

2018 Regular Session

HOUSE BILL NO. 380

BY REPRESENTATIVE JACKSON

FUNDS/FUNDING: Creates an individual income tax checkoff for the Uninsured Medical Catastrophe Donation and dedicates the monies to the Uninsured Medical Catastrophe Fund

1 AN ACT

2 To enact Subpart T of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana

3 Revised Statutes of 1950, to be comprised of R.S. 39:100.151, and Subpart AAA of

4 Part 1 of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of

5 1950, to be comprised of R.S. 47:120.341, relative to special funds; to establish the

6 Uninsured Medical Catastrophe Fund as a special fund in the state treasury; to

7 provide for deposits into the fund; to provide for administration and uses of the fund;

8 to provide for establishment of a state individual income tax return checkoff for

9 certain donations; to provide for a method for individuals to donate all or a portion

10 of any refund due to them to the Uninsured Medical Catastrophe Fund; to provide

11 for the administration and disbursement of donated monies; to provide for reporting;

12 to require the promulgation of rules and regulations; to provide for applicability; to

13 provide for an effective date; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Subpart T of Part II-A of Chapter 1 of Subtitle I of Title 39 of the

16 Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.151, is hereby enacted

17 to read as follows:

1 SUBPART T. UNINSURED MEDICAL CATASTROPHE FUND

2 §100.151. Uninsured Medical Catastrophe Fund

3 A.(1) The Uninsured Medical Catastrophe Fund, hereinafter referred to in
4 this Section as the "fund", is hereby created within the state treasury as a special fund
5 for the purpose of providing financial assistance for medical treatment and expenses
6 incurred by Louisiana citizens for uninsured medical catastrophes.

7 (2) After compliance with the requirements of Article VII, Section 9(B) of
8 the Constitution of Louisiana, relative to the Bond Security and Redemption Fund,
9 and after a sufficient amount is allocated from that fund to pay all of the obligations
10 secured by the full faith and credit of the state which becomes due and payable
11 within any fiscal year, the treasurer shall pay an amount into the fund equal to the
12 amount collected by the state pursuant to the provisions of R.S. 47:120.341. Monies
13 in the fund shall be invested in the same manner as monies in the general fund.
14 Interest earned on investment of monies in the fund shall be credited to the fund.
15 Unexpended and unencumbered monies in the fund at the end of the fiscal year shall
16 remain in the fund. Monies appropriated from the fund shall be used solely as
17 provided in Subsection B of this Section.

18 B.(1) Monies in the fund shall be appropriated to the Louisiana Department
19 of Health to be used solely for the purposes of providing a source of payment for
20 medical treatment of uninsured medical catastrophes. For purposes of this Section,
21 the term "uninsured medical catastrophe" shall include a life-threatening illness or
22 injury requiring specialized medical treatment, hospitalization, or both.

23 (2) The Louisiana Department of Health shall promulgate rules and
24 regulations as are necessary to implement the provisions of this Section, including
25 rules to further define an uninsured medical catastrophe, to establish procedures for
26 distribution of the monies in the fund to pay for the costs of treating uninsured
27 medical catastrophes, to establish an application process, to establish eligibility
28 criteria for applicants, to establish procedures to prioritize applications, and to

1 establish a process for the allocation of monies from the fund among applicants
2 applying for assistance from the fund.

3 Section 2. Subpart AAA of Part 1 of Chapter 1 of Subtitle II of Title 47 of the
4 Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.341, is hereby enacted
5 to read as follows:

6 SUBPART AAA. UNINSURED MEDICAL CATASTROPHE

7 FUND DONATION

8 §120.341. Income tax checkoff; donation for Uninsured Medical Catastrophe Fund

9 A. Every individual who files an individual income tax return for the current
10 tax year and who is entitled to a refund may designate on his current year return that
11 all or any portion of the total amount of the refund to which he is entitled shall be
12 donated to the Uninsured Medical Catastrophe Fund in lieu of that amount being
13 paid to him as a refund. In this case, the refund shall be reduced by the amount so
14 designated. The designation shall be made at the time of filing the current year tax
15 return and shall be made upon the income tax return form as prescribed by the
16 secretary of the Department of Revenue. Donated monies shall be administered by
17 the secretary and distributed to the Uninsured Medical Catastrophe Fund in
18 accordance with the provisions of R.S. 47:120.37. No donation made under the
19 provisions of this Subpart shall be invalid for want of an authentic act.

20 B. The House Committee on Ways and Means may, at its discretion, request
21 a report from the Louisiana Department of Health relative to its operations. The form
22 and content of the report shall be prescribed by the chairman of the committee, but
23 shall at a minimum contain a detailed explanation of the revenues and expenditures,
24 as well as a description of the organization's activities. The committee may summon
25 any person employed by or associated with the Louisiana Department of Health to
26 provide testimony with respect to the report.

27 Section 3. The provisions of Section 2 of this Act shall be applicable to taxable
28 periods beginning on and after January 1, 2018.

1 Section 4. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

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)]

HB 380 Reengrossed

2018 Regular Session

Jackson

Abstract: Establishes an individual income tax checkoff for the Uninsured Medical Catastrophe Fund donation and dedicates the proceeds from the checkoff into the Uninsured Medical Catastrophe Fund.

Proposed law provides for the establishment of the Uninsured Medical Catastrophe Fund, hereinafter the "fund", as a special fund in the state treasury for the purpose of providing financial assistance for medical treatment and expenses incurred by La. citizens for uninsured medical catastrophes.

Proposed law provides that after compliance with the requirements of the Bond Security and Redemption Fund, the state treasurer shall pay an amount into the fund equal to the amount collected by the state pursuant to the uninsured medical catastrophe fund donation established in proposed law. Monies in the fund shall be invested in the same manner as monies in the general fund, interest earned on investment of monies in the fund shall be credited to the fund, and unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

Proposed law requires monies appropriated from the fund to be used solely by the La. Dept. of Health (LDH) for the purpose of providing a source of payment for medical treatment of uninsured medical catastrophes. Further defines an "uninsured medical catastrophe" as a life-threatening illness or injury requiring specialized medical treatment, hospitalization, or both.

Proposed law requires LDH to promulgate rules as are necessary to implement the provisions of proposed law, including rules to further define an uninsured medical catastrophe, to establish procedures for distribution of the monies in the fund, to establish an application process, to establish eligibility criteria for applicants, to establish procedures to prioritize applications, and to establish a process for the allocation of monies from the fund among applicants.

Proposed law provides for an individual income tax checkoff under which an individual can donate all or a portion of his state income tax refund to the fund in lieu of that amount being paid as a refund.

Proposed law requires donated monies to be administered by the secretary of the Dept. of Revenue and to be quarterly disbursed to LDH.

Proposed law authorizes the House Committee on Ways and Means, to request reports from LDH relative to its operations. The form and content of the report shall be prescribed by the

chairman of the committee, but shall at a minimum contain a detailed explanation of the revenues and expenditures, as well as a description of the department's activities.

Applicable to taxable periods beginning on or after Jan. 1, 2018.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 39:100.151 and R.S. 47:120.341)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill:

1. Make technical changes.
2. Add applicability of proposed law to taxable periods beginning Jan. 1, 2018.
3. Delete reference to deposits into the fund from "any other source".