

Regular Session, 2012

HOUSE BILL NO. 591

BY REPRESENTATIVE SIMON

1 AN ACT

2 To amend and reenact R.S. 36:259(T), 802(introductory paragraph), and 901(A), R.S.
3 46:2633(D) and (E), 2634(B)(2), (3), (13), (D), and (H), and 2635(A), (B), and (C)
4 and to enact R.S. 46:2633(F), relative to administration of the Traumatic Head and
5 Spinal Cord Injury Trust Fund; to provide for certain duties of the Department of
6 Health and Hospitals, office of aging and adult services, relative to the Traumatic
7 Head and Spinal Cord Injury Trust Fund; to provide for composition and certain
8 duties of the Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board;
9 to provide for the advisory capacity of the Traumatic Head and Spinal Cord Injury
10 Trust Fund Advisory Board within the Department of Health and Hospitals; and to
11 provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 36:259(T), 802(introductory paragraph), and 901(A) are hereby
14 amended and reenacted to read as follows:

15 §259. Transfer of agencies and functions to Department of Health and Hospitals

16 * * *

17 T. The Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board
18 (R.S. 46:2631 through 2635) is hereby placed within the Department of Health and
19 Hospitals and shall exercise and perform its powers, duties, functions, and
20 responsibilities in the manner provided for agencies transferred in accordance with
21 the provisions of ~~R.S. 36:802~~ R.S. 36:901 et seq.

22 * * *

23 §802. Transfer; retention of policymaking and rulemaking functions

24 The agencies transferred by the provisions of R.S. 36:209(Q), 239(E),
25 259(B), ~~259(T)~~, 309(B), 359(B), 409(C), 459(B), 509(B), 610(B), 629(I), and 769(C)

1 shall continue to be composed and selected as provided by law, and each shall
 2 continue to exercise all of the powers, duties, functions, and responsibilities provided
 3 or authorized for each by the constitution or laws which are in the nature of
 4 policymaking, rulemaking, licensing, regulation, enforcement, or adjudication and
 5 also shall continue to exercise all advisory powers, duties, functions, and
 6 responsibilities provided by law. Such powers, duties, functions, and responsibilities
 7 shall be exercised independently of the secretary and any assistant secretary, except
 8 that:

9 * * *

10 §901. Transfer; merger and consolidation of functions; advisory agency

11 A. The functions, powers, duties, responsibilities, programs, and operations
 12 of each of the agencies transferred by the provisions of R.S. 36:109(D), R.S.
 13 36:209(C), R.S. 36:209(M)(2), R.S. 36:259(D), R.S. 36:259(T), R.S. 36:309(C), R.S.
 14 36:359(C), R.S. 36:409(E), R.S. 36:509(E) and (N), R.S. 36:559(D), R.S. 36:629(Q),
 15 R.S. 36:651(G), and R.S. 36:744(D) on the date of each such transfer shall vest in
 16 and thereafter be the responsibility of the secretary of the department to which the
 17 transfer is made and shall be administered by the secretary in accordance with the
 18 powers vested in him by this Title and the applicable laws pertaining to each agency,
 19 except for those functions of each which are required to be performed and
 20 administered by the undersecretary of the department as heretofore provided for each
 21 by this Title. Each agency thus transferred shall continue in existence, the members
 22 thereof shall continue in office and hereafter shall be selected in the manner provided
 23 by law for each, and each agency hereafter shall serve solely in an advisory capacity
 24 to the secretary with respect to policies concerning matters within the purview of
 25 each as originally created.

26 * * *

27 Section 2. R.S. 46:2633(D) and (E), 2634(B)(2), (3), (13), (D), and (H), and
 28 2635(A), (B), and (C) are hereby amended and reenacted and R.S. 46:2633(F) is hereby
 29 enacted to read as follows:

1 other officers it might deem appropriate. The board shall adopt rules for the orderly
 2 transaction of business and shall keep a record of its resolutions, transactions,
 3 findings, and determinations. ~~A majority of the individuals appointed to the board~~
 4 ~~shall constitute a quorum.~~ Members shall serve without compensation but shall be
 5 reimbursed for travel expenses necessarily incurred in the discharge of their duties
 6 at the rate provided state employees.

7 ~~(2) The treasurer shall arrange for full and accurate financial records to be~~
 8 ~~maintained in compliance with law and shall make a full and complete report to the~~
 9 ~~board annually. The board is specifically prohibited from publishing newsletters or~~
 10 ~~other publications typically used in mass mailings.~~

11 * * *

12 H. The board shall: serve in an advisory capacity to the office of aging and
 13 adult services of the department in all phases of administration by the department of
 14 the Traumatic Head and Spinal Cord Injury Trust Fund.

15 ~~(1) Promulgate the rules and regulations necessary to implement the~~
 16 ~~provisions of this Chapter.~~

17 ~~(2) Establish priorities and criteria for disbursement of the fund and act to~~
 18 ~~obtain maximum benefits available.~~

19 ~~(3) Investigate the needs of the head-injured and spinal cord-injured, identify~~
 20 ~~any gaps in services, and prepare and submit an annual report with recommendations~~
 21 ~~to the legislature and the governor sixty days prior to each regular session of the~~
 22 ~~legislature.~~

23 ~~(4) Monitor, evaluate, and review the development and quality of services~~
 24 ~~and programs funded through the fund.~~

25 §2635. Expenditures

26 A. Except as provided in R.S. 46:2633(D)(2), money in the trust fund shall
 27 be distributed for the sole purpose of funding the cost of care or supportive services
 28 for traumatic head and spinal cord injury, including the administrative costs
 29 attributable to services provided by the trust fund program. The fund shall be

