

NOTICE OF INTENT

Workforce Commission Rehabilitation Services

Randolph-Sheppard Trust Fund Policy
(LAC 67:VII.Chapter 21)

In accordance with the provisions of R.S. 49:953(B) of the Administrative Procedure Act, Louisiana Workforce Commission (LWC), Louisiana Rehabilitation Services (LRS), proposes to revise six Sections of the Randolph-Sheppard trust fund policy, as it relates to the Randolph-Sheppard Program as a result of 2014 Legislation ACT 761. In §2101.B.1, Program Administration, the “Department of Social Services” will be removed, “Louisiana Workforce Commission” will be added, and in §2101.B.2, the term *advisory* will be removed and the balance of the Section will be revised to reflect the content in R.S. 23:3044. In §2105, Definitions, the term *agency* will remove “Department of Social Services” and will add “Louisiana Workforce Commission, Office of Workforce Development,” the term *board* will remove the word *advisory*, and the term *department* will remove the “Department of Social Services” and will add “Louisiana Workforce Commission.” In §2107, Blind Vendors Trust Fund Advisory Board, the term *advisory* is being removed from the Section title. In §2107.A, the term *advisory* will be removed. In §2107.A.1, “of the Department of Social Services” will be removed. In §2111.C, Expenditures, the agency will add “with the active participation of the Blind Vendors Trust Fund Board.” In §2111.D, the term *associated* will be removed and the term *consistent* will be added, and the agency will add “with the active participation of the Blind Vendors Trust Fund Board.” In §2113.A, Financial Reports, the agency will remove “of the Department of Social Services.” In §2115.C, General Requirements, the agency will remove “Department of Social Services” and will add “Louisiana Workforce Commission.”

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 21. Randolph-Sheppard Trust Fund Policy

§2101. Program Profile

A. Mission. To provide for the enhancement of programs for persons who are licensed and permitted through the Randolph-Sheppard Business Enterprise Program.

B. Program Administration

1. The administration of the fund shall be exercised by Louisiana Workforce Commission, Louisiana Rehabilitation Services.

2. The Blind Vendors Trust Fund Board shall actively participate with the agency in the following: promulgating policies, procedures, standards, rules and regulations; monitoring, evaluating, reviewing the development and quality of services and programs funded through the fund; and developing an annual list of potential vending locations on state, federal, or other property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:3041-23:3045.

HISTORICAL NOTE: Promulgated by the Department of Social Service, Office of Rehabilitation Services, LR 22:119 (February 1996), amended by the Workforce Commission, Rehabilitation Services, LR 41:

§2105. Definitions

Agency—Louisiana Rehabilitation Services of the Office of Workforce Development within the Louisiana Workforce Commission, which licenses blind vendors.

Randolph-Sheppard Act—the federal law which enables the Blind Enterprise Program under the authority of 20 U.S.C. 107 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:3041-23:3045.

HISTORICAL NOTE: Promulgated by the Department of Social Service, Office of Rehabilitation Services, LR 22:119 (February 1996), amended by the Workforce Commission, Rehabilitation Services, LR 41:

§2107. Blind Vendors Trust Fund Board

A. The Blind Vendors Trust Fund Board shall be composed of nine members as follows:

1. the director of Louisiana Rehabilitation Services or his or her designee;

A.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:3041-23:3045.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 22:119 (February 1996), amended by the Workforce Commission, Rehabilitation Services, LR 41:

§2111. Expenditures

A. - B. ...

C. Income not expended for the primary purpose shall be used for the maintenance and replacement of equipment, the purchase of new equipment, management services, and securing a fair return to vendors, or as provided by state and federal guidelines with the active participation of the Blind Vendors Trust Fund Board.

D. Money in the trust fund from vending machines located on state-owned property or on property leased by the state agency, or on other property shall be distributed for any purpose consistent with the Randolph-Sheppard Program as may be determined by the state licensing agency with the active participation of the Blind Vendors Trust Fund Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:3041-23:3045.

HISTORICAL NOTE: Promulgated by the Department of Social Service, Office of Rehabilitation Services, LR 22:120 (February 1996), amended by the Workforce Commission, Rehabilitation Services, LR 41:

§2113. Financial Reports

A. The director of Louisiana Rehabilitation Services or his designee shall arrange for full and accurate financial records to be maintained in compliance with law and shall make a full and complete report to the board annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:3041-23:3045.

HISTORICAL NOTE: Promulgated by the Department of Social Service, Office of Rehabilitation Services, LR 22:120 (February 1996), amended by the Workforce Commission, Rehabilitation Services, LR 41:

§2115. General Requirements

A. - B. ...

C. Compliance with State and Federal Laws and Regulations, and Departmental Policies and Procedures. All agencies and staff involved in the Blind Vendors Trust Fund shall comply with all state and federal laws, including the Louisiana Workforce Commission policies and procedures as well as civil rights rules and regulations, as applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:3041-23:3045.

HISTORICAL NOTE: Promulgated by the Department of Social Service, Office Rehabilitation Services, LR 22:120 (February 1996), amended by the Workforce Commission, Rehabilitation Services, LR 41:

Family Impact Statement

In compliance with R.S. 49:972, the impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have a positive impact on family functioning, stability or autonomy by increasing access to and participation in the Vocational Rehabilitation/Business Enterprise Program. This Rule will not affect the authority and rights of parents regarding the education and supervision of their children or behavior and personal responsibility of children.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973(B) due to increased participation in the Vocational Rehabilitation/Business Enterprise Program, which is expected to reduce dependence on public assistance programs and enable employment and independence.

Small Business Statement

The proposed Rule's impact on small business has been considered in accordance with R.S. 49:965.6 and it is estimated that the proposed actions will have negligible impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on the staffing level requirements or qualifications required to provide the same level of service; the total direct and indirect effect on the cost to the providers to provide the same level of service; or the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, or opinions through August 27, 2015, to Mark S. Martin, LRS Director, P.O. Box 91297, Baton Rouge, LA 70821-9297. Copies of the of the revised policy may be obtained at Louisiana Rehabilitation Services, 950 North Twenty-Second Street, Baton Rouge, LA 70802, or at each of its eight regional offices, and at the Office of the State Register, 1201 North Third Street, Baton Rouge, LA, or on the Office of the State Register's website at www.doa.louisiana.gov/osr/osr.htm.

Public Hearing

A public hearing on the proposed Rule will be held on August 27, 2015 at the Regional Office, 3651 Cedarcrest

Avenue, Baton Rouge, LA, beginning at 9 a.m. Individuals with disabilities who require special services should contact Judy Trahan, Program Coordinator, Louisiana Rehabilitation Services, at least 14-working days prior to the hearing if special services are needed for their attendance. For information or assistance, call (225) 219-2225 or (800) 737-2958 (V/TDD).

Curt Eysink
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Randolph-Sheppard Trust Fund Policy

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This proposed rule revises Louisiana Administrative Code (LAC) Title 67 Social Services, Part VII Rehabilitation Services, and Chapter 21 Business Enterprises Program Manual to comply with ACT 761 of 2014 that authorized technical changes to existing law. The proposed rule amends six sections of the Business Enterprise Program Manual for the Randolph-Sheppard Program. The changes are as follows: (1) removes the "Department of Social Services" and replaces it with "Louisiana Workforce Commission" throughout the chapter; (2) removes the term "advisory" and replaces it with "with the active participation of the Blind Vendors Trust Fund Board" in Section 2111 Expenditures; (3) removes the term "associated" and replaces it with "consistent" to reflect the language changed in ACT 761.

The proposed rule will not impact the overall expenditures of the department. The only costs associated with this proposed rule are administrative expenses necessary for the promulgation of the rule. It is estimated that \$1,200 of Federal funds will be expended in FY 15 for the state's administrative expense for promulgation of this proposed rule and the final rule. The cost of rulemaking is routinely included in the agency's annual operating budget.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule is not anticipated to have a fiscal impact on non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not anticipated to have an impact on competition and employment.

Curt Eysink
Executive Director
1507#076

Gregory V. Albrecht
Chief Economist
Legislative Fiscal Office