

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Buffington to Reengrossed House Bill No. 1026 by Representative Fannin

1 AMENDMENT NO. 1

2 On page 1, line 2, after "(C)(4)(b)" insert ", R.S. 46:2691(A) and the introductory paragraph
3 of (B)(1) and 2731(B) and (E)(1),"

4 AMENDMENT NO. 2

5 On page 1, line 11, after "Fund;" insert "to create a trust account in the Health Trust Fund
6 for services provided by home and community based healthcare providers utilized by the
7 developmentally disabled and provide for deposits to the Medicaid Trust Fund for the
8 Elderly from the Deepwater Horizon Economic Damages Collection Fund; to provide for
9 deposits to

10 such account from the Deepwater Horizon Economic Damages Collection Fund"

11 AMENDMENT NO. 3

12 On page 3, delete lines 23 through 26, and insert:

13 B. Within thirty days of each receipt of economic damages proceeds from
14 the DWH litigation, the treasurer shall make the following deposits:

15 (1) Forty-five percent of each such receipt of economic damages proceeds to
16 the Budget Stabilization Fund until that fund reaches the amount statutorily
17 mandated by R.S. 39:94.

18 (2) Forty-five percent of each such receipt of economic damages proceeds
19 to the Medicaid Trust Fund for the Elderly provided for in R.S. 46:2691 until an
20 amount not to exceed seven hundred million dollars has been deposited into such
21 fund.

22 (3) Ten percent of each such receipt of economic damages proceeds to the
23 Health Trust Fund provided for in R.S. 46:2731 until an amount not to exceed thirty
24 million dollars has been deposited into such fund."

25 AMENDMENT NO. 4

26 On page 9, between lines 19 and 20, insert:

27 "Section 12. R.S. 46:2691(A)and the introductory paragraph of (B)(1) and
28 2731(B) and (E)(1) are hereby amended and reenacted to read as follows:

29 §2691. Medicaid Trust Fund for the Elderly

30 A.(1) There is hereby established as a permanent trust fund in the
31 state treasury designated the "Medicaid Trust Fund for the Elderly",
32 hereinafter referred to as the "fund". After allocation of money to the Bond
33 Security and Redemption Fund as provided in Article VII, Section 9(B) of
34 the Constitution of Louisiana, the treasurer shall deposit in and credit to the
35 fund the following sources:

36 (a) ~~at~~ All money that is received from any source, including but not
37 limited to an intergovernmental transfer program provided for in this Chapter
38 and all income on investment of monies in the fund.

39 (b) As provided in R.S. 39:91, a portion of the proceeds of the
40 settlement, judgment, or final disposition of the state's economic damages
41 claims asserted in State of Louisiana v. BP Exploration & Production, et al.,
42 MDL NO. 2179 (E.D.LA. pending) to recover economic damages sustained
43 by the state from the Deepwater Horizon explosion and oil spill that occurred

1 on or about April 20, 2010, at the MC 252 site in the Gulf of Mexico, not to
2 exceed seven hundred million dollars, except when the terms and conditions
3 stipulated in the settlement or judgment require otherwise. Deposits into the
4 fund from such proceeds received by the state associated with the Deepwater
5 Horizon oil spill shall cease when either of the following occurs:

6 (i) An amount not to exceed seven hundred million dollars has been
7 deposited into the fund.

8 (ii) The full amount of the monies available as provided for in this
9 Subparagraph has been deposited into the fund.

10 (2) Monies in the fund shall be invested by the treasurer in the
11 manner hereinafter provided. All unencumbered and unexpended monies in
12 the fund at the end of the fiscal year shall remain in the fund.

13 (3) Monies in the fund may be used as the source of state matching
14 funds for Medicaid funds to make enhanced payments to local government-
15 owned health care facilities.

16 B.(1) ~~The~~ After July 1, 2014, the principal in the fund from proceeds
17 received by the state associated with the Deepwater Horizon oil spill or any
18 other source shall not be subject to ~~appropriation~~, appropriation unless
19 authorized by a joint resolution approved by two-thirds of the elected
20 members of each house of the legislature and except to provide for:

21 * * *
22 §2731. Health Trust Fund
23 * * *

24 B.(1) After allocation of monies to the Bond Security and
25 Redemption Fund as provided in Article VII, Section 9(B) of the Constitution
26 of Louisiana, the treasurer in each fiscal year shall pay into the fund an
27 amount equal to that which is appropriated by the legislature from the
28 sources specified in Subsection C of this Section and all interest income on
29 investment of monies in the fund. Monies in the fund shall be invested by the
30 treasurer in the same manner as monies in the state general fund. All
31 unencumbered and unexpended monies in the fund at the end of the fiscal
32 year shall remain in the fund.

33 (2) Any money transferred or deposited to the Health Trust Fund
34 from the receipt of economic damages proceeds of the Deepwater Horizon
35 Economic Damages Collection Fund provided for in R.S. 39:91 shall be
36 further deposited by the treasurer into a trust account hereby established in
37 the Health Trust Fund and named the Medicaid Disabilities Account.
38 Notwithstanding any other provision of this Section, the money in the
39 Medicaid Disabilities Account shall be used solely to be appropriated for
40 services provided by home and community based healthcare providers
41 utilized by the developmentally disabled.

42 * * *

43 E.(1) Monies in the fund shall not be used to displace, replace, or
44 supplant appropriations from the state general fund for the Medicaid
45 program, or the Children's Health Insurance Program (LaCHIP), or amounts
46 appropriated for services provided by home and community based healthcare
47 providers utilized by the developmentally disabled below the amounts of
48 state general fund appropriations for those programs for the 2001-2002 Fiscal
49 Year.

50 * * *

51 AMENDMENT NO. 5

52 In Senate Committee Amendment No. 26 proposed by the Senate Committee on Finance and
53 adopted by the Senate on May 26, 2014, on page 4, at the end of line 17, change "Section
54 12." to "Section 13." and on line 18 change "12, and 13" to "13, and 14"

55 AMENDMENT NO. 6

- 1 In Senate Committee Amendment No. 27 proposed by the Senate Committee on Finance and
- 2 adopted by the Senate on May 26, 2014, on page 4, at the end of line 20, change "Section
- 3 13." to "Section 14." and on line 21 after "through" change "11" to "12"