

HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by House Committee on Appropriations to Reengrossed Senate Bill No. 400 by Senator Hewitt

1 AMENDMENT NO. 1

2 On page 1, at the end of line 3 insert "R.S. 17:3141.16(A), (B)(1), (2), (3), (7), and (8),
3 (C)(1), (D)(1), (2), (5), (8), (9), and (10), (E)(1)(a) and (2), (F), (G)(1), and 3138.4"

4 AMENDMENT NO. 2

5 On page 1, at the beginning of line 4, delete "R.S. 17:3138.4"

6 AMENDMENT NO. 3

7 On page 1, at the end of line 4, change "23:1514(D)(5)" to "23:1170(A), 1172(A),
8 1172.1(C), 1172.2(D), 1178(D), 1291.1(C)(1) and (E), 1310.3(E), 1310.13, and 1514(D)(5),"

9 AMENDMENT NO. 4

10 On page 1, line 12, change "308.5(B)(3) to "308.5(B)(3) and (4)"

11 AMENDMENT NO. 5

12 On page 2, line 5, after "17:3397.11," insert "R.S. 27:392(C)(4),"

13 AMENDMENT NO. 6

14 On page 2, line 15, delete "977.13, and 1816," and insert "and 977.13"

15 AMENDMENT NO. 7

16 On page 2, line 17, after "463.104(D)," and before "and" insert "841.1,"

17 AMENDMENT NO. 8

18 On page 3, line 14, after "cause the" change "dedicated funds" to "special agency accounts"

19 AMENDMENT NO. 9

20 On page 3, line 15, after "purposes" delete the remainder of the line and insert:

21 "of identifying the means of finance in the executive budget. The conversion of
22 certain dedicated funds to special agency accounts shall not change the purpose for
23 which the monies were dedicated unless the use of the monies is specifically
24 amended herein. Unless specifically provided for in the statute establishing the
25 agency account, all funds"

26 AMENDMENT NO. 10

27 On page 3, at the end of line 20, change "adjustment." to "adjustment for the statutory
28 purpose of those revenues."

29 AMENDMENT NO. 11

30 On page 9, delete line 12 and insert the following:

"Section 5. R.S. 17:3141.16(A), (B)(1), (2), (3), (7), and (8), (C)(1), (D)(1), (2), (5), (8), (9), and (10), (E)(1)(a) and (2), (F), and (G)(1) and 3138.4 are hereby amended and reenacted to read as follows:

§3141.16. Proprietary school student protection ~~fund~~ account and program

A. There shall be established in the state treasury as a special permanent ~~fund~~ agency account the Proprietary School Students Protection ~~Fund~~ Account, hereinafter referred to as the "Student Protection ~~Fund~~ Account". Following compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, all monies generated pursuant to the provisions of this Section shall be deposited into the Student Protection ~~Fund~~ Account. ~~Monies~~ Monies in this ~~fund~~ account shall be used solely to make refunds of unearned tuition as provided for by this Chapter. The monies in this ~~fund~~ account shall be invested by the state treasurer in the same manner as for the state general fund and interest earned on the investment of these monies shall be credited to the Student Protection ~~Fund~~ Account. All unexpended and unencumbered monies in this ~~fund~~ account at the end of a fiscal year shall remain in such ~~fund~~ account and be available for expenditure in the next fiscal year. The legislature shall make yearly appropriations from the ~~fund~~ account to the Board of Regents for the purposes of the proprietary school student protection program. Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.

B.(1) All proprietary schools licensed under the provisions of this Chapter prior to September 3, 1989, shall make payments to the Student Protection ~~Fund~~ Account according to the following graduated schedule beginning July 1, 1991, and annually thereafter. For the calculation of the first payment, the assessment period shall be July 1, 1990 to June 30, 1991. Subsequent payments shall be calculated upon annual assessment period beginning July first of each year.

(2) Except for the initial payment, all proprietary schools licensed subsequent to September 3, 1989, shall make payments to the Student Protection ~~Fund~~ Account according to the following graduated schedule beginning one year after licensure by the board and annually thereafter. The first payment to the Student Protection ~~Fund~~ Account by such schools shall be one thousand dollars and shall accompany application for licensure. Should the gross tuition collected by such a school during the first assessment period after licensure require an adjustment, such adjustment shall be made in accordance with the applicable provisions of this Section.

STUDENT PROTECTION ~~FUND~~ ACCOUNT SCHEDULE

Gross Tuition Collected During Assessment Period	Annual Payment
\$ 1 - 24,999	\$ 200.00
\$ 25,000 - 49,999	\$ 250.00
\$ 50,000 - 99,999	\$ 300.00
\$ 100,000 - 199,999	\$ 400.00
\$ 200,000 - 299,999	\$ 500.00
\$ 300,000 - 399,999	\$ 600.00
\$ 400,000 - 499,999	\$ 700.00
\$ 500,000 - 749,999	\$ 1,000.00
\$ 750,000 - 999,999	\$ 1,250.00
\$ 1,000,000 - 1,499,999	\$ 1,500.00
\$ 1,500,000 - and above	\$ 2,000.00

(3) All payments to the Student Protection ~~Fund~~ Account shall be made to the executive secretary of the Advisory Commission on Proprietary Schools. Except in cases of overpayment, all payments to the Student Protection ~~Fund~~ Account shall be nonrefundable.

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(7) If an audit of tuition revenues conducted by the Board of Regents determines that a school has paid into the Proprietary School Student Protection ~~Fund~~ Account an amount less than was required, the school shall pay said amount required to the executive secretary of the Advisory Commission on Proprietary Schools within thirty days of receipt of written notice from the superintendent or his designee of the amount of the underpayment.

(8) If an audit of tuition revenues conducted by the Board of Regents determines that a school has paid into the Proprietary School Student Protection ~~Fund~~ Account an amount more than was required, subsequent payment or payments by the school shall be appropriately credited by the commissioner of higher education or his designee until such credited payment or payments equal the amount of the overpayment.

C.(1) Forms developed and provided annually by the commissioner of higher education to calculate payments due the Student Protection ~~Fund~~ Account shall be completed by the school and submitted annually to the executive secretary of the Advisory Commission on Proprietary Schools. The school director or persons designated to sign on his behalf shall attest that the information provided is correct and complete.

* * *

D.(1) No payment shall be paid from the ~~fund~~ account until the avails from the surety bond required by R.S. 17:3141.5(D) have been exhausted.

(2) Claims against the ~~fund~~ account shall be considered from currently enrolled students only when there is a lack of availability for that student to transfer for the time remaining in his course of study, at no additional cost, to a similar program within the student's local area, as determined by the Advisory Commission on Proprietary Schools. The receiving school shall in no way be liable for any transferring student's tuition refunds.

* * *

(5) A school shall inform its students in writing of their rights under the provisions governing the Student Protection ~~Fund~~ Account. Application for refund shall be made on forms provided by the commissioner of higher education after determination of cessation of operation of the school.

* * *

(8) If a school's cessation of operation renders eligible a student, governmental agency or other organization, or any person for a refund, reasonable effort must be made to acquire such a refund from such school, surety bond as required by R.S. 17:3141.5(D), or any other school resources, and any refund payments for tuition from any other source made to a student as a result of this cessation of operation shall be deducted from the obligation of the ~~fund~~ account.

(9) A claim shall be made against the ~~fund~~ account only if it arises out of the cessation of operation by an institution on or after September 3, 1989, and after claims are made against the surety bond or other school resources.

(10) In the event of the cessation of operation of any authorized school after July 1, 1999, the Board of Regents shall have the authority to authorize the seizure and sale at public auction of all unsecured assets of the school, with all proceeds to be deposited in the Proprietary School Student Protection ~~Fund~~ Account. Cessation

1 of operation shall mean the cessation of all instructional and business operations
2 directly related to the offering of education and training as authorized under the
3 provisions of this Chapter, with no reasonable prospect of resuming operations.

4 E.(1)(a) Any student enrolled in a proprietary school licensed under the
5 provisions of R.S. 17:3141.4 through 3141.17, who is unable to complete a course
6 or unit of instruction at such school because of cessation of operation of the school
7 and who has paid tuition for such course or unit of instruction, may make application
8 to the commissioner of higher education for a refund of tuition from the Student
9 Protection ~~Fund~~ Account established pursuant to R.S. 17:3141.16 to the extent that
10 such ~~fund~~ account exists or has reached the level necessary to pay outstanding
11 approved claims.

12 * * *

13 (2) Each recipient of a tuition refund made in accordance with the provisions
14 of this Section shall assign all rights to the state of any action against the school or
15 its owner or owners for tuition amounts reimbursed pursuant to this Section. Upon
16 such assignment, the Board of Regents may take appropriate action against the
17 school or its owner or owners in order to reimburse the Student Protection ~~Fund~~
18 Account for any expenses or claims that are paid from the ~~fund~~ account and to
19 reimburse the state for the reasonable and necessary expenses in undertaking such
20 action.

21 F. The Board of Regents shall adopt necessary rules and regulations based
22 on recommendations from the Advisory commission on Proprietary Schools
23 providing for the cessation of payments into the Student Protection ~~Fund~~ Account
24 by schools licensed under the provisions of this Chapter upon the ~~fund~~ account
25 balance reaching a minimum of eight hundred thousand dollars and for the
26 resumption of payments into the ~~fund~~ account whenever the ~~fund~~ account balance
27 is less than seven hundred fifty thousand dollars.

28 G.(1) Notwithstanding the provisions of Subsection A of this Section, there
29 is hereby established a special account within the Proprietary School Students
30 Protection ~~Fund~~ Account to be known as the Proprietary School Student Records
31 and Administration Account, hereinafter referred to as the "Administration
32 Account". Any balance in the Student Protection ~~Fund~~ Account on July 1, 2000, that
33 exceeds eight hundred thousand dollars, as provided in Subsection F of this Section,
34 shall be deposited into the Administration Account. All interest earned on the ~~fund~~
35 account after July 1, 2000, shall be deposited in the Administration Account. All
36 deposits made to the Student Protection ~~Fund~~ Account after July 1, 2000, shall be
37 made in accordance with the provisions of Subsection B of this Section.

38 * * *

39 AMENDMENT NO. 12

40 On page 14, line 28, change "23:1514(D)(5) is" to "23:1170(A), 1172(A), 1172.1(C),
41 1172.2(D), 1178(D), 1291.1(C)(1) and (E), 1310.3(E), 1310.13, and 1514(D)(5) are"

42 AMENDMENT NO. 13

43 On page 14, between lines 28 and 29, insert the following:

44 "§1170. Penalty for failure to secure workers' compensation insurance; assessment
45 and collection

46 A. In addition to any other penalty prescribed by law, any employer who fails
47 to secure compensation required by R.S. 23:1168 shall be liable for a civil penalty,

1 to be assessed by the workers' compensation judge, of not more than two hundred
2 fifty dollars per employee for a first offense, and liable for a civil penalty of not more
3 than five hundred dollars per employee for a second or subsequent offense; however,
4 the maximum civil penalty for a first offense shall not exceed ten thousand dollars
5 for all related series of violations. All civil penalties collected shall be deposited in
6 the Office of Workers' Compensation Administrative ~~Fund~~ Account established in
7 R.S. 23:1291.1(E).

8 * * *

9 §1172. Criminal penalties

10 A. Any employer who willfully fails to provide security for compensation
11 required by R.S. 23:1168 shall be subject to a fine of up to two hundred fifty dollars
12 per day that the employer willfully failed to provide security for compensation or
13 imprisonment with or without hard labor for not more than one year, or both such
14 fine and imprisonment. All fines collected shall be deposited in the Office of
15 Workers' Compensation Administrative ~~Fund~~ Account established in R.S.
16 23:1291.1(E).

17 * * *

18 §1172.1. Willful misrepresentation by employer; aid or abet; criminal penalties; civil
19 immunity

20 * * *

21 C. Whoever violates any provision of this Section shall be imprisoned, with
22 or without hard labor, for not less than one year nor more than ten years, or fined up
23 to two hundred fifty dollars per day that the employer willfully failed to provide
24 security for compensation, or both. All fines collected shall be deposited in the
25 Office of Workers' Compensation Administrative ~~Fund~~ Account established in R.S.
26 23:1291.1(E).

27 * * *

28 §1172.2. Unlawful practices

29 * * *

30 D. Whoever violates any provision of this Section shall be imprisoned, with
31 or without hard labor, for not less than one year nor more than ten years, or fined up
32 to two hundred fifty dollars per day that such person's violation of any provision of
33 this Section resulted in failure to properly provide security for compensation, or
34 both. All fines collected shall be deposited in the Office of Workers' Compensation
35 Administrative ~~Fund~~ Account established in R.S. 23:1291.1(E).

36 * * *

37 §1178. Cost containment meeting; incentive discount

38 * * *

39 D. Any eligible employer who has been given notice of a cost containment
40 meeting, and fails to attend shall be fined an amount ~~equalling~~ equalling two percent
41 of the Louisiana workers' compensation premium for the succeeding policy year.
42 The fine shall be payable to the executive director of the commission and shall be
43 remitted to the state treasurer for deposit in the Office of Workers' Compensation
44 Administrative ~~Fund~~ Account.

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§1291.1. Annual reports; assessment; collection

C.(1) The director of the office of workers' compensation administration shall provide by regulation for the collection of the amounts assessed against each insurer and employer. Collection of funds under the provisions of this Subsection shall be accomplished by the office of workers' compensation administration, the amount collected to be determined by the director. Such amounts shall be paid into the Office of Workers' Compensation Administrative ~~Fund~~ Account within thirty days from the date that notice is served upon such insurer or employer.

E. There is hereby created and established in the state treasury a special ~~fund~~ agency account, which shall be designated as the "Office of Worker's Compensation Administrative ~~Fund~~ Account". The ~~fund~~ account shall be maintained as a separate account in the treasury for the sole purpose of funding the administrative expenses of the office of worker's compensation administration of the Louisiana Workforce Commission as set forth in R.S. 23:1291 et seq. Funds shall be withdrawn therefrom only pursuant to legislative appropriation and shall be subject to budgetary control as provided by law. All remaining and unencumbered balances at the end of any fiscal year shall remain to the credit of the ~~fund~~ account and shall be used solely for the purpose stated in this Section. Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.

§1310.3. Initiation of claims; voluntary mediation; procedure

E. If any party fails to appear at a mediation conference ordered by the judge or requested by the parties after proper notice, the workers' compensation judge upon request of a party may fine the delinquent party an amount not to exceed five hundred dollars, which shall be payable to the Office of Workers' Compensation Administrative ~~Fund~~ Account. In addition, the workers' compensation judge may assess against the party failing to attend costs and reasonable attorney fees incurred by any other party in connection with the conference. The penalties provided for in this Subsection shall be assessed by the workers' compensation judge only after a contradictory hearing which shall be held prior to the hearing on the merits of the dispute.

§1310.13. Expenses of director; penalties imposed by Act; payment into special state treasury fund

All penalties imposed by the Worker's Compensation Act, except those specifically payable to claimants, or as otherwise specifically provided by law, shall be deposited into the Office of Worker's Compensation Administrative ~~Fund~~ Account and used in those amounts appropriated by the legislature as provided for in R.S. 23:1291.1(E).

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

1 AMENDMENT NO. 14

2 On page 30, line 19, after "§100.136." delete the remainder of the line and insert "**Unfunded**
3 **Accrued Liability Fund**"

4 AMENDMENT NO. 15

5 On page 36, delete line 18 and insert "Fund an amount"

6 AMENDMENT NO. 16

7 On page 38, between lines 24 and 25, insert the following:

8 "(4) Once the plan for review of special funds is approved by the Joint
9 Legislative Committee on the Budget, the Dedicated Fund Review Subcommittee of
10 the Joint Legislative Committee on the Budget, hereinafter referred to as "the
11 subcommittee", shall conduct a review of the special funds and dedications specified
12 in each such plan, resulting in a recommendation for each specified fund in the plan.
13 ~~The subcommittee shall meet only on a day in which the Joint Legislative Committee~~
14 ~~on the Budget is scheduled to convene."~~

15 AMENDMENT NO. 17

16 On page 53, between lines 4 and 5, insert the following:

17 "Section 22.A. There is hereby created in the state treasury the Medicaid
18 Account for the Elderly, hereinafter referred to as the "account". The Louisiana
19 Department of Health shall notify the state treasurer when the Centers for Medicare
20 and Medicaid Services have approved the abolishment of the Medicaid Trust Fund
21 for the Elderly, at which time the state treasurer shall transfer any cash balances
22 remaining in the Medicaid Trust Fund for the Elderly to the account. Monies in the
23 account shall be invested by the treasurer in the same manner as monies in the state
24 general fund. Upon all the monies in the account being expended, the account shall
25 expire and be abolished.

26 B. Monies in the account may be appropriated each fiscal year for services
27 of the state Medicaid program:

28 (1) For providing for a wage enhancement for direct care personnel working
29 in Medicaid certified nursing homes in accordance with a plan established by the
30 Louisiana Department of Health and representatives of the nursing facility industry.
31 The plan shall provide for a direct pass-through of the costs of such wage
32 enhancement in a manner to ensure that the nursing home rate is adjusted to reflect
33 the full costs of such wage enhancement.

34 (2) For appropriations solely and exclusively for services of the state
35 Medicaid program that are subject to federal financial participation in matching
36 funds.

37 (3) The re-basing of nursing homes in accordance with the approved state
38 Medicaid plan.

39 (4) The development and funding of a case mix reimbursement system for the
40 Medicaid nursing home program.

41 (5) The reimbursement of any monies deposited into the fund as a result of
42 over payments of federal funds.

1 Section 23.A. There is hereby created in the state treasury the Health
 2 Account, hereinafter referred to as the "account". The Louisiana Department of
 3 Health shall notify the state treasurer when the Centers for Medicare and Medicaid
 4 Services have approved the abolishment of the Health Trust Fund, at which time the
 5 state treasurer shall transfer any cash balances remaining in the Health Trust Fund
 6 to the account. Monies in the account shall be invested by the treasurer in the same
 7 manner as monies in the state general fund. Upon all the monies in the account being
 8 expended, the account shall expire and be abolished.

9 B. Appropriations from the account shall be used and expended under the
 10 supervision of the secretary of the Louisiana Department of Health, hereinafter
 11 referred to as the "department", and shall be restricted to the purposes of enhancing
 12 the provision of appropriate health care to Louisiana's Medicaid and LaCHIP
 13 beneficiaries and the medically indigent by:

14 (1) Directing reimbursement to local providers of primary and preventive
 15 health care for the medically indigent in their communities.

16 (2) Expanding eligibility for uninsured children, parents of children who are
 17 recipients of Medicaid and LaCHIP, and pregnant women, and expanding the
 18 availability of services provided to them.

19 (3) Workforce development initiatives to increase access to primary and
 20 preventive health care services by supporting education and placement of physicians
 21 and other medical professionals in medically underserved areas, including but not
 22 limited to the State Loan Repayment Program, physician salary subsidies, and health
 23 education scholarships.

24 (4) Initiatives to provide primary and preventive health services, including
 25 but not limited to immunizations; maternal and child health; nutritional counseling;
 26 family planning; diagnosis, management, and treatment of HIV/AIDS; diagnosis,
 27 management, and treatment of sexually transmitted diseases; women, infants, and
 28 children (WIC) nutritional services; genetic disease services; and other services as
 29 may be identified by the secretary through rules. Notwithstanding any other
 30 provision of this Chapter to the contrary, primary and preventive health care services
 31 shall not include any functions of the department relating to environmental health
 32 such as sanitarian services, drinking water, commercial body art regulations, sanitary
 33 code mandates, disease surveillance activities, and vital records and statistics.

34 (5) Funding for initiatives which increase the availability of primary care
 35 services, especially to the uninsured citizens of the state, including but not limited
 36 to, providing funding to match federal grants for community health centers, funding
 37 for primary care clinics in rural hospitals, for operation of hospital service district
 38 facilities, or in medically underserved areas which treat the uninsured, and funding
 39 to integrate new and existing systems such as telemedicine and development of
 40 referral systems."

41 AMENDMENT NO. 18

42 On page 53, line 5, change "Section 22" to "Section 24"

43 AMENDMENT NO. 19

44 On page 5, line 5, after "17:354," insert "3129.6,"

45 AMENDMENT NO. 20

46 On page 53, line 7, after "17:3397.11," insert "R.S. 27:392(C)(4),"

1 AMENDMENT NO. 21

2 On page 53, line 16, change "977.13, and 1816," to "and 977.13,"

3 AMENDMENT NO. 22

4 On page 53, line 18, after "463.104(D)," insert "841.1,"

5 AMENDMENT NO. 23

6 On page 53, line 27, change "Section 23." to "Section 25."

7 AMENDMENT NO. 24

8 On page 53, between lines 27 and 28, insert the following:

9 "Section 26. Chapter 54 of Title 46 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 46:2691 and 2692, and R.S. 46:2742(D) are hereby repealed
11 in their entirety.

12 Section 27. R.S. 46:2731 is hereby repealed in its entirety."

13 AMENDMENT NO. 25

14 On page 53, line 28, change "Section 24." to "Section 28."

15 AMENDMENT NO. 26

16 On page 54, line 1, change "14" to "21, 24, and 25"

17 AMENDMENT NO. 27

18 On page 54, line 3, change "Section 25." to "Section 29."

19 AMENDMENT NO. 28

20 On page 54, line 6, change "Section 23" to "Section 25"

21 AMENDMENT NO. 29

22 On page 54, line 7, change "Section 23" to "Section 25"

23 AMENDMENT NO. 30

24 On page 54, line 8, after "2018." and before "Sections" insert the following:

25 "Sections 22, 23, 26, and 27 of this Act shall become effective upon approval of the
26 elimination of the Medicaid Trust Fund for the Elderly by the Centers for Medicare
27 and Medicaid Services."

28 AMENDMENT NO. 31

29 On page 54, line 8, change "12 through 22, and 24" to "12 through 21, 24, and 28"