

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.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____