

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)(introductory paragraph) and (13), R.S. 46:51(2) and (10),
6 2116.1(1), (2), and (4), 2116.2(A), 2351(A)(introductory paragraph), 2353, 2632(2),
7 2633(C) and (E), 2634(A) and (B)(1), and 2635(B), R.S. 47:305.15(A) and 360(A),
8 R.S. 48:307(B)(2) and (3), to enact R.S. 23:1(B)(6) and Chapter 15 of Title 23 of the
9 Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:3001 through 3061,
10 R.S. 36:259(K) and (N), and 309(E), and to repeal R.S. 36:474(F) and 478(C), (D),
11 (E), (G), (I), and (J), Subparts B and C of Part III of Chapter 3 of Title 46 of the
12 Louisiana Revised Statutes of 1950, comprised of R.S. 46:331 through 373, Chapter
13 26 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2101
14 through 2106, and Chapter 50 of Title 46 of the Louisiana Revised Statutes of 1950,
15 comprised of R.S. 46:2651 through 2655, relative to the office of Louisiana
16 Rehabilitation Services within the Department of Social Services; to provide for the
17 transfer of such functions from the Department of Social Services to the Department
18 of Health and Hospitals and the Louisiana Workforce Commission; and to provide
19 for related 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 of this state with disabilities 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 determined by the department to be are proper and consistent with the provisions of
13 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 and who participate
20 in 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, an amount equal to all amounts so received shall be credited to the Blind
23 Vendors Trust Fund 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 (2) Monitor, evaluate, and review the development and quality of services
2 and programs funded through the fund.

3 §3045. Expenditures

4 A. Money in the trust fund from vending machines located on federal
5 property shall be distributed for the primary purpose of the establishment and
6 maintenance of retirement or pension plans, for health insurance, and contributions
7 for the provisions of paid sick leave and vacation time for blind vendors, if approved
8 by majority vote of blind vendors licensed by the department after the department
9 has provided to each vendor information on all matters relevant to such purposes.
10 Income not expended for the primary purpose as set out in this Subsection shall be
11 used for the maintenance and replacement of equipment, the purchase of new
12 equipment, management services, and securing a fair return to vendors, or as
13 provided by state or federal guidelines.

14 B. Money in the trust fund from vending machines located on state-owned
15 property or on property leased by the state or any state agency, or on other property
16 shall be distributed for any purpose associated with the provisions of the Randolph-
17 Sheppard Act as may be determined by the department.

18 PART IV. INDEPENDENT LIVING

19 §3061. Louisiana Workforce Commission of Federal Independent Living Program

20 The Louisiana Workforce Commission shall administer Rehabilitation Act
21 independent living programs, including independent living, Part B, and independent
22 living for older individuals who are blind.

23 Section 3. R.S. 28:821(C), 824(I), (J)(1)(b), (K), and (L) are hereby amended and
24 reenacted to read as follows:

25 §821. Findings and purpose

26 * * *

27 C. It is the intention of the legislature that the state of Louisiana adhere to the
28 principles contained in this Chapter in program planning, development, funding, and
29 implementation for persons with developmental disabilities and their families. It is

1 the further intention of the legislature that the Department of Health and Hospitals
2 ~~and the Department of Social Services~~ work 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 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 §2116.2. State Personal Assistance Services Program; creation; eligibility
2 requirements; evaluation

3 A. State Personal Assistance Services Program is created in the Department
4 of ~~Social Services~~ Health and Hospitals and shall be administered by ~~Louisiana~~
5 ~~Rehabilitation Services~~ office of aging and adult services in the department.

6 * * *

7 §2351. Creation; membership; terms; compensation

8 A. The Louisiana Commission for the Deaf, hereinafter referred to as "the
9 commission", is hereby created and established within the Department of ~~Social~~
10 ~~Services~~ Health and Hospitals. The commission shall consist of seventeen members
11 as follows:

12 * * *

13 §2353. Employees

14 The secretary of the Department of ~~Social Services~~ Health and Hospitals shall
15 ~~appoint~~ employ a director who shall be the executive officer of the commission. The
16 director shall be a trained professional, having experience as such with the deaf, and
17 skilled in the use of sign language. The director may be either a deaf person or a
18 person with normal hearing, but preference shall be given to a deaf person. The
19 ~~director~~ secretary of the Department of Health and Hospitals ~~may appoint~~ shall
20 employ such other employees as are necessary to carry out the provisions of this
21 Chapter.

22 * * *

23 §2632. Definitions

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

26 * * *

27 (2) "Department" means the Department of ~~Social Services~~ Health and
28 Hospitals.

29 * * *

1 B. The Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board
2 shall be composed of thirteen members as follows:

3 (1) The ~~director~~ assistant secretary of the office of ~~rehabilitation~~ aging and
4 adult services of the Department of ~~Social Services~~ Health and Hospitals or his
5 designee.

6 * * *

7 §2635. Expenditures

8 * * *

9 B. Authorization of expenditures for spinal cord injury care and head injury
10 care shall be made by the office of ~~rehabilitation services~~ aging and adult services,
11 within the Department of Health and Hospitals, according to criteria established by
12 the board.

13 * * *

14 Section 9. R.S. 47:305.15(A) and 360(A) are hereby amended and reenacted to read
15 as follows:

16 §305.15. Exclusions and exemptions; sales or purchases by individuals who are
17 blind persons

18 A. The sales and use taxes levied and the collection, reporting, and
19 remittance thereof required by this Chapter shall not apply to sales or purchases
20 made by blind persons in the conduct of a business which is exempt from license
21 taxes by R.S. ~~46:371 through 373~~ 23:3031 through 3033.

22 * * *

23 §360. Exemptions

24 A. ~~Blind persons~~ Individuals who are blind and their widows or orphans.
25 License taxes levied by this Chapter shall not apply to individuals who are blind
26 persons, who are exempted from licenses taxes by R.S. ~~46:371 through 46:373~~
27 23:3031 through 3033. The exemption provided by this Subpart shall apply only

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 are 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 are 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.

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)]

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)(intro. para.) and (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 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.

House Floor Amendments to the engrossed bill.

1. Made technical changes.
2. Made changes to provide for the manner in which funds shall be credited to the Blind Vendors Trust Fund.
3. Changed a reference from "Randolph-Sheppard program" to "provisions of the Randolph-Sheppard Act".