

**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, line 2, after "R.S. 3:2(C)," delete the remainder of the line

3 AMENDMENT NO. 2

4 On page 1, at the beginning of line 4, delete "R.S. 17:3138.4" and insert "R.S.  
5 17:3141.16(A), (B)(1), (2), (3), (7), and (8), (C)(1), (D)(1), (2), (5), (8), (9), and (10),  
6 (E)(1)(a) and (2), (F), and (G)(1), and 3138.4

7 AMENDMENT NO. 3

8 On page 1, at the end of line 4, delete "R.S. 23:1514(D)(5)" and insert "R.S. 23:1170(A),  
9 1172(A), 1172.1(C), 1172.2(D), 1178(D), 1291.1(C)(1) and (E), 1310.3(E), 1310.13, and  
10 1514(D)(5),"

11 AMENDMENT NO. 4

12 On page 1, at the beginning of line 11, after "463.60(F)," and before "463.148(E)," delete  
13 "463.104(C),"

14 AMENDMENT NO. 5

15 On page 1, line 12, after "308.5(B)(3)" and before "R.S. 51:1927.1(A)" delete the comma  
16 "," and insert "and (4),"

17 AMENDMENT NO. 6

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

19 AMENDMENT NO. 7

20 On page 2, at the beginning of line 15, after "977.13," delete the remainder of the line in its  
21 entirety and the beginning of line 16, delete "comprised of R.S. 46:2691 and 2692,"

22 AMENDMENT NO. 8

23 On page 2, at the end of line 16 delete the comma "," and at the beginning line 17, delete  
24 "463.104(D),"

25 AMENDMENT NO. 9

26 On page 3, line 14, after "cause the" and before "to be" change "dedicated funds" to "special  
27 agency accounts"

28 AMENDMENT NO. 10

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

30 "of identifying the means of finance in the executive budget. The conversion of  
31 certain dedicated funds to special agency accounts shall not change the purpose for  
32 which the monies were dedicated unless the use of the monies is specifically

1 amended herein. Unless specifically provided for in the statute establishing the  
 2 agency account, all funds"

3 AMENDMENT NO. 11

4 On page 3, at the end of line 20, after "adjustment" and before the period "." insert "for the  
 5 statutory purpose of those revenues"

6 AMENDMENT NO. 12

7 On page 3, line 21, after "R.S. 3:2(C)" delete the comma "," and delete the remainder of the  
 8 line and insert "is"

9 AMENDMENT NO. 13

10 On page 4, delete lines 5 through 29 in their entirety and on page 5 delete lines 1 through 12  
 11 in their entirety

12 AMENDMENT NO. 14

13 On page 9, delete line 12 in its entirety and insert the following:

14 "Section 5. R.S. 17:3141.16(A), (B)(1), (2), (3), (7), and (8), (C)(1), (D)(1),  
 15 (2), (5), (8), (9), and (10), (E)(1)(a) and (2), (F), and (G)(1) and 3138.4 are hereby  
 16 amended and reenacted to read as follows:

17 §3141.16. Proprietary school student protection ~~fund~~ account and program

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

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

41 (2) Except for the initial payment, all proprietary schools licensed subsequent  
 42 to September 3, 1989, shall make payments to the Student Protection ~~Fund~~ Account  
 43 according to the following graduated schedule beginning one year after licensure by  
 44 the board and annually thereafter. The first payment to the Student Protection ~~Fund~~  
 45 Account by such schools shall be one thousand dollars and shall accompany  
 46 application for licensure. Should the gross tuition collected by such a school during

1 the first assessment period after licensure require an adjustment, such adjustment  
 2 shall be made in accordance with the applicable provisions of this Section.

3 ~~FUND~~ ACCOUNT SCHEDULE

4	Gross Tuition Collected During		Annual Payment
5	Assessment Period		
6	\$ 1	- 24,999	\$ 200.00
7	\$ 25,000	- 49,999	\$ 250.00
8	\$ 50,000	- 99,999	\$ 300.00
9	\$ 100,000	- 199,999	\$ 400.00
10	\$ 200,000	- 299,999	\$ 500.00
11	\$ 300,000	- 399,999	\$ 600.00
12	\$ 400,000	- 499,999	\$ 700.00
13	\$ 500,000	- 749,999	\$ 1,000.00
14	\$ 750,000	- 999,999	\$ 1,250.00
15	\$ 1,000,000	- 1,499,999	\$ 1,500.00
16	\$ 1,500,000	- and above	\$ 2,000.00

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

21 \* \* \*

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

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

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

40 \* \* \*

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

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

49 \* \* \*

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

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

5 \* \* \*

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

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

15 (10) In the event of the cessation of operation of any authorized school after  
 16 July 1, 1999, the Board of Regents shall have the authority to authorize the seizure  
 17 and sale at public auction of all unsecured assets of the school, with all proceeds to  
 18 be deposited in the Proprietary School Student Protection ~~Fund~~ Account. Cessation  
 19 of operation shall mean the cessation of all instructional and business operations  
 20 directly related to the offering of education and training as authorized under the  
 21 provisions of this Chapter, with no reasonable prospect of resuming operations.

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

30 \* \* \*

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

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

46 G.(1) Notwithstanding the provisions of Subsection A of this Section, there  
 47 is hereby established a special account within the Proprietary School Students  
 48 Protection ~~Fund~~ Account to be known as the Proprietary School Student Records  
 49 and Administration Account, hereinafter referred to as the "Administration  
 50 Account". Any balance in the Student Protection ~~Fund~~ Account on July 1, 2000, that

1 exceeds eight hundred thousand dollars, as provided in Subsection F of this Section,  
2 shall be deposited into the Administration Account. All interest earned on the ~~fund~~  
3 **account** after July 1, 2000, shall be deposited in the Administration Account. All  
4 deposits made to the Student Protection **Fund Account** after July 1, 2000, shall be  
5 made in accordance with the provisions of Subsection B of this Section.

6 \* \* \*

7 AMENDMENT NO. 15

8 On page 14, line 28, delete "R.S. 23:1514(D)(5) is" and insert "R.S. 23:1170(A), 1172(A),  
9 1172.1(C), 1172.2(D), 1178(D), 1291.1(C)(1) and (E), 1310.3(E), 1310.13, and 1514(D)(5)  
10 are"

11 AMENDMENT NO. 16

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

13 "§1170. Penalty for failure to secure workers' compensation insurance; assessment  
14 and collection

15 A. In addition to any other penalty prescribed by law, any employer who fails  
16 to secure compensation required by R.S. 23:1168 shall be liable for a civil penalty,  
17 to be assessed by the workers' compensation judge, of not more than two hundred  
18 fifty dollars per employee for a first offense, and liable for a civil penalty of not more  
19 than five hundred dollars per employee for a second or subsequent offense; however,  
20 the maximum civil penalty for a first offense shall not exceed ten thousand dollars  
21 for all related series of violations. All civil penalties collected shall be deposited in  
22 the Office of Workers' Compensation Administrative **Fund Account** established in  
23 R.S. 23:1291.1(E).

24 \* \* \*

25 §1172. Criminal penalties

26 A. Any employer who willfully fails to provide security for compensation  
27 required by R.S. 23:1168 shall be subject to a fine of up to two hundred fifty dollars  
28 per day that the employer willfully failed to provide security for compensation or  
29 imprisonment with or without hard labor for not more than one year, or both such  
30 fine and imprisonment. All fines collected shall be deposited in the Office of  
31 Workers' Compensation Administrative **Fund Account** established in R.S.  
32 23:1291.1(E) .

33 \* \* \*

34 §1172.1. Willful misrepresentation by employer; aid or abet; criminal penalties; civil  
35 immunity

36 \* \* \*

37 C. Whoever violates any provision of this Section shall be imprisoned, with  
38 or without hard labor, for not less than one year nor more than ten years, or fined up  
39 to two hundred fifty dollars per day that the employer willfully failed to provide  
40 security for compensation, or both. All fines collected shall be deposited in the  
41 Office of Workers' Compensation Administrative **Fund Account** established in R.S.  
42 23:1291.1(E).

43 \* \* \*

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1 §1172.2. Unlawful practices

2 \* \* \*

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

9 \* \* \*

10 §1178. Cost containment meeting; incentive discount

11 \* \* \*

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

18 \* \* \*

19 §1291.1. Annual reports; assessment; collection

20 \* \* \*

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

28 \* \* \*

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

41 \* \* \*

42 §1310.3. Initiation of claims; voluntary mediation; procedure

43 \* \* \*

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

11 \* \* \*

12 §1310.13. Expenses of director; penalties imposed by Act; payment into special  
13 state treasury fund

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

19 \* \* \*"

20 AMENDMENT NO. 17

21 On page 30, delete lines 11 through 17 in their entirety and insert the following:

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

26 (3) ~~Ten percent~~ The balance of each such receipt of economic damages  
27 proceeds to the ~~Health Trust Fund provided for in R.S. 46:2731 until an amount not~~  
28 ~~to exceed thirty million dollars has been deposited into such fund~~ state general  
29 fund."

30 AMENDMENT NO. 18

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

33 AMENDMENT NO. 19

34 On page 33, line 22, after "463.60(F)," and before "463.148(E)," delete "463.104(C),"

35 AMENDMENT NO. 20

36 On page 34, delete lines 21 through 29 in their entirety

37 AMENDMENT NO. 21

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

39 AMENDMENT NO. 22

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

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

1           "(4) Once the plan for review of special funds is approved by the Joint  
2       Legislative Committee on the Budget, the Dedicated Fund Review Subcommittee of  
3       the Joint Legislative Committee on the Budget, hereinafter referred to as "the  
4       subcommittee", shall conduct a review of the special funds and dedications specified  
5       in each such plan, resulting in a recommendation for each specified fund in the plan.  
6       ~~The subcommittee shall meet only on a day in which the Joint Legislative Committee~~  
7       ~~on the Budget is scheduled to convene."~~

8       AMENDMENT NO. 23

9       On page 53, line 5, after "R.S. 17:354," insert "3129.6,"

10      AMENDMENT NO. 24

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

12      AMENDMENT NO. 25

13      On page 53, line 16, after "977.13" delete the remainder of the line in its entirety and at the  
14      beginning of line 17, delete "Statutes of 1950, comprised of R.S. 46:2691 and 2692,"

15      AMENDMENT NO. 26

16      On page 53, line 18, after "47:120.39" and before "and 841.2," delete the comma "," and  
17      delete "463.104(D),"