

CONFERENCE COMMITTEE REPORT

HB 105**2019 Regular Session****Henry**

June 6, 2019

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 105 by Representative Henry, recommend the following concerning the Reengrossed bill:

1. That Senate Committee Amendment Nos. 1, 3 through 19, 26 through 34, 37, 38, 68 through 70, 73, 76 through 113, and 115 through 154 by the Senate Committee on Finance (#2669) be adopted.
2. That Senate Committee Amendment Nos. 2, 20 through 25, 35, 36, 39 through 67, 71, 72, 74, 75, and 114 by the Senate Committee on Finance (#2669) be rejected.
3. That Senate Floor Amendment Nos. 3 through 8, and 10 through 23 by Senator LaFleur (#2746) be adopted.
4. That Senate Floor Amendment Nos. 1, 2, and 9 by Senator LaFleur (#2746) be rejected.
5. That the set of Senate Floor Amendments by Senator Walsworth (#2942) be adopted.
6. That the set of Senate Floor Amendments by Senator Carter (#2940) be adopted.
7. That the set of Senate Floor Amendments by Senator LaFleur (#2952) be rejected.
8. That the following amendments be adopted:

AMENDMENT NO. 1

In Senate Committee Amendment No. 33 by the Senate Committee on Finance (#2669), on page 5, delete lines 32 through 34 in their entirety

AMENDMENT NO. 2

In Senate Committee Amendment No. 73 by the Senate Committee on Finance (#2669), on page 9, line 11, after "shall" and before "a report" delete "submit" and insert "present"

AMENDMENT NO. 3

In Senate Committee Amendment No. 80 by the Senate Committee on Finance (#2669), on page 9, line 28, change "\$83,371,182" to "\$93,659,011"

AMENDMENT NO. 4

In Senate Committee Amendment No. 87 by the Senate Committee on Finance (#2669), on page 10, line 29, change "15" to "5"

AMENDMENT NO. 5

In Senate Committee Amendment No. 142 by the Senate Committee on Finance (#2669), on page 18, line 17, after "135," and before "insert" delete "delete lines 16 through 19 and" and insert "between lines 19 and 20"

AMENDMENT NO. 6

In Senate Committee Amendment No. 149 by the Senate Committee on Finance (#2669), on page 19, line 17, change "1" to "4"

AMENDMENT NO. 7

In Senate Committee Amendment No. 154 by the Senate Committee on Finance (#2669), on page 21, line 2, change "15" to "22"

AMENDMENT NO. 8

In Senate Floor Amendment No. 23 by Senator LaFleur (#2746), on page 4, line 7, after "Training" and before "Fund" insert "in Economic Development Foundation"

AMENDMENT NO. 9

In Senate Floor Amendment No. 1 by Senator Carter (#2940), on page 1, line 4, after "improving" delete the remainder of the line in its entirety and insert "maternal and child mortality outcomes, with a focus on minority populations."

9. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 10

On page 12, line 17, after "(Direct)," and before "and" insert "whenever possible,"

AMENDMENT NO. 11

On page 12, delete line 19, in its entirety and insert "year to the greatest extent permissible by law."

AMENDMENT NO. 12

On page 31, between lines 12 and 13, insert the following:

"Payable out of State General Fund by Statutory Dedications out of the Voting Technology Fund to the Elections Program for expenses	\$ 3,161,921
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Provided, however, that the commissioner of administration is hereby authorized and directed to adjust the means of financing for the Elections Program by reducing the appropriation out of the State General Fund (Direct) by \$2,681,921."

AMENDMENT NO. 13

On page 32, line 48, change "\$2,000,000" to "\$1,000,000"

AMENDMENT NO. 14

On page 42, between lines 40 and 41, insert the following:

"Payable out of the State General Fund (Direct)
to the Management and Finance Program for
operating expenses \$ 250,000"

AMENDMENT NO. 15

On page 49, between lines 21 and 22, insert the following:

"Provided, however, the funds appropriated from State General Fund by Statutory Dedications out of the Transportation Trust Fund-Regular to the Operations Program in this agency, \$500,000 shall be allocated to the Capital Area Road and Bridge District."

AMENDMENT NO. 16

On page 50, between lines 9 and 10, insert the following:

"Provided, however, that the commissioner of administration is hereby authorized and directed to adjust the means of finance contained in the Schedule for Correction Services by reducing the appropriation out of the State General Fund (Direct) by \$807,405."

AMENDMENT NO. 17

On page 66, at the end of line 14, change "\$500,000" to "\$250,000"

AMENDMENT NO. 18

On page 69, at the end of line 26, change "\$111,686,001" to "\$109,261,686"

AMENDMENT NO. 19

On page 69, at the end of line 28, change "\$12,020,124" to "\$14,444,439"

AMENDMENT NO. 20

On page 75, at the end of line 44, change "\$10,767,826,408" to "\$10,778,114,237"

AMENDMENT NO. 21

On page 76, at the end of line 24, change "\$12,616,787,397" to "\$12,627,075,226"

AMENDMENT NO. 22

On page 76, at the end of line 43, change "\$12,616,787,397" to "\$12,627,075,226"

AMENDMENT NO. 23

On page 77, between lines 25 and 26, insert the following:

"Provided, however, subject to the approval of the federal Centers for Medicare and Medicaid Services and effective for dates of service on or after January 1, 2020, the Louisiana Department of Health shall, to the maximum extent practicable, increase in the managed care program to the Medicare rate the professional services fee paid for Current Procedural Terminology codes for new patient visits (CPT 99201-99205), established patient visits (CPT 99211-99215), new annual preventive visits (CPT 99381-99387) and established annual preventive visits (CPT 99391-99397) by expansion enrollees when rendered by an advance practice registered nurse, physician assistant, or a physician with a specialty in family medicine, internal medicine or obstetrics/gynecology. The

department shall submit a request for any necessary approval to the federal Centers for Medicare and Medicaid Services by August 31, 2019."

AMENDMENT NO. 24

On page 79, between lines 31 and 32, insert the following:

"Provided, however, that the Managed Care Incentive Payments Program shall not be implemented without review by the Joint Legislative Committee on the Budget and biannual reporting to the Joint Legislative Committee on the Budget."

AMENDMENT NO. 25

On page 81, line 10, after "Federal Funds by" and before "due to" delete "\$276,682,973" and insert "\$225,507,159"

AMENDMENT NO. 26

On page 81, between lines 34 and 35, insert the following:

"Provided, however, subject to compliance with federal regulations and the approval of the federal Centers for Medicare and Medicaid Services, that the department may establish value-based incentive payments to non-hospital affiliated primary care providers to improve clinical quality and health outcomes for Medicaid recipients within the Managed Care Incentive Payments program.

The commissioner of administration is hereby authorized and directed to adjust the means of financing for the Payments to Private Providers Program by reducing the appropriation out of the State General Fund (Direct) by \$2,500,000."

AMENDMENT NO. 27

On page 111, at the end of line 30, change "\$3,000,000" to "\$3,750,000"

AMENDMENT NO. 28

On page 112, between lines 3 and 4, insert the following:

"Payable out of the State General Fund (Direct) to the Board of Regents for distribution as determined by the Louisiana Health Works Commission to higher education institutions for the limited and specific purpose of increasing the number of students admitted to and graduating from CNA, LPN, ASN, BSN, MSN, and DNP programs of study \$ 2,500,000

Provided, however, where applicable private industry may provide a dollar-for-dollar match for the State General Fund (Direct) appropriated herein for the limited and specific purpose of increasing the number of students admitted to and graduating from CNA, LPN, ASN, BSN, MSN, and DNP programs of study."

AMENDMENT NO. 29

On page 123, between lines 4 and 5, insert the following:

"Payable out of the State General Fund by Statutory Dedications out of the Higher Education Initiatives Fund for the project authorized by R.S. 17:3394.3(C)(1)(n) \$ 820,569

Payable out of the State General Fund
by Statutory Dedications out of the
Higher Education Initiatives Fund for the
project authorized by R.S. 17:3394.3(C)(2)(a) \$ 273,523"

AMENDMENT NO. 30

On page 130, after line 46, insert the following:

"Payable out of the State General Fund (Direct)
to the Broadcasting Program for the WYES-TV
station \$ 250,000

Payable out of the State General Fund (Direct)
to the Broadcasting Program for the WLAE-TV
station \$ 250,000"

AMENDMENT NO. 31

On page 134, after line 47, insert the following:

"Payable out of the state General Fund (Direct)
to the Student-Centered Goals Program for city
and parish school systems and other public
schools for the purchase of instructional materials
and supplies for each student enrolled in a
vocational agriculture, agribusiness, or agriscience
course, as of October 1, 2019. Local city and
parish school systems and other public schools
may match the dollars provided, herein appropriated \$ 650,000"

AMENDMENT NO. 32

On page 138, between lines 13 and 14, insert the following:

"Payable out of State General Fund (Direct)
to the Required Services Program for expenses
incurred by nonpublic schools \$ 591,151"

AMENDMENT NO. 33

On page 138, at the end of line 23, change "(77)" to "(80)"

AMENDMENT NO. 34

On page 156, between lines 16 and 17, insert the following:

"Payable out of the State General Fund (Direct)
to the North Delta Regional Planning and
Development District Inc. \$ 50,000"

AMENDMENT NO. 35

On page 158, at the end of line 18, change "\$500,000" to "\$250,000"

AMENDMENT NO. 36

On page 158, line 20, after "amount of" and before "into" delete "\$500,000" and insert "\$250,000"

AMENDMENT NO. 37

On page 158, between lines 31 and 32, insert the following:

"20-950 JUDGMENTS

Section 20.A. For the satisfaction and payment of consent judgments, stipulated judgments, and other judgments against the state, if such judgments are final, and claims against the state for erroneous payment of corporate franchise tax, and notwithstanding the provisions of R.S. 49:112, the provisions of this Section contain appropriations in the total amount of One Million Eight Hundred Sixty Thousand One Hundred Sixty-Seven and 05/100 (\$1,860,167.05) Dollars, be it more or less estimated, as specifically provided in each Subsection. Provided, however, that all judgments provided for in this Section shall be paid as to principal, interest, court costs, and expert witness fees as provided in said judgments, it being the intent herein that when the provisions of any judgment conflict with the provisions of this Act, the provisions of the judgment shall be controlling. Any other provision of this Act not in conflict with the provisions of a judgment shall control. Payment shall be made as to any such judgment only after presentation to the state treasurer of documentation required by the state treasurer. A claim against the state for erroneous payments of corporate franchise tax may only be paid from this appropriation if it is final. All claims for erroneous payments of corporate franchise tax provided for in this Section shall be paid as to principal and interest as awarded in each recommendation from the Board of Tax Appeals, it being the intent herein that when the provisions of a recommendation conflict with the provisions of this Act, the provisions of the recommendation shall be controlling. Payment shall be made as to each recommendation only after presentation to the state treasurer of documentation required by the state treasurer. Further, all judgments provided for in this Section shall be deemed to have been paid on the effective date of this Act, and interest shall cease to run as of that date.

B. The sum of One Hundred Five Thousand and No/100 (\$105,000) Dollars is hereby appropriated out of the State General Fund (Direct) for Fiscal Year 2019-2020 to be used to pay the consent judgment in the suit entitled "Sharon K. Bledsoe v. Dominique Davis, Allstate Indemnity Company, and Progressive Security Insurance Company in Solido", bearing Number 74,640, Division "B" on the docket of the Twenty-Sixth Judicial District Court, parish of Webster, state of Louisiana.

C. The sum of Two Hundred Thousand and No/100 (\$200,000) Dollars is hereby appropriated out of the State General Fund (Direct) for Fiscal Year 2019-2020 to be used to pay the consent judgment in the suit entitled "Vickie Ormand, OBO, the Minor Child Joshua J. Ormand and Jessie J. Ormand v. State of Louisiana through the Department of Transportation and Development", bearing Number 20035, Division "B" on the docket of the Twenty-First Judicial District Court, parish of St. Helena, state of Louisiana.

D. The sum of Seventy-Five Thousand and No/100 (\$75,000) Dollars is hereby appropriated out of the State General Fund (Direct) for Fiscal Year 2019-2020 to be used to pay the consent judgment in the suit entitled "Alexander McKenzie v. State of Louisiana, through the Department of Transportation and Development and Kenneth Flagg", bearing Number 2015-3871, Division "L" consolidated with Number 2015-2350, Division "F-7" consolidated with Number 2015-4748, Division "B-12" consolidated with Number 2015-34645, Division "L" consolidated with 2015-4646, Division "F-7" consolidated with 2015-4681, Division "A" on the docket of the Civil District Court for the Parish of Orleans, state of Louisiana.

E. The sum of One Hundred Fifty Thousand and No/100 (\$150,000) Dollars is hereby appropriated out of the State General Fund (Direct) for Fiscal Year 2019-2020 to be used to pay the consent judgment in the suit entitled "Patricia Corbin v. Louisiana Department of Highways, State of Louisiana" bearing Number 05-5275, Section "C5" on the docket of the Fourth Judicial District Court, parish of Ouachita, state of Louisiana.

F. The sum of Three Hundred Twenty-One Thousand Forty-Four and No/100 (\$321,044.00) Dollars is hereby appropriated out of the State General Fund (Direct) for

Fiscal Year 2019-2020 to be used to pay the recommendation provided by the Board of Tax Appeals in "Allied Waste North America, Inc., Petitioner v. Secretary, Department of Revenue and State of Louisiana, Respondent"; Board of Tax Appeals B.T.A. Docket No. 7744.

G. The sum of One Hundred Thirteen Thousand Five Hundred Thirty-Four and 85/100 (\$113,534.85) Dollars is hereby appropriated out of the State General Fund (Direct) for Fiscal Year 2019-2020 to be used to pay the recommendation provided by the Board of Tax Appeals in "Hancock Timberland VII INC. Petitioner v. Department of Revenue and The State of Louisiana Respondent"; Board of Tax Appeals B.T.A. Docket No. 7802.

H. The sum of One Hundred Eighty-Seven Thousand Three Hundred Twenty-Six and 75/100 (\$187,326.75) Dollars is hereby appropriated out of the State General Fund (Direct) for Fiscal Year 2019-2020 to be used to pay the recommendation provided by the Board of Tax Appeals in "Hancock Timberland VII INC. Petitioner v. Department of Revenue and The State of Louisiana Respondent"; Board of Tax Appeals B.T.A. Docket No. 8717.

I. The sum of Two Hundred Sixteen Thousand Seven Hundred Forty and 55/100 (\$216,740.55) Dollars is hereby appropriated out of the State General Fund (Direct) for Fiscal Year 2019-2020 to be used to pay the recommendation provided by the Board of Tax Appeals in "Hancock Timberland VIII INC. Petitioner v. Department of Revenue and The State of Louisiana Respondent"; Board of Tax Appeals B.T.A. Docket No. 7803.

J. The sum of Two Hundred Thirty Four Thousand Three Hundred Sixty-Six and 60/100 (\$234,366.60) Dollars is hereby appropriated out of the State General Fund (Direct) for Fiscal Year 2019-2020 to be used to pay the recommendation provided by the Board of Tax Appeals in "Hancock Timberland VIII INC. Petitioner v. Department of Revenue and The State of Louisiana Respondent"; Board of Tax Appeals B.T.A. Docket No. 8716.

K. The sum of Two Hundred Fifty-Seven Thousand One Hundred Fifty-Four and 30/100 (\$257,154.30) Dollars is hereby appropriated out of the State General Fund (Direct) for Fiscal Year 2019-2020 to be used to pay the recommendation provided by the Board of Tax Appeals in "Hancock Timberland XI INC. Petitioner v. Department of Revenue and The State of Louisiana Respondent"; Board of Tax Appeals B.T.A. Docket No. 7666."

AMENDMENT NO. 38

On page 158, line 33, change "Section 20." to "Section 21."

Respectfully submitted,

Representative Cameron Henry

Senator Eric LaFleur

Representative Franklin Foil

Senator John A. Alario, Jr.

Representative Dustin Miller

Senator Gregory W. Tarver, Sr.