

Regular Session, 2010

HOUSE BILL NO. 1198

BY REPRESENTATIVE KATZ

SOCIAL SERVICES DEPT: Provides for the transfer of functions of La. Rehabilitation Services from the Dept. of Social Services to the La. Workforce Commission and the Dept. of Health and Hospitals

1 AN ACT

2 To amend and reenact R.S. 17:1518.1(J) and 1519.5(C), R.S. 23:1(A) and 17(A), R.S.  
3 28:821(C) and 824(I), (J)(1)(b), (K), and (L), R.S. 36:258(F), 301(B), 308(B), and  
4 471(B), R.S. 38:2261(C) and (D), R.S. 39:1554(D)(1)(d) and 1595.4(B), (C), and  
5 (D), R.S. 40:1300.14(B)(13), R.S. 46:51(2) and (10), 2116.1(1), (2), and (4),  
6 2116.2(A), 2351(A)(introductory paragraph), 2353, 2632(2), 2633(C) and (E),  
7 2634(A) and (B)(1), and 2635(B), R.S. 47:305.15(A) and 360(A), R.S. 48:307(B)(2)  
8 and (3), to enact R.S. 23:1(B)(6) and Chapter 15 of Title 23 of the Louisiana Revised  
9 Statutes of 1950, to be comprised of R.S. 23:3001 through 3061, R.S. 36:259(K) and  
10 (N), and 309(E), and to repeal R.S. 36:474(F) and 478(C), (D), (E), (G), (I), and (J),  
11 Subparts B and C of Part III of Chapter 3 of Title 46 of the Louisiana Revised  
12 Statutes of 1950, comprised of R.S. 46:331 through 373, Chapter 26 of Title 46 of  
13 the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2101 through 2106,  
14 and Chapter 50 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of  
15 R.S. 46:2651 through 2655, relative to the office of Louisiana Rehabilitation  
16 Services within the Department of Social Services; to provide for the transfer of  
17 such functions from the Department of Social Services to the Department of Health  
18 and Hospitals and the Louisiana Workforce Commission; and to provide for related  
19 matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 17:1518.1(J) and 1519.5(C) are hereby amended and reenacted to  
3 read as follows:

4 §1518.1. Huey P. Long Medical Center; merger with Louisiana State University  
5 Health Sciences Center at Shreveport

6 \* \* \*

7 J. Notwithstanding any other law to the contrary, the health sciences center  
8 shall in all cases give preference to ~~blind persons~~ individuals who are blind, under  
9 the administration of the ~~Department of Social Services~~ Louisiana Workforce  
10 Commission, and shall ~~with the Department of Social Services jointly work~~ work  
11 jointly with the Louisiana Workforce Commission to ensure proper operation of  
12 vending stands, vending machines, and other small business concessions which are  
13 currently in operation on the premises and shall give priority to similar concessions  
14 in the future in accordance with R.S. ~~46:333~~ 23:3023. No other vending stands,  
15 vending machines, or small business concessions shall be operated on the same  
16 premises with vending stands, vending machines, or other small business  
17 concessions operated under the provisions of this Subsection. No ~~blind person~~  
18 individual who is blind shall be required to pay any fee, service charge, or equivalent  
19 thereof in the operation of a vending stand, vending machines, or other small  
20 business concessions in hospitals or the premises transferred pursuant to this Section,  
21 nor shall a ~~blind person~~ an individual who is blind be disturbed in the security of the  
22 operation of the vending stand, vending machine, or small business concession in  
23 any way, without reasonable or just cause. The provisions of this Subsection shall  
24 not prevent the health sciences center from permitting the operation of gift shops or  
25 similar concessions by voluntary organizations which contribute the proceeds to the  
26 hospital or which spend the proceeds on behalf of the hospital.

27 \* \* \*

1 §1519.5. Powers of board

2 \* \* \*

3 C. The board shall be subject to the laws relating to state procurement  
4 systems for supplies, equipment, and services and for professional, personal,  
5 consulting, or social services as stated in R.S. 39:1551 et seq. Furthermore, in  
6 accordance with R.S. ~~46:333~~ 23:3023(A), the division shall in all cases give  
7 preference to ~~blind persons~~ individuals who are blind, under the administration of the  
8 ~~Department of Social Services~~ Louisiana Workforce Commission, in the operation  
9 of vending stands, vending machines, and small concessions. No other vending  
10 stands, vending machines, or small concessions shall be operated on the same  
11 premises, nor shall any blind vendor be required to pay any fee, service charge, or  
12 equivalent thereof for the operation of a vending stand, vending machine, or other  
13 small concession.

14 \* \* \*

15 Section 2. R.S. 23:1(A) and 17(A) are hereby amended and reenacted and R.S.  
16 23:1(B)(6) and Chapter 15 of Title 23 of the Louisiana Revised Statutes of 1950, comprised  
17 of R.S. 23:3001 through 3061, are hereby enacted to read as follows:

18 §1. Louisiana Workforce Commission established; purpose; definitions

19 A. The Louisiana Workforce Commission is hereby created and established  
20 to operate an integrated workforce development delivery system in this state, in  
21 particular through the integration of job training, employment and employment-  
22 related ~~educational~~ education and training programs, vocational rehabilitation  
23 services, independent living services and blind services programs, and to administer  
24 the state's unemployment and workers' compensation programs. The duties of this  
25 commission shall be exercised and discharged under the supervision and direction  
26 of the executive director. He shall have charge of the administration and  
27 enforcement of all laws, rules, policies, and regulations, which it is the duty of the  
28 commission to administer and enforce, and shall direct all inspections and  
29 investigations, except as otherwise provided by law.

1 B. The commission shall meet the needs of all of the following:

2 \* \* \*

3 (6) Individuals with disabilities of this state for vocational rehabilitation,  
4 independent living services and blind services under the Rehabilitation Act and the  
5 Randolph-Sheppard Act.

6 \* \* \*

7 §17. Integration of workforce development programs

8 A. All job-training, employment, vocational rehabilitation services,  
9 independent living and blind services programs, and employment-related educational  
10 programs and functions, along with any federal, state, and local revenues that fund  
11 them, shall be integrated into the workforce development delivery system to the  
12 extent feasible, as determined by the executive director, under the authority of the  
13 commission through its office of workforce development, and all departments and  
14 agencies in which these programs are funded or operated shall cooperate with the  
15 commission to promptly effect this integration.

16 \* \* \*

17 CHAPTER 15. LOUISIANA REHABILITATION SERVICES

18 PART I. VOCATIONAL REHABILITATION PROGRAM

19 §3001. Acceptance of federal act to promote vocational rehabilitation

20 The state of Louisiana accepts the provisions and benefits of the act of  
21 congress entitled "An act to provide for the promotion of vocational rehabilitation  
22 of persons disabled in industry or otherwise and their return to civil employment,"  
23 29 U.S.C.A. §701 et seq., and will observe and comply with all requirements of such  
24 act.

25 §3002. Louisiana Workforce Commission as administrative agency

26 The Louisiana Workforce Commission is the sole state agency designated to  
27 carry out the provisions and purposes of the Rehabilitation Act of 1973, P.L. 93-112,  
28 as amended.

1        §3003. State treasurer as custodian of federal funds

2                The state treasurer is designated and appointed custodian of all monies  
3        received by the state of Louisiana from appropriations made by the Congress of the  
4        United States for the vocational rehabilitation of persons disabled in industry or  
5        otherwise, and is authorized to receive and provide for the proper custody of the  
6        same and to make disbursement therefrom upon the approval of the legislature and  
7        the requisition of the Louisiana Workforce Commission.

8        §3004. Donations; department's authority to receive

9                The Louisiana Workforce Commission may receive any donations, either  
10       from public or private sources offered unconditionally, or under such conditions  
11       related to the vocational rehabilitation of persons disabled in industry or otherwise  
12       as in the judgment of the department are proper and consistent with the provisions  
13       of this Part. All the monies received as donations shall be deposited in the state  
14       treasury and shall constitute a permanent fund to be called the special fund for the  
15       vocational rehabilitation of individuals with disabilities. A full report of all  
16       donations received and accepted, together with the names of the donor and the  
17       respective amounts contributed by each, and all disbursements therefrom shall be  
18       submitted annually to the governor by the Louisiana Workforce Commission.

19       §3005. Fees for vocational work evaluation services performed by Louisiana  
20       Workforce Commission

21                A.(1) The executive director of the Louisiana Workforce Commission shall  
22       promulgate rules and regulations for the assessment of fees for payment of costs of  
23       vocational work evaluation services performed by the Louisiana Workforce  
24       Commission regarding any handicapped individual who has insurance coverage for  
25       this purpose.

26                (2) For purposes of this Section, "vocational work evaluation" means a  
27       comprehensive process utilizing medical, psychological, social, vocational,  
28       educational, cultural, and economic data to evaluate and assist in the vocational  
29       development of the individual.



1           (4) Provide the necessary facilities, equipment, and initial stock, for the  
2           operation of vending stands and such other small business enterprises as may be  
3           found feasible for operation by individuals who are blind.

4           (5) Assist other departments, agencies, and institutions of the state and  
5           federal government, when so requested, by performing services in conformity with  
6           the purposes of this Subpart.

7           (6) Administer such federal, state, parish, municipal, or private funds as may  
8           be available for the prevention of blindness, vocational training, and rehabilitation  
9           for individuals who are blind.

10           (7) Act as agent of the state to cooperate with the federal government in any  
11           matter relating to sight conservation and the welfare of individuals who are blind.

12           §3023. Preference to individuals who are blind in operation of concessions in public  
13           buildings

14           A. State agencies, boards, commissions, and institutions owning, maintaining,  
15           or controlling state property shall in all cases give preference to individuals who are  
16           blind, under the administration of the Louisiana Workforce Commission, in the  
17           operation of vending stands, vending machines, and other small business concessions  
18           to be operated on the premises. No other vending stands, vending machines, or small  
19           business concessions shall be operated on the same premises with vending stands,  
20           vending machines, or other small business concessions operated, or contemplated,  
21           under the provisions of this Section. No individual who is blind, under this Subpart,  
22           shall be required to pay any fee, service charge, or equivalent thereof upon the  
23           operation of a vending stand, vending machines, and other small business  
24           concessions in public buildings or premises, nor shall an individual who is blind be  
25           disturbed in the security of the operation of the vending stand, vending machine, and  
26           other small business concession in any way, without reasonable or just cause.

27           B. The provisions of this Section shall not apply to state colleges and  
28           universities contracting for food services, vending operations, or other such services.

1           C. The provisions of this Section shall not apply to state developmental  
2           centers within the Department of Health and Hospitals as provided by R.S.  
3           36:259(C)(13) through (22) which operate canteens, vending stands, vending  
4           machines, or other such vending services on the premises for clients and employees  
5           when such operations are provided directly by the institution.

6           D. The provisions of this Section shall not apply to the New Orleans Home  
7           and Rehabilitation Center or the Villa Feliciana Medical Complex within the  
8           Department of Health and Hospitals, when operating canteens, vending stands,  
9           vending machines, or other such vending services on the premises for clients and  
10          employees when such operations are provided directly by the institution.

11          E. The Louisiana Workforce Commission is hereby authorized to enter into  
12          contingency fee contracts for the identification, development, and generation of  
13          unassigned income from vending machines located on state, federal, and other  
14          property pursuant to the provisions of the Randolph-Sheppard Act. Any such  
15          contract shall be awarded pursuant to a request for proposals in accordance with  
16          Chapter 16 of Title 39 of the Louisiana Revised Statutes of 1950.

17          §3024. Sheltered industries program for individuals who are blind

18          The Louisiana Workforce Commission may administer an adequate sheltered  
19          industries program by supplying materials to individual workers and workshops and,  
20          when the individuals, workshops, and products meet the standards established by the  
21          department, assist in the sales of the finished products as follows:

22                 (1) Designate central gathering points where the products can be  
23                 concentrated, and the Louisiana Workforce Commission shall keep itself informed  
24                 of the number of manufactured products available at the gathering points with which  
25                 any order by the state and its subdivisions may be filled in accordance with the  
26                 provisions of this Subpart.

27                 (2) After consultation with the various departments of the state, fix standards  
28                 of manufacture of and prices for the products and inform interested parties by



1        circular letter to the end of encouraging individuals who are blind affected by this  
2        Subpart.

3        §3025. Sale of products manufactured in sheltered industries program

4                Whenever the state or a political subdivision of the state has occasion to  
5        purchase any product manufactured by individuals who are blind or utilize any  
6        service rendered by individuals who are blind, it shall communicate with the blind  
7        services program of the Louisiana Workforce Commission to ascertain whether such  
8        products or services are available. Such services may include but are not limited to  
9        piano tuning and repairing, cabinetmaking, or the acquiring for sale, distribution, and  
10       delivery of specialized items of equipment used by and provided to the blind. To the  
11       extent that these products or services are available, the state and its subdivisions may  
12       purchase them in the manner provided and at the prices fixed by the Louisiana  
13       Workforce Commission after consultation with the various departments of the state.

14                SUBPART B. EXEMPTION FROM CERTAIN TAXES

15        §3031. Definitions

16                The term "any person who is blind" used in this Subpart, shall extend to any  
17        person, whomsoever, who is totally blind in both eyes, or to any person whomsoever,  
18        whose sight with the use of both eyes is so impaired as to make the sense of sight of  
19        no practical benefit or help in the pursuit of business, or in the course of earning a  
20        living.

21        §3032. Exemption of persons who are blind from license, privilege, or vocational  
22        tax; limitation

23                A. Any person who is blind as defined in this Subpart may exercise the  
24        privileges of peddler, news dealer, or lunch counter operator, or may exercise the  
25        right to trade, traffic, or sell any merchandise, whether on foot, by vehicle, or in  
26        stores, when the stock of goods on hand, or the equipment or capital stock of the  
27        enterprises, never exceeds the sum of two thousand dollars. These privileges may  
28        be exercised in any of the parishes of the state, including incorporated towns and  
29        cities, without the payment of any license, privilege, or vocational tax, which is

1        presently or may be hereafter imposed by law, by the state, or any parish or  
2        municipality.

3                B. The privileges granted by this Section shall not extend to dealing in the  
4        sale, trade, or traffic of deadly weapons, to the operation of Jenny Linds, pool tables,  
5        or other like contrivances for amusement; or to the operation of any business, or the  
6        sale, trade, or traffic of any article presently prohibited, or which may be hereafter  
7        prohibited by law.

8        §3033. Exemptions; when applicable

9                The exemption provided by this Subpart shall apply only where the business  
10       is conducted by any person who is blind exclusively for his own support, or for the  
11       support of his family.

### 12                PART III. LOUISIANA BLIND VENDORS TRUST FUND

13        §3041. Purpose

14                The purpose of this Part is to provide for the enhancement of programs for  
15       persons disabled through blindness by the establishment of a trust fund in the state  
16       treasury to be funded by monies received by the Louisiana Workforce Commission  
17       through contractual arrangements with providers who place vending machines on  
18       state, federal, and other property. The purpose of the Blind Vendors Trust Fund is  
19       to provide assistance to Louisiana citizens who are legally blind who participate in  
20       the Blind Enterprise Program established through the federal Randolph-Sheppard  
21       Act.

22        §3042. Definitions

23                As used in this Chapter, the following terms shall have the following  
24       meanings:

25                (1) "Agency" means the Louisiana Rehabilitation Services program of the  
26       office of workforce development within the Louisiana Workforce Commission,  
27       which licenses blind vendors.

1           (2) "Blind Enterprise Program" means the services available to establish  
2           business enterprises and other similar programs for persons who are blind as  
3           provided in the Randolph-Sheppard Act.

4           (3) "Blind vendors" means those individuals who are classified under state  
5           and federal regulations as legally blind and who are licensed to and have a permit to  
6           operate vending facilities on state, federal, or other property.

7           (4) "Board" means the Blind Vendors Trust Fund Advisory Board.

8           (5) "Department" means the Louisiana Workforce Commission.

9           (6) "Fund" means the Blind Vendors Trust Fund.

10           (7) "Randolph-Sheppard Act" means the federal law which enables the Blind  
11           Enterprise Program under the authority of 20 U.S.C. 107 et seq.

12           §3043. Blind Vendors Trust Fund

13           A. There is hereby established a special fund in the state treasury to be  
14           known as the Blind Vendors Trust Fund which shall consist of monies collected from  
15           certain vending machines located on state, federal, and other property pursuant to the  
16           Randolph-Sheppard Act. The fund may receive monies from any source. In  
17           addition, the legislature may make annual appropriations to the trust fund for the  
18           purposes set forth in this Part.

19           B. All monies collected under this Part shall be forwarded by the department  
20           to the state treasurer upon receipt. After deposit in the Bond Security and  
21           Redemption Fund as required by Article VII, Section 9(B) of the Constitution of  
22           Louisiana, all amounts so received shall be credited to the Blind Vendors Trust Fund  
23           account under the Louisiana Workforce Commission.

24           C. The monies in the fund shall be used solely for programs described herein  
25           to provide services for the Blind Enterprise Program established in Louisiana  
26           pursuant to the Randolph-Sheppard Act. Funds appropriated to the department each  
27           year shall be distributed in accordance with R.S. 23:3045. All unexpended and  
28           unencumbered monies remaining in the fund at the close of each fiscal year shall  
29           remain in the fund. Monies in the fund shall be invested by the state treasurer in the

1 same manner as monies in the state general fund. All interest earned from the  
2 investment of monies in the fund shall be deposited in and remain to the credit of the  
3 fund.

4 D. The administration of the fund shall be exercised by the department in  
5 accordance with this Part.

6 §3044. Blind Vendors Trust Fund Advisory Board; creation; membership

7 A. There is hereby created the Blind Vendors Trust Fund Advisory Board  
8 within the agency.

9 B. The Blind Vendors Trust Fund Advisory Board shall be composed of nine  
10 members as follows:

11 (1) The director of the agency or his designee.

12 (2) Eight members of the Louisiana Blind Vendors Elected Committee.

13 C.(1) The board shall meet and organize immediately after election of its  
14 members and shall elect a chairman from its membership and other officers it might  
15 deem appropriate. The board shall adopt rules for the orderly transaction of business  
16 and shall keep a record of its resolutions, transactions, findings, and determinations.  
17 A majority of the individuals appointed to the board shall constitute a quorum.  
18 Members shall serve without compensation.

19 (2) The director of the agency or his designee shall arrange for full and  
20 accurate financial records to be maintained in compliance with law and shall make  
21 a full and complete report to the board annually. The board is specifically prohibited  
22 from publishing newsletters or other publications typically used in mass mailings.

23 D. The board shall meet at least once in each quarter of the fiscal year and  
24 as often as necessary thereafter as deemed by the chairman.

25 E. The board shall be domiciled in East Baton Rouge Parish.

26 F. The board shall:

27 (1) Advise and make recommendations to the agency for the promulgation  
28 of rules and regulations necessary to implement the provisions of this Part.



1 the further intention of the legislature that the Department of Health and Hospitals  
2 ~~and the Department of Social Services work~~ works cooperatively to implement the  
3 Community and Family Support System plan developed by the Louisiana State  
4 Planning Council on Developmental Disabilities pursuant to this Chapter.

5 \* \* \*

6 §824. Community and Family Support System plan

7 \* \* \*

8 I. The Department of Health and Hospitals ~~and the Department of Social~~  
9 ~~Services~~ may provide a system of community and family supports.

10 \* \* \*

11 J. Methods to assure the quality of community and family support services  
12 include:

13 (1) Regional and state advisory councils.

14 \* \* \*

15 (b) Council members shall be appointed by the developmental disabilities  
16 council chairperson in consultation with the ~~secretaries~~ secretary of the Department  
17 of Health and Hospitals ~~and the Department of Social Services~~.

18 \* \* \*

19 K. Purchases of equipment for clients of the Department of Health and  
20 Hospitals ~~and the Department of Social Services~~ who are eligible for services under  
21 the system of community and family supports shall be exempt from state purchasing  
22 requirements and state property control regulations.

23 L. The Department of Health and Hospitals ~~and the Department of Social~~  
24 ~~Services~~ shall promulgate rules and regulations for the community and family  
25 support system ~~within one year. However, the implementation of the system shall not~~  
26 ~~be delayed if the rules and regulations are not completed in a timely manner.~~

27 \* \* \*

1 Section 4. R.S. 36:258(F), 301(B), 308(B), and 471(B) are hereby amended and  
2 reenacted and R.S. 36:259(K) and (N), and 309(E) are hereby enacted to read as follows:

3 §258. Offices; purposes and functions

4 \* \* \*

5 F. The office of aging and adult services shall be responsible for the programs  
6 and functions of the Department of Health and Hospitals related to the long-term  
7 care of the elderly and the protection and long-term care of persons with adult onset  
8 disabilities. It shall administer the residential state-operated nursing homes, the Villa  
9 Feliciana Medical Complex, the protection services program of adults from ages  
10 eighteen to fifty-nine, the department's long-term support and services programs, the  
11 State Personal Assistance Services program, the Community and Family Support  
12 Program, the Traumatic Head and Spinal Cord Injury Trust Fund, as well as other  
13 related programs within the department.

14 \* \* \*

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

16 \* \* \*

17 K. The Louisiana Commission for the Deaf (R.S. 46:2351 et seq.) is hereby  
18 placed within the Department of Health and Hospitals and shall perform and exercise  
19 its powers, duties, functions, and responsibilities as provided for agencies transferred  
20 as provided in R.S. 36:802.

21 \* \* \*

22 N. The Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board  
23 (R.S. 46:2631-2635) is hereby placed within the Department of Health and Hospitals  
24 and shall exercise and perform its powers, duties, functions, and responsibilities in  
25 the manner provided for agencies transferred in accordance with the provisions of  
26 R.S. 36:802.

27 \* \* \*

1 §301. Louisiana Workforce Commission; creation; domicile; composition; purposes  
2 and functions

3 \* \* \*

4 B. The Louisiana Workforce Commission through its offices and officers,  
5 shall administer and enforce laws and programs designed to protect the economic  
6 and physical well-being of Louisiana's ~~work force~~ workforce. The commission shall  
7 coordinate and administer programs conducted by the state, or jointly with federal  
8 agencies, in the area of labor-management relations, manpower evaluation and  
9 training, vocational rehabilitation, independent living, blind services, employment,  
10 unemployment and workers' compensation, job safety, and the licensing and  
11 regulation of certain types of work. The commission shall perform functions related  
12 to administration of the community services block grant for which provision is  
13 initially made in the Omnibus Budget Reconciliation Act of 1981.

14 \* \* \*

15 §308. Offices; purposes and functions

16 \* \* \*

17 B. The office of workforce development shall perform the functions of the  
18 state relating to the administration, enforcement, supervision, and direction of  
19 programs related to the formulation of standards and policies promoting the welfare  
20 of wage-earning women; the ~~encouragement of employment~~ of individuals with  
21 disabilities; of the physically handicapped; vocational rehabilitation; independent  
22 living; blind services; customer service delivery; employment; training; minimum  
23 wage standards; welfare of workers and labor disputes, including the promotion of  
24 voluntary conciliation of disputes; regulation and certification of private employment  
25 agencies; minor labor laws; the formulation of policy relative to labor  
26 apprenticeship; worker protection programs, including medical payment; and  
27 employment security and employment service field services, all in accordance with  
28 applicable laws.

29 \* \* \*



1 §309. Transfer of agencies to Louisiana Workforce Commission

2 \* \* \*

3 E. The powers, duties, functions, and responsibilities relating to Louisiana  
4 Rehabilitation Services (R.S. 23:3001 et seq.) are hereby transferred to the Louisiana  
5 Workforce Commission to be exercised and performed by the executive director, in  
6 accordance with provisions of Part IV of Chapter 22 of this Title.

7 \* \* \*

8 §471. Department of Social Services; creation; domicile; composition; purpose and  
9 functions

10 \* \* \*

11 B. The Department of Social Services, through its office and officers, shall  
12 be responsible for the development and providing of social services and the  
13 improvement of social conditions for the citizens of Louisiana, ~~and for the~~  
14 ~~rehabilitation of handicapped persons for employment.~~

15 \* \* \*

16 Section 5. R.S. 38:2261(C) and (D) are hereby amended and reenacted to read as  
17 follows:

18 §2261. Preference for goods manufactured, or services performed, by sheltered  
19 workshops; non-applicability of competitive bidding requirements;  
20 coordinating council

21 \* \* \*

22 C. The provisions of this Section shall not be construed to limit or otherwise  
23 affect the provisions of R.S. ~~46:334~~ 23:3024 and ~~46:335~~ 23:3025 regarding the  
24 sheltered industries program for ~~the~~ individuals who are blind.

25 D. There is created within the ~~Department of Social Services~~ Department of  
26 Health and Hospitals a council whose function shall be to coordinate and facilitate  
27 the carrying out of the provisions of this Section. The membership of this council

1 shall be determined by the secretary of the ~~Department of Social Services~~  
2 Department of Health and Hospitals.

3 \* \* \*

4 Section 6. R.S. 39:1554(D)(1)(d) and 1595.4(B), (C), and (D) are hereby amended  
5 and reenacted to read as follows:

6 §1554. Application of this Chapter

7 \* \* \*

8 D. Exclusions. (1) This Chapter shall not be construed to change, affect,  
9 increase, or relieve the requirements of:

10 \* \* \*

11 (d) R.S. ~~46:335~~ 23:3025, as regarding the purchase of products or services  
12 from ~~the~~ individuals who are blind.

13 \* \* \*

14 §1595.4. Preference for goods manufactured, or services performed, by sheltered  
15 workshops; definitions; coordinating council

16 \* \* \*

17 B. The provisions of this Section shall not be construed to limit or otherwise  
18 affect the provisions of R.S. ~~46:334 and 335~~ 23:3024 and 3025 regarding the  
19 sheltered industries program for ~~the~~ individuals who are blind.

20 C. There is hereby created within the ~~Department of Social Services~~  
21 Department of Health and Hospitals a council whose function shall be to coordinate  
22 and facilitate the carrying out of provisions of this Section. The membership of this  
23 council shall be determined by the secretary of the ~~Department of Social Services~~  
24 Department of Health and Hospitals. It shall have authority to designate and contract  
25 with a central nonprofit agency to assist sheltered workshops in submitting  
26 applications for the selection of suitable goods and services, to facilitate the  
27 allocation of orders among qualified sheltered workshops, and otherwise to assist the  
28 council in performing its functions.

1           D. The ~~Department of Social Services~~ Department of Health and Hospitals  
 2           may adopt, promulgate, and enforce such rules and regulations as are necessary and  
 3           appropriate to implement the provisions of this Section. The regulations shall be  
 4           promulgated in accordance with the Administrative Procedure Act, R.S. 49:950, et  
 5           seq.

6   \*       \*       \*

7           Section 7. R.S. 40:1300.14(B)(13) is hereby amended and reenacted to read as  
 8 follows:

9           §1300.14. Confidentiality of HIV test result; disclosure

10   \*       \*       \*

11           B. Notwithstanding the provisions of Subsection A of this Section, HIV test  
 12 results may be released to the following:

13   \*       \*       \*

14           (13) An employee or agent who is authorized by the ~~Department of Social~~  
 15 ~~Services, office of rehabilitative services~~ Louisiana Workforce Commission to  
 16 access records containing HIV test results in order to carry out the ~~Department of~~  
 17 ~~Social Services, office of~~ Louisiana Workforce Commission's vocational  
 18 rehabilitative services functions, powers, and duties with respect to the protected  
 19 patient.

20   \*       \*       \*

21           Section 8. R.S. 46:51(2) and (10), 2116.1(1), (2), and (4), 2116.2(A),  
 22 2351(A)(introductory paragraph), 2353, 2632(2), 2633(C) and (E), 2634(A) and (B)(1), and  
 23 2635(B) are hereby amended and reenacted to read as follows:

24           §51. Duties of the department

25           The Department of Social Services, through its secretary, shall administer the  
 26 public assistance and welfare laws of the state, as follows:

27   \*       \*       \*

28           (2) Administer and supervise all forms of public assistance including general  
 29 home relief, outdoor and indoor care of persons in need, old age assistance, financial

1 assistance to needy individuals, aid to dependent children, ~~aid to the blind, aid to the~~  
2 ~~crippled and otherwise handicapped~~, except medical and health services the  
3 responsibility for which is or may be vested by state law in other departments of the  
4 state government, and such other welfare activities or services as may be vested in  
5 it.

6 \* \* \*

7 (10) Administer all public assistance funds; and child welfare funds, ~~and~~  
8 ~~funds for assistance to the handicapped~~; and estimate the moneys to be credited to  
9 the assistance fund from state and federal sources for the ensuing fiscal year and  
10 allocate the total amount estimated to be available.

11 \* \* \*

12 §2116.1. Definitions

13 As used in this Chapter, the following terms shall have the meaning ascribed  
14 to them in this Section, unless the context clearly requires otherwise:

15 (1) "Department" means the Department of ~~Social Services~~ Health and  
16 Hospitals.

17 (2) "Evaluation team" means the individuals who determine the eligibility of  
18 persons with significant disabilities for state personal assistance services pursuant  
19 to this Chapter and shall be designated by the ~~director of Louisiana Rehabilitation~~  
20 ~~Services~~ assistant secretary of the office of aging and adult services within the  
21 department.

22 \* \* \*

23 (4) "Secretary" means the secretary of the Department of ~~Social Services~~  
24 Health and Hospitals.

25 \* \* \*



1 §2633. Traumatic Head and Spinal Cord Injury Trust Fund

2 \* \* \*

3 C. All monies collected under this Chapter shall be forwarded by the officer  
4 of the court who collects the same to the state treasurer within thirty days after the  
5 penalty or forfeiture is collected. After deposit in the Bond Security and Redemption  
6 Fund as required by Article VII, Section 9(B) of the Constitution of Louisiana, an  
7 amount equal to that deposited as required by Subsection A of this Section shall be  
8 credited to the Traumatic Head and Spinal Cord Injury Trust Fund account under the  
9 Department of ~~Social Services, office of rehabilitation services~~ Health and Hospitals,  
10 office of aging and adult services. All unexpended and unencumbered monies in the  
11 fund at the end of the fiscal year shall remain in the fund. The monies in this fund  
12 shall be invested by the state treasurer in the same manner as monies in the state  
13 general fund, and interest earned on the investment of these monies shall be credited  
14 to the fund, following compliance with the requirement of Article VII, Section 9(B)  
15 relative to the Bond Security and Redemption Fund.

16 \* \* \*

17 E. The board shall determine the eligibility of programs to receive funding  
18 and the administration of the fund shall be exercised by the Department of ~~Social~~  
19 ~~Services~~ Health and Hospitals, office of ~~rehabilitation~~ aging and adult services, in  
20 accordance with this Chapter.

21 \* \* \*

22 §2634. Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board;  
23 creation; membership

24 A. There is hereby created the Traumatic Head and Spinal Cord Injury Trust  
25 Fund Advisory Board within the Department of ~~Social Services~~ Health and  
26 Hospitals, office of ~~rehabilitation~~ aging and adult services.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.



1 where the business is conducted by any ~~person~~ individual who is blind exclusively  
2 for his own support or the support of his family.

3 \* \* \*

4 Section 10. R.S. 48:307(B)(2) and (3) are hereby amended and reenacted as follows:

5 §307. Controlled-access areas; commercial activities

6 \* \* \*

7 B.

8 \* \* \*

9 (2) The secretary is hereby authorized to either purchase, install, and operate  
10 vending machines or to utilize private contractors, subject to the review and consent  
11 of the ~~division of rehabilitation services~~ Louisiana Workforce Commission as the  
12 Randolph-Sheppard licensing agency. If private contractors are utilized, the  
13 contractors shall be selected in accordance with public bid law.

14 (3) The secretary is further authorized to enter into a cooperative agreement  
15 with the ~~Department of Social Services~~ Louisiana Workforce Commission  
16 concerning the division of gross sales or net proceeds derived from the operation of  
17 these vending machines and concession structures at interstate rest areas. The  
18 construction, general maintenance, upkeep, and improvement of the vending  
19 machines and concession structures shall be the responsibility of the private  
20 contractor or designated operator.

21 \* \* \*

22 Section 11. R.S. 36:474(F) and 478(C), (D), (E), (G), (I), and (J), Subparts B and C  
23 of Part III of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of  
24 R.S. 46:331 through 373, Chapter 26 of Title 46 of the Louisiana Revised Statutes of 1950,  
25 comprised of R.S. 46:2101 through 2106, and Chapter 50 of Title 46 of the Louisiana  
26 Revised Statutes of 1950, comprised of R.S. 46:2651 through 2655, are hereby repealed in  
27 their entirety.

28 Section 12. The administrative rules contained in the Louisiana Administrative Code  
29 promulgated by the Department of Social Services which govern or are applicable to the



1 programs and operations transferred from the Department of Social Services to the Louisiana  
2 Workforce Commission by this Act shall continue to be effective and the office of state  
3 register shall change all applicable references to the Department of Social Services to the  
4 Louisiana Workforce Commission and redesignate and renumber, as the need may be, all  
5 applicable provisions as is necessary to maintain continuity in the Louisiana Administrative  
6 Code.

7 Section 13. The administrative rules contained in the Louisiana Administrative Code  
8 promulgated by the Department of Social Services which govern or are applicable to the  
9 programs and operations transferred from the Department of Social Services to the  
10 Department of Health and Hospitals by this Act shall continue to be effective and the office  
11 of state register shall change all applicable references to the Department of Social Services  
12 to the Department of Health and Hospitals and redesignate and renumber, as the need may  
13 be, all applicable provisions as is necessary to maintain continuity in the Louisiana  
14 Administrative Code.

15 Section 14. All monies held in the state treasury for the Blind Vendors Trust Fund  
16 on the effective date of this Act shall, upon that date, be transferred to the Louisiana  
17 Workforce Commission.

18 Section 15. All monies held in the state treasury for the Louisiana Traumatic Head  
19 and Spinal Cord Injury Trust Fund on the effective date of this Act shall, upon that date, be  
20 transferred to the Department of Health and Hospitals.

21 Section 16. All Department of Social Service contracts for the programs and  
22 activities transferred to the Louisiana Workforce Commission by this Act shall be deemed  
23 to have been transferred and assigned to the Louisiana Workforce Commission upon the  
24 effective date of this Act without the necessity of contractual amendment, and the Louisiana  
25 Workforce Commission shall be solely responsible for all related obligations and liabilities  
26 arising on or after that effective date.

27 Section 17. In order to ensure continuity of services during the transition period, all  
28 Department of Social Services contracts related to the operation and administration of the  
29 programs transferred to the Department of Health and Hospitals shall be deemed to have

1 been transferred and assigned to the Department of Health and Hospitals upon the effective  
2 date of this Act without the necessity of contractual amendment, and the Department of  
3 Health and Hospitals shall be solely responsible for all related obligations and liabilities  
4 arising on or after that effective date.

5 Section 18.(A) The provisions of R.S. 38:2261(D) of Section 5 of this Act shall  
6 become effective on January 1, 2011.

7 (B) The provisions of R.S. 39:1595.4(C) and (D) of Section 6 of this Act shall  
8 become effective on January 1, 2011.

9 Section 19. On or before July 1, 2011, and on or before July 1, 2012, the Department  
10 of Health and Hospitals and Louisiana Workforce Commission jointly shall submit a report  
11 to the House Committee on Health and Welfare and the Senate Committee on Health and  
12 Welfare indicating the actual cost of implementing the provisions of this Act.

13 Section 20. Except as provided in Section 18, this Act shall become effective on July  
14 1, 2010; if vetoed by the governor and subsequently approved by the legislature, except as  
15 provided in Section 18, this Act shall become effective on July 1, 2010, or on the day  
16 following such approval by the legislature, whichever is later.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Katz

HB No. 1198

**Abstract:** Transfers each program currently operated by the Dept. of Social Services (DSS), office of La. Rehabilitation Services to the Dept. of Health and Hospitals (DHH) or the La. Workforce Commission (LWC).

Present law provides that DSS shall operate and maintain the following services and programs which are currently being operated by the office of La. Rehabilitation Services:

- (1) Blind Services
- (2) State personal assistance services program
- (3) La. Commission for the Deaf
- (4) Traumatic Head and Spinal Cord Injury Trust Fund Program
- (5) Vocational Rehabilitation Program

- (6) Independent Living Part B Program
- (7) Independent Living for Older Blind Program
- (8) Community and Family Support Program

Proposed law transfers the following programs and services from DSS to the LWC:

- (1) Vocational Rehabilitation Program
- (2) Blind Services and the Blind Vendors Trust Fund
- (3) Independent Living Part B Program
- (4) Independent Living for Older Blind Program

Proposed law transfers the following programs and services from DSS to DHH:

- (1) La. Commission for the Deaf
- (2) Traumatic Head and Spinal Cord Injury Trust Fund Program
- (3) State personal assistance services program
- (4) Community and Family Support Program

Proposed law transfers each program operated by the office of La. Rehabilitation Services to either DHH or the La. Workforce Commission (LWC).

Proposed law makes necessary technical corrections for the programs and services being transferred.

Proposed law provides that the administrative rules contained in the La. Administrative Code promulgated by DSS which govern or are applicable to the programs and operations transferred from DSS to the LWC or DHH shall continue to be effective and the office of state register shall change all applicable references to DSS to either the LWC or DHH and redesignate and renumber all applicable provisions as is necessary to maintain continuity in the La. Administrative Code.

Proposed law provides that all monies held in the state treasury for the Blind Vendors Trust Fund on the effective date of proposed law, shall upon that date, be transferred to LWC.

Proposed law provides that all monies held in the state treasury for the La. Traumatic Head and Spinal Cord Injury Trust Fund on the effective date of this Act shall, upon that date, be transferred to DHH.

Proposed law provides that in order to ensure continuity of services during the transition period, all DSS contracts for the programs and activities transferred to the LWC shall be deemed to have been transferred and assigned to the LWC upon the effective date of proposed law without the necessity of contractual amendment, and the LWC shall be solely responsible for all related obligations and liabilities arising on or after that date.

Proposed law provides that all DSS contracts related to the operation and administration of the programs transferred to DHH shall be deemed to have been transferred and assigned to DHH upon the effective date of proposed law without the necessity of contractual amendment, and DHH shall be solely responsible for all related obligations and liabilities arising on or after that effective date.

Proposed law requires DHH and LWC to provide a report on July 1, 2011 and July 1, 2012 on the actual cost of implementing proposed law.

Effective July 1, 2010.

(Amends R.S. 17:1518.1(J) and 1519.5(C), R.S. 23:1(A) and 17(A), R.S. 28:821(C), 824(I), (J)(1)(b), (K), and (L), R.S. 36:258(F), 301(B), 308(B), and 471(B), R.S. 38:2261(C) and (D), R.S. 39:1554(D)(1)(d) and 1595.4(B), (C), and (D), R.S. 40:1300.14(B)(13), R.S. 46:51(2) and (10), 2116.1(1), (2), and (4), 2116.2(A), 2351(A)(intro. para.), 2353, 2632(2), 2633(C) and (E), 2634(A), and (B)(1), and 2635(B), R.S. 47:305.15(A) and 360(A), R.S. 48:307(B)(2) and (3); Adds R.S. 23:1(B)(6) and R.S. 23:3001-3061, R.S. 36:259(K) and (N), and 309(E); Repeals R.S. 36:474(F) and 478(C), (D), (E), (G), (I), and (J), R.S. 46:331-373, R.S. 46:2101-2106, and R.S. 46:2651-2655))

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Made technical changes to properly repeal certain provisions of present law, to utilize preferred terminology, and to properly identify agencies, divisions, and officials.
2. In sections referring to DHH personnel, changed language providing for duties of the DHH secretary from "shall appoint" and "may appoint" to "shall employ."
3. Added language to clarify that there is intent to ensure continuity of services during the period when duties are transferred between agencies.
4. Added a special effective date of Jan. 1, 2011, for the provisions of proposed law (R.S. 38:2261(D), R.S. 39:1595.4 (C) and (D)).
5. Required DHH and LWC to submit two reports, one by July 1, 2011, and the other by July 1, 2012, to the House and Senate committees on health and welfare indicating the actual cost of implementing the provisions of proposed law.