

2022 Regular Session

SENATE BILL NO. 260

BY SENATOR HEWITT

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

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

1 by the state attributable to the sale or lease of all or part of any movable and
2 immovable property previously operated by the office for citizens with
3 developmental disabilities within the Louisiana Department of Health, ~~and~~ the
4 proceeds of the fee assessed pursuant to the provisions of R.S. 40:1046(H)(8)(a), **and**
5 **the proceeds of the taxes levied pursuant to R.S. 47:9105(A) and (B).**

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

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

13 **(c) 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) into a separate account within the fund.**

16 **(d) The state treasurer shall deposit one-half of the monies attributable**
17 **to the proceeds of the fee assessed pursuant to the provisions of R.S.**
18 **40:1046(H)(8)(a) and the proceeds of the taxes levied pursuant to R.S.**
19 **47:9105(A) and (B) into a separate account within the fund.**

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

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

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

15 **(b) The account containing the monies attributable to one-half of the**
16 **proceeds of the fee assessed pursuant to the provisions of R.S. 40:1046(H)(8)(a)**
17 **shall be used solely to provide funding for the Early Steps intervention program**
18 **for infants and toddlers with disabilities and their families as established in R.S.**
19 **28:461 et seq.**

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

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

1 ~~(3)~~**D.** 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 with
 4 developmental disabilities as promulgated by rule by the Louisiana Department of
 5 Health.

6 Section 2. The Louisiana State Law Institute is hereby directed to change the name
 7 of the Community and Family Support System Fund to the Disability Services Fund
 8 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

Committee Amendments Proposed by Senate Committee on Finance to the original bill

1. Makes technical corrections to the existing statute and to incorporate the proposed new law into the existing law.
2. Establishes separate accounts within the fund and provides for the use of each account.
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.
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.
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.