

SENATE BILL NO. 347

BY SENATOR HEWITT

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AN ACT

To amend and reenact R.S. 39:100.61, relative to funding for waiver services for individuals with developmental disabilities; to provide for the definition of "waiver services"; to provide for the Louisiana Department of Health in consultation with the Louisiana Developmental Disabilities Council to develop a plan for appropriations out of the New Opportunities Waiver Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:100.61 is hereby amended and reenacted to read as follows:

§100.61. New Opportunities Waiver Fund

A. There is hereby created in the state treasury, as a special fund, the New Opportunities Waiver Fund, hereinafter referred to as the "fund."

B.(1) The source of monies in the fund shall be as follows:

(a) In any fiscal year, the state treasurer is directed to deposit twelve percent of all recurring state general fund revenue, not to exceed fifty million dollars in any fiscal year, as recognized by the Revenue Estimating Conference in excess of the Official Forecast at the beginning of the current fiscal year into the ~~New Opportunities Waiver Fund~~ **fund**, and monies in the fund from this Subparagraph shall be used for appropriation in the ensuing fiscal year.

(b) Monies designated for the fund and received by the state treasurer from donations, gifts, grants, appropriations, or other revenue.

(2) Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall be credited to this fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

1 **(3) For the purposes of this Section, "waiver services" means Medicaid**
 2 **services provided under the New Opportunities Waiver, the Children's Choice**
 3 **Waiver, or any other Medicaid home and community-based waiver for persons**
 4 **with developmental disabilities as promulgated by rule by the Louisiana**
 5 **Department of Health. The Louisiana Department of Health shall consult with**
 6 **the Louisiana Developmental Disabilities Council to develop a plan for**
 7 **appropriations out of this fund.**

8 C. Subject to an appropriation by the legislature, monies in the ~~New~~
 9 ~~Opportunities Waiver Fund~~ **fund** shall be used solely to fund ~~the New Opportunities~~
 10 ~~Waiver program~~ **waiver services, as defined in this Section, to improve the**
 11 **capacity of the state to meet the varying and complex needs of individuals with**
 12 **developmental disabilities, with emphasis on increasing the number of**
 13 **recipients of waiver services, and** administered by the Louisiana Department of
 14 Health. Such funding shall be used for the purpose of adding additional waiver slots
 15 and shall not be used to supplant appropriations from the general fund for the ~~New~~
 16 ~~Opportunities Waiver program~~ **waiver services as defined in this Section.** Nothing
 17 contained in this Subpart shall prohibit the legislature from appropriating additional
 18 monies for the ~~New Opportunities Waiver slot program~~ **waiver services as defined**
 19 **in this Section.**

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____