

2019 Regular Session

HOUSE BILL NO. 343

BY REPRESENTATIVE STEVE CARTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LEGISLATION: Provides for technical corrections to various provisions of Title 17 of the La. Revised Statutes

1 AN ACT

2 To amend and reenact R.S. 17:7(8), 46(G)(2) and (R), 81(X)(2)(b)(i), 221(A)(2), 1519.3(C),
3 1519.6(C) and (E)(1), 1519.14(A), 1976(B), 2048.51(O)(1)(c)(viii), (xi), and (xvii),
4 3046.2(B), 3128(B)(3), 3139.5(B)(2)(d)(i) and (e)(i), 3399.13(1), 3911(B)(4)(b)(iv)
5 and (c)(introductory paragraph), 4011, 4012(6) and (7), 4013(introductory
6 paragraph), (2)(c), (3), (5), and (6), 4015(introductory paragraph), 4017(B), 4020,
7 4022(3), and 4025 and to repeal R.S. 17:8.3, 1519.17.1, 3137(D), 3138.1, 3399.12,
8 and 3399.13(4) and R.S. 36:651(G)(1) and (3) and to provide for technical
9 corrections in various education laws in Title 17 of the Louisiana Revised Statutes
10 of 1950; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 17:7(8), 46(G)(2) and (R), 81(X)(2)(b)(i), 221(A)(2), 1519.3(C),
13 1519.6(C) and (E)(1), 1519.14(A), 1976(B), 2048.51(O)(1)(c)(viii), (xi), and (xvii),
14 3046.2(B), 3128(B)(3), 3139.5(B)(2)(d)(i) and (e)(i), 3399.13(1), 3911(B)(4)(b)(iv) and
15 (c)(introductory paragraph), 4011, 4012(6) and (7), 4013(introductory paragraph), (2)(c), (3),
16 (5), and (6), 4015(introductory paragraph), 4017(B), 4020, 4022(3), and 4025 are hereby
17 amended and reenacted to read as follows:

18 §7. Duties, functions, and responsibilities of board

19 In addition to the authorities granted by R.S. 17:6 and any powers, duties, and
20 responsibilities vested by any other applicable laws, the board shall:

21 * * *

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

1 §81. General powers of local public school boards

2 * * *

3 X.

4 * * *

5 (2)

6 * * *

7 (b) The governing authority of each public school may consult and partner
8 with the following individuals whom the governing authority may authorize to
9 participate in providing the instruction:

10 (i) Emergency medical technicians, paramedics, physicians, nurses,
11 respiratory therapists, police officers, deputy sheriffs, nurse practitioners, athletic
12 trainers, firefighters, and any ~~persons~~ person included in the definition of "health
13 care provider" provided in ~~R.S. 40:1299.4~~ R.S. 40:1231.1, each of whom shall be
14 certified in cardiopulmonary resuscitation and must be currently licensed, certified,
15 or commissioned according to his respective occupation in order to participate in
16 providing such instruction. If it is in accordance with the laws, rules, or regulations
17 governing his profession, if applicable, an instructor may apply the hours spent
18 performing this instruction toward fulfilling professional requirements relative to
19 performing community service.

20 * * *

21 §221. School attendance; compulsory ages; duty of parents; excessive absences;
22 condition for driving privileges

23 A.

24 * * *

25 (2) Whoever violates the provisions of this Subsection ~~or R.S. 17:234~~ shall
26 be fined not more than two hundred and fifty dollars or imprisoned not more than
27 thirty days, or both. The court shall impose a minimum condition of probation which
28 may include that the parent, tutor, or other person having control or charge of the
29 child participate in forty hours of school or community service activities, or a

1 combination of forty hours of school or community service and attendance in
2 parenting classes or family counseling sessions or programs approved by the court
3 having jurisdiction, as applicable, or the suspension of any state-issued recreational
4 license.

5 * * *

6 §1519.3. Louisiana State University Health Sciences Center-New Orleans; health
7 care services division organization

8 * * *

9 C. The board or the division shall not authorize a hospital to reduce health
10 care services provided by any one of the hospitals of the ~~Health Care Services~~
11 ~~Division~~ health care services division in any manner which causes expenditures of
12 any hospital to be reduced on an annualized basis by greater than thirty-five percent
13 of the previous fiscal year actual spending level. If any services are reduced by
14 greater than fifteen percent in any one year, legislative approval ~~must~~ shall be
15 obtained before reducing such services greater than fifteen percent in any year for
16 the next three years. Funding may be provided by any local, regional, state, federal,
17 or private sources to augment existing funding or to restore reduced funding.

18 * * *

19 §1519.6. Funding and budget

20 * * *

21 C. Revenues from the Medicaid program for Medicaid costs included in the
22 operating budget for hospitals operated by the LSU Health Sciences Center-New
23 Orleans and the LSU Health Sciences Center-Shreveport shall not exceed the amount
24 of such revenues which are budgeted and allocated for such purpose in the Medicaid
25 budget until implementation by the Louisiana Department of Health of a common
26 Medicaid payment methodology for all state and nonstate acute care hospitals. To
27 ensure compliance with the Rural Hospital Preservation Act, any Medicaid common
28 payment methodology applicable to a rural hospital as defined in ~~R.S.~~
29 ~~40:1300.143(3)~~ R.S 40:1189.3 shall maximize Medicaid reimbursement as required

1 by ~~R.S. 40:1300.144(A)(2)~~ R.S. 40:1189.4(A)(2). If the amount of such revenues
2 budgeted and allocated for such purpose in the Medicaid budget is revised during a
3 fiscal year, the Louisiana Department of Health shall notify the board of such
4 revision. Upon receipt of the notification, the board shall adjust the operating budget
5 for these hospitals which adjustment shall be in conformity with the revision.

6 * * *

7 E.(1) Notwithstanding any provision of law to the contrary, the LSU Health
8 Sciences Center - ~~Health Care Services Division~~ health care services division, the
9 LSU Health Sciences Center - New Orleans, and the LSU Health Sciences Center -
10 Shreveport are hereby authorized and directed to deposit into the state general fund
11 all receipts of lease payments for the public/private partnership leases of state
12 hospital buildings and equipment net of clinic and hospital lease payments made by
13 the LSU Health Sciences Center - ~~Health Care Services Division~~ health care services
14 division.

15 * * *

16 §1519.14. Southern University Planning Council

17 A. There is hereby established the Southern University Planning Council
18 within the LSU Health Sciences Center New Orleans-~~Health Care Services Division~~
19 health care services division.

20 * * *

21 §1976. Funding; inclusion in the minimum foundation program formula; other
22 appropriated state funds

23 * * *

24 B. ~~THRIVE~~ The Thrive Academy shall be considered a public school for
25 purposes of receiving funding through the minimum foundation program of
26 education, in the same manner as for other public schools as contained in the
27 minimum foundation program budget letter approved by the State Board of

1 Elementary and Secondary Education. The school shall also be eligible to receive
2 such other funding as may be specifically appropriated by the legislature.

3 * * *

4 §2048.51. Louisiana Health Works Commission; creation; membership;
5 compensation; staff and facilities; powers and duties; data collection and
6 reporting

7 * * *

8 O.(1) The Board of Regents, the Health Works Commission, the division of
9 administration, or any contractor working on behalf of these entities shall be
10 authorized to request and receive licensing data, education data, and employment
11 data, including unemployment wage records and other related health workforce data
12 produced by state agencies, including the Louisiana Workforce Commission and the
13 departments of economic development, education, and health and hospitals, obtained
14 pursuant to the administration of this Chapter for any of the expressly stated
15 following purposes:

16 * * *

17 (c) Compiling statistics which will be used to measure and track the supply
18 of licensed health care professionals as evidenced by licenses and renewed licenses
19 granted by the health care professional boards of the state of Louisiana. Those
20 boards affected shall include but not be limited to:

21 * * *

22 (viii) ~~Louisiana~~ Board of Examiners of Nursing Facility Administrators.

23 * * *

24 (xi) Louisiana ~~State Board of Physical Therapy Examiners~~ Board.

25 * * *

26 (xvii) Louisiana Licensed Professional Vocational Rehabilitation Counselors
27 Board of Examiners.

28 * * *

1 §3046.2. Administration; rulemaking authority

2 * * *

3 B. The ~~Louisiana Student Financial Assistance Commission~~ Board of
4 Regents, through the office of student financial assistance, shall administer the
5 program and shall adopt rules necessary to implement the provisions of this Chapter
6 in accordance with the Administrative Procedure Act.

7 * * *

8 §3128. Power to formulate master plan; mission establishment

9 * * *

10 B.

11 * * *

12 (3) Each mission statement devised pursuant to this Section shall include a
13 ~~description of all of the following:~~

14 (a) The intended role and scope of each system and institution, ~~describing~~
15 ~~with some specificity~~ including descriptions of its geographic service area and the
16 student population intended to be served;

17 (b) Its public service contribution;

18 (c) Its academic and research goals, ~~particularly describing~~ including
19 descriptions of programs being emphasized; ~~and.~~

20 (d) Its contribution toward; and proper role in; the collective goals of public
21 ~~higher~~ postsecondary education of diversity, access, and excellence.

22 * * *

23 §3139.5. Tuition autonomy; operational autonomy contingent on audit findings

24 * * *

25 B.

26 * * *

27 (2) The operational autonomies that may be granted pursuant to this
28 Subsection are:

29 * * *

1 (d)(i) Authority to participate in the higher education procurement code as
 2 established by Louisiana State University and Agricultural and Mechanical College
 3 and approved by the division of administration. Each postsecondary ~~educational~~
 4 education management board may adopt the higher education procurement code,
 5 with amendments necessary to insert the name of ~~the~~ each management board into
 6 the procurement code and to implement the code but excluding any substantive
 7 changes, pursuant to rules and regulations adopted in accordance with the
 8 Administrative Procedure Act. Any entity whose budget is appropriated through
 9 Schedule 19-Higher Education or 19E-LSU Health Sciences Center- ~~Health Care~~
 10 ~~Services Division~~ health care services division may use the higher education
 11 procurement code in lieu of the Louisiana Procurement Code as provided in R.S.
 12 39:15.3, 196 through 200, and 1551 through 1755, subject to the prior review and
 13 approval of the Joint Legislative Committee on the Budget. Any changes to the
 14 higher education procurement code after an initial five-year period shall be submitted
 15 to the Joint Legislative Committee on the Budget for approval. However, there shall
 16 be only one higher education procurement code except for nonsubstantive changes
 17 required to implement the code.

18 * * *

19 (e)(i) Exemption from participation in the state's risk management program
 20 established by R.S. 39:1527 et seq. and administered by the office of risk
 21 management, pursuant to a determination by the division of administration that the
 22 institution or management board, as applicable, has the capacity to manage its own
 23 risk and a phased-in plan of implementation as determined by the institution in
 24 collaboration with the attorney general and the division of administration, subject to
 25 the prior review and approval of the Joint Legislative Committee on the Budget.
 26 This exemption shall not include the coverage provided by the state's risk
 27 management program pursuant to R.S. ~~40:1299.39~~ 40:1237.1.

28 * * *

1 §3399.13. Definitions

2 For the purposes of this Part, the following terms shall have the following
3 meanings unless the context clearly indicates otherwise:

4 (1) "Institution" means a public postsecondary education institution ~~as~~
5 ~~defined in R.S. 17:3399.12.~~

6 * * *

7 §3911. Data collection system; establishment

8 * * *

9 B.

10 * * *

11 (4)

12 * * *

13 (b) The data collection system shall also include information on student
14 discipline for each public school by percentage and unduplicated counts of total
15 students with exceptionalities receiving discipline, including:

16 * * *

17 (iv) Out-of-school ~~suspensions~~, expulsions, broken down by categories of
18 ten days or less and more than ten days.

19 * * *

20 (c) The data ~~collect~~ collection system shall also include:

21 * * *

22 §4011. Short title

23 This ~~Chapter~~ Part shall be known and may be cited as the "Student
24 Scholarships for Educational Excellence Act".

25 §4012. Legislative findings

26 The legislature finds and declares that:

27 * * *

28 (6) It is the intent of this ~~Chapter~~ Part to create additional options for all
29 children, including those with special needs or requiring special education services.

1 (7) Any delay in implementation of this ~~Chapter Part~~ would work to the
2 detriment of children.

3 §4013. Definitions

4 As used in this ~~Chapter Part~~, unless otherwise clearly indicated, the following
5 terms mean:

6 * * *

7 (2) "Eligible student" means a student who resides in Louisiana, is a member
8 of a family with a total income that does not exceed two hundred fifty percent of the
9 current federal poverty guidelines as established by the federal office of management
10 and budget, and who meets any one of the following criteria:

11 * * *

12 (c) Received a scholarship pursuant to this ~~Chapter Part~~ in the previous
13 school year.

14 (3) "Participating school" means a nonpublic school that meets program
15 requirements and seeks to enroll scholarship recipients ~~pursuant to this Chapter~~ or
16 a public school that meets program requirements and seeks to enroll scholarship
17 recipients ~~pursuant to this Chapter~~ subject to any court-ordered desegregation plan
18 in effect for the school system in which the public school is located.

19 * * *

20 (5) "Scholarship" means the funds awarded to a parent or other legal
21 guardian on behalf of an eligible student to attend a participating public or nonpublic
22 school ~~pursuant to this Chapter~~.

23 (6) "Scholarship recipient" means an eligible student who is awarded a
24 scholarship ~~pursuant to this Chapter~~.

25 * * *

26 §4015. Program administration

27 In administering the program pursuant to this ~~Chapter Part~~, the department
28 shall:

29 * * *

1 §4017. Payment of scholarships

2 * * *

3 B. Notwithstanding any other provision of this ~~Chapter~~ Part to the contrary,
4 any public or private entity, including any nonprofit organization, may make a
5 directed donation to any participating school for a scholarship recipient.

6 * * *

7 §4020. School participation; application

8 A. Participation in this program by a school is voluntary, and nothing in this
9 ~~Chapter~~ Part shall be construed to authorize any additional regulation of participating
10 schools beyond that specifically authorized by this ~~Chapter~~ Part.

11 B. Any school that wishes to participate in the program and enroll
12 scholarship recipients annually shall notify the department of its intent to participate
13 in the program by February first of the previous school year; ~~except that for the~~
14 ~~2012-2013 school year, a school that seeks to participate in the program shall notify~~
15 ~~the department of its intent to participate not later than June 30, 2012.~~ The notice
16 shall specify the number of seats the school will have available for scholarship
17 recipients at each grade level and the maximum amount of tuition attributable to each
18 available seat, as applicable.

19 * * *

20 §4022. Participating schools; requirements

21 Each participating school shall:

22 * * *

23 (3) Submit to the department an independent financial audit of the school
24 conducted by a certified public accountant who has been approved by the legislative
25 auditor. Such audit shall be accompanied by the auditor's statement that the report
26 is free of material misstatements and fairly presents the participating school's
27 maximum tuition or actual cost of educating a student pursuant to R.S. 17:4016. The
28 audit shall be limited in scope to those records necessary for the department to make
29 scholarship payments to the participating school and shall be submitted to the

1 legislative auditor for review and investigation of any irregularities or audit findings.
 2 The participating school shall account for all scholarship funds separately from other
 3 funds by maintaining funds in a separate account or by using accounting procedures
 4 that allow the legislative auditor to identify the separate funds pursuant to the
 5 authority of this Section. Such accounting shall allow for thorough auditing of the
 6 receipt and expenditure of state scholarship funds allocated through the department.
 7 The participating school shall return to the state any funds that the legislative auditor
 8 determines were expended in a manner inconsistent with state law or program
 9 regulations. The cost of such audit shall be paid by the department from funds
 10 appropriated by the legislature to implement the provisions of this ~~Chapter~~ Part.

11 * * *

12 §4025. Rules; severability

13 A. The State Board of Elementary and Secondary Education shall adopt and
 14 promulgate rules and regulations in accordance with the Administrative Procedure
 15 Act to implement the provisions of this ~~Chapter~~ Part.

16 B. If any provision of this ~~Chapter~~ Part or the application thereof is held
 17 invalid, such invalidity shall not affect other provisions or applications of this
 18 ~~Chapter~~ Part which can be given effect without the invalid provisions or applications,
 19 and to this end the provisions of this ~~Chapter~~ Part are hereby declared severable.

20 C. The severability provision hereof shall be broadly construed so as to give
 21 effect to each and every possible provision or application of this ~~Chapter~~ Part which
 22 is not specifically held invalid, unlawful, or unconstitutional.

23 Section 2. R.S. 17:8.3, 1519.17.1, 3137(D), 3138.1, 3399.12, and 3399.13(4) and
 24 R.S. 36:651(G)(1) and (3) are hereby repealed in their entirety.

25 Section 3. R.S. 17:1519.2(C)(1) as amended by Acts 2017, No. 97, §1, terminates
 26 on December 31, 2019, in accordance with Acts 2016, No. 537, §2.

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 343 Engrossed

2019 Regular Session

Steve Carter

Proposed law makes technical corrections to various education laws in Title 17 including the repeal of obsolete laws.

(Amends R.S. 17:7(8), 46(G)(2) and (R), 81(X)(2)(b)(i), 221(A)(2), 1519.3(C), 1519.6(C) and (E)(1), 1519.14(A), 1976(B), 2048.51(O)(1)(c)(viii), (xi), and (xvii), 3046.2(B), 3128(B)(3), 3139.5(B)(2)(d)(i) and (e)(i), 3399.13(1), 3911(B)(4)(b)(iv) and (c)(intro. para.), 4011, 4012(6) and (7), 4013(intro. para.), (2)(c), (3), (5), and (6), 4015(intro. para.), 4017(B), 4020, 4022(3), and 4025; Repeals R.S. 17:8.3, 1519.17.1, 3137(D), 3138.1, 3399.12, and 3399.13(4) and R.S. 36:651(G)(1) and (3))