monies attributable**  
 14 **to the proceeds of the fee assessed pursuant to the provisions of R.S.**  
 15 **40:1046(H)(8)(a) and the proceeds of the taxes levied pursuant to R.S.**  
 16 **47:9105(A) and (B) into a separate account within the fund.**

17 ~~(2)(3)~~ Monies appropriated from the fund shall be used solely as provided by  
 18 Subsection ~~Subsections~~ **C and D** of this Section and only in the amounts  
 19 appropriated by the legislature. All unexpended and unencumbered monies ~~in~~  
 20 **remaining in the separate accounts of** the fund at the end of the fiscal year shall  
 21 remain in the **separate accounts of the** fund. The monies in the fund shall be  
 22 invested by the state treasurer in the same manner as monies in the state general  
 23 fund, and interest earned on the investment of these monies shall be credited to the  
 24 fund following compliance with the requirements of Article VII, Section 9(B)  
 25 relative to the Bond Security and Redemption Fund **and allocated to each separate**  
 26 **account on a pro rata basis.**

27 C.(1) Subject to annual appropriation by the legislature, the monies in the  
 28 Community and Family Support System Fund **The legislature shall appropriate**  
 29 **monies from the separate accounts of the fund as follows:**

30 **(a) The account containing the monies attributable to the collections by**

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

11 (b) The account containing the monies attributable to one-half of the  
12 proceeds of the fee assessed pursuant to the provisions of R.S. 40:1046(H)(8)(a)  
13 shall be used solely to provide funding for the Early Steps intervention program  
14 for infants and toddlers with disabilities and their families as established in R.S.  
15 28:461 et seq.

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

22 (2) The monies in the fund shall not be used to displace, replace, or supplant  
23 appropriations from the state general fund for the state and Medicaid community-  
24 based developmental services below the amount of state general fund appropriations  
25 for the 2006-2007 Fiscal Year.

26 ~~(3)~~D. For the purposes of this Section "waiver services" means Medicaid  
27 services provided under the New Opportunities Waiver, the Children's Choice  
28 Waiver, or any other Medicaid home and community-based waiver for persons with  
29 developmental disabilities as promulgated by rule by the Louisiana Department of  
30 Health.

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_