

Existing law (R.S. 40:1299.44) establishes the Patient's Compensation Oversight Board and the Patient's Compensation Fund. Existing law provides that all funds collected are self-generated revenues and shall not be a budget unit of the state. Provides that the state recognizes and acknowledges that the fund and any income are not public monies, but are private and shall be held in trust by the board.

Proposed constitutional amendment constitutionally authorizes the legislature to establish the Patient's Compensation Fund as a private custodial fund in which any income from it is not public money, shall not be state property, and shall not be subject to appropriation by the legislature.

Proposed constitutional amendment provides that assets in the fund, including surcharges, reserves, interest earned, and securities, are not state property and are not for deposit in the state treasury.

Proposed constitutional amendment provides that such fund shall be exempt from any protection of any guaranty fund or insolvency fund.

Proposed constitutional amendment provides that such fund may not rely on the full faith and credit of the state for the payment of legal obligations.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 22, 2011.

(Adds Const. Art. XII, §16)