

Regular Session, 2014

HOUSE BILL NO. 889

BY REPRESENTATIVE HOLLIS

HEALTH CARE: Establishes a fund to educate Louisiana citizens on ways to opt out of the Affordable Care Act

1 AN ACT

2 To enact R.S. 36:259(Y) and 802.24 and Part LXXV of Chapter 5 of Title 40 of the  
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.381 through  
4 1300.385, relative to the Louisiana Health Care Independence Fund; to provide for  
5 purposes of the fund; to create and provide for a governance board for the fund; to  
6 provide for transfer of entities to the Department of Health and Hospitals for the  
7 purpose of conferring rulemaking authority; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 36:259(Y) and 802.24 are hereby enacted to read as follows:

10 §259. Transfer of agencies and functions to Department of Health and Hospitals

11 \* \* \*

12 Y. The Louisiana Health Care Independence Fund Board (R.S. 40:1300.384)  
13 is hereby placed within the Department of Health and Hospitals and shall exercise  
14 and perform its powers, duties, functions, and responsibilities in the manner provided  
15 in R.S. 36:802.24.

16 \* \* \*

17 §802.24. Transfer; Louisiana Health Care Independence Fund Board

18 The Louisiana Health Care Independence Fund Board, transferred by the  
19 provisions of R.S. 36:259(Y), is transferred to and placed within the Department of  
20 Health and Hospitals and shall continue to be composed and selected as provided by

1 law, and shall continue to exercise all of the powers, duties, functions, and  
2 responsibilities as provided in Part LXXV of Chapter 5 of Title 40 of the Louisiana  
3 Revised Statutes of 1950.

4 Section 2. Part LXXV of Chapter 5 of Title 40 of the Louisiana Revised Statutes of  
5 1950, comprised of R.S. 40:1300.381 through 1300.385, is hereby enacted to read as  
6 follows:

7 PART LXXV. LOUISIANA HEALTH CARE INDEPENDENCE ACT

8 §1300.381. Short title

9 This Part shall be known and may be cited as the "Louisiana Health Care  
10 Independence Act".

11 §1300.382. Purpose and goals

12 The provisions of this Part establish the Louisiana Health Care Independence  
13 Fund as a special fund within the state treasury to support efforts to educate  
14 Louisiana citizens on ways by which they may opt out of the requirements set forth  
15 in the Patient Protection and Affordable Care Act, comprised of Public Law 111-148  
16 and Public Law 111-152.

17 §1300.383. Louisiana Health Care Independence Fund; creation

18 A. The Louisiana Health Care Independence Fund, hereafter referred to as  
19 the "fund", is hereby created as a special fund in the state treasury. The source of  
20 monies for the fund may include but shall not be limited to any appropriation by the  
21 legislature, including federal funds; any public or private donations, gifts, or grants  
22 from individuals, corporations, nonprofit organizations, or other business entities;  
23 and any other monies which may be provided by law.

24 B. All money received by the fund, except as otherwise provided by Article  
25 VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and  
26 Redemption Fund, shall be deposited immediately upon receipt into the state  
27 treasury.

28 C. The monies in the fund shall be invested by the state treasurer in the same  
29 manner as monies in the state general fund. Interest earned on the investment of

1 monies in the fund shall be credited to the fund following compliance with the  
2 requirements of Article VII, Section 9(B) of the Constitution of Louisiana. All  
3 unexpended and unencumbered monies in the fund at the end of each fiscal year shall  
4 remain in the fund.

5 D. The monies in the fund shall be used solely for the purposes provided in  
6 this Chapter. Monies disbursed from the fund shall not displace, replace, or supplant  
7 funding for any other program of the state.

8 §1300.384. Governing board; authority; duties

9 A. There is hereby established within the Department of Health and  
10 Hospitals the Louisiana Health Care Independence Fund Board, hereafter referred  
11 to as the "board", which shall be composed as provided in Subsection B of this  
12 Section. The secretary of the Department of Health and Hospitals shall take such  
13 actions as are necessary to have the roster of initial board members compiled on or  
14 before September 1, 2014, and to convene the first meeting of the board on or before  
15 November 1, 2014.

16 B. The board shall be composed of seven members as follows:

17 (1) Three members appointed by the governor, at least one of whom shall be  
18 a representative of a nonprofit economic development organization or statewide  
19 association of businesses or industry.

20 (2) Two members appointed by the secretary of the Department of Health  
21 and Hospitals.

22 (3) Two members appointed by the commissioner of insurance.

23 C. Board members shall serve without compensation and shall receive no per  
24 diem.

25 D. A simple majority of the members of a board shall constitute a quorum  
26 for the transaction of business. At its first meeting and annually thereafter with at  
27 least two-thirds of the members present, the board shall elect one of its members as  
28 chairman, one member as vice chairman, and one member as secretary.

1           E. The board shall adopt bylaws to provide for the governance of the board.

2           The bylaws shall include but not be limited to procedures and grounds for the  
3           removal of any board member. Grounds for removal shall include conviction of a  
4           felony and may include failure to meet board attendance rules as provided in the  
5           bylaws.

6           F. Procedures for filling a vacancy created by the removal, resignation, or  
7           death of any board member prior to the end of the board member's term shall follow  
8           those used for initial appointments.

9           §1300.385. Guidelines for programs

10           A. Programs of the Louisiana Health Care Independence Fund shall be  
11           administered in accordance with rules and policies duly promulgated by the board.

12           B. The board shall promulgate rules and regulations governing the use of  
13           monies of the Louisiana Health Care Independence Fund and shall adopt policies for  
14           governance of any program or funding action that it implements prior to initiation  
15           of the program or funding action. The use of all grant funds shall be subject to audit  
16           by the legislative auditor.

17           C. The board shall delineate the programs which it implements and the  
18           functions that each program fulfills.

19           D. Grants and other funding of the Louisiana Health Care Independence  
20           Fund shall be committed only to not-for-profit entities that provide one or more of  
21           the following:

22                   (1) Consumer education and advocacy.

23                   (2) Health policy research.

24                   (3) Citizen education on civil rights and liberties.

25           Section 2. The Louisiana State Law Institute is hereby authorized and requested to  
26           redesignate the number of any Section, Part, or any other segment of statute amended or  
27           enacted by this Act in a manner that comports with the provisions of the Act which  
28           originated as House Bill No. 667 of this 2014 Regular Session of the Legislature.

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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)]

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Hollis

HB No. 889

**Abstract:** Establishes a fund to educate Louisiana citizens on ways to opt out of the Affordable Care Act, also known as "Obamacare".

Proposed law provides for the Louisiana Health Care Independence Act. Provides that the purpose of proposed law is to support efforts to educate La. citizens on ways by which they may opt out of the requirements set forth in the Patient Protection and Affordable Care Act, also known as "Obamacare".

Proposed law creates the Louisiana Health Care Independence Fund, referred to hereafter as the "fund", as a special fund in the state treasury. Provides that the source of monies for the fund may include but shall not be limited to any appropriation by the legislature, including federal funds; any public or private donations, gifts, or grants from individuals, corporations, nonprofit organizations, or other business entities; and any other monies which may be provided by law.

Proposed law establishes a governance board for the fund, referred to hereafter as the "board". Provides that the board shall be composed of seven members as follows:

- (1) Three members appointed by the governor, at least one of whom shall be a representative of a nonprofit economic development organization or statewide association of businesses or industry.
- (2) Two members appointed by the secretary of the Dept. of Health and Hospitals.
- (3) Two members appointed by the commissioner of insurance.

Proposed law requires the board to promulgate rules and regulations governing the use of monies of the fund, and to adopt policies for governance of any program or funding action that it implements prior to initiation of the program or funding action. Provides that the use of all grant funds shall be subject to audit by the legislative auditor.

Proposed law stipulates that grants made and other funding committed pursuant to proposed law shall be disbursed only to not-for-profit entities that provide one or more of the following:

- (1) Consumer education and advocacy.
- (2) Health policy research.
- (3) Citizen education on civil rights and liberties.

(Adds R.S. 36:259(Y) and 802.24 and R.S. 40:1300.381-1300.385)