CONFERENCE COMMITTEE REPORT
House Bill No. 353 By Representative Arnold

June 22, 2011

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 353 by Representative Arnold, recommend the following concerning the Engrossed bill:

1. That the set of Senate Committee Amendments proposed by the Senate Committee on Local and Municipal Affairs and adopted by the Senate on June 14, 2011, be rejected.

2. That the amendments proposed by the Legislative Bureau and adopted by the Senate on June 15, 2011, be rejected.

3. That the set of Senate Floor Amendments proposed by Senator Cynthia Willard-Lewis and adopted by the Senate on June 16, 2011, be rejected.

4. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 46:1095(B)(1)" delete the remainder of the line and insert in lieu thereof "and (C) and 1097(A), relative to"

AMENDMENT NO. 2

On page 1, line 5, after "district;" delete the remainder of the line and insert "to provide relative to the powers and duties of the district and each governing board; to provide for effectiveness;"

AMENDMENT NO. 3

On page 1, line 11, after "R.S. 46:1095(B)(1)" delete remainder the remainder of the line and delete line 12 and insert "and (C) and 1097(A) are hereby amended and reenacted to read as follows:"

AMENDMENT NO. 4

On page 1, delete lines 17 through 19 in their entirety and insert in lieu thereof the following:

"(1)(a) Seven members shall be appointed by the chief executive officer of the parish. Each ~~commissioner~~ member shall demonstrate expertise in one or more of the following areas: medical litigation, fundraising and philanthropy, accounting, business development, indigent care, community relations, government relations, women's health, minority health, geriatric medicine, nursing, any other medical field, or consumer advocacy.

(b) Four of the seven members shall be appointed at the discretion of the chief executive officer. Of the other three appointments, one member shall be appointed by the chief executive officer from each of the following lists of nominees:"

AMENDMENT NO. 5

On page 2, at the beginning of line 1, change "(a)" to "(i)"

AMENDMENT NO. 6

On page 2, at the beginning of line 4, change "(b)" to "(ii)'

AMENDMENT NO. 7

On page 2, at the beginning of line 7, change "(c)" to "(iii)"

AMENDMENT NO. 8

On page 2, delete lines 10 through 26 in their entirety and insert in lieu thereof the following:

" * * *

C.(1) Members initially appointed pursuant to Paragraph (B)(1) of this Section shall be appointed to staggered initial terms with two appointments for one year, two appointments for two years, two appointments for three years, and one appointment for four years. At the expiration of their respective terms of office, the successors to such appointees shall be appointed to four-year terms.

(2) The ~~members~~ member serving pursuant to ~~Paragraphs (B)(1) and (2)~~ Paragraph (B)(2) of this Section shall serve at the pleasure of the chief executive officer of the parish.

~~(2)~~ (3) The members serving pursuant to Paragraphs (B)(3) through (7) of this Section shall serve during their terms of office.

~~(3)~~ (4) Any vacancy in the membership of the commission occurring by reason of the expiration of term of office, death, resignation, disqualification, or otherwise shall be filled in the same manner as the original appointment within thirty days of such vacancy. If the appointing authority fails to fill the vacancy within thirty days of such vacancy, the remaining members of the commission shall appoint an interim successor to serve on the commission until the position is filled by the appointing authority. In addition, an appointment to fill a vacancy that occurs prior to the expiration of a term shall be for the remainder of the unexpired term."

AMENDMENT NO. 9

On page 2, between lines 27 and 28, insert the following:

"§1097. Commission; powers, duties, responsibilities, limitations

A. The commission and district shall have all the general powers, duties, functions, and responsibilities of a hospital service district created under Part 1 of this Chapter. Each commission created under this Part may construct or acquire a new general hospital facility in Orleans Parish or renovate an existing general hospital facility in Orleans Parish and provide for the operation of such facility.

* * *

Section 2. The term of office of all appointed members to the Parish Hospital Service District for the parish of Orleans prior to the effective date of this Act shall be terminated on the effective date of this Act and such offices shall be declared vacant. New appointments shall be made in accordance with the provisions of this Act.

Section 3. Notwithstanding Section 2 of this Act, lists of nominees for appointments as provided by R.S. 46:1095(B)(1)(b)(ii) and (iii) shall not be submitted to the chief executive officer before January 1, 2012.

Section 4. Any member appointed to the board of commissioners of the Parish Hospital Service District for the parish of Orleans prior to the effective date of this Act shall not have any claim, right or privilege to a seat on such board."

AMENDMENT NO. 10

On page 2, line 28, change "Section 2." to "Section 5."

Respectfully submitted,

Representative Jeffery "Jeff" J. Arnold	Senator A. G. Crowe
Representative Regina A. Barrow	Senator Edwin R. Murray
Representative Charmaine Marchand Stiaes	Senator Cynthia Willard-Lewis

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)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 353 by Representative Arnold

Keyword and oneliner of the instrument as it left the House

DISTRICTS/HOSPITAL SERVC: Provides relative to the Parish Hospital Service District for the parish of Orleans

Report substantively retains Senate amendments to:

1. Provide that seven of the eight members appointed by the parish chief executive officer shall serve four-year staggered terms rather than at the pleasure of such officer.

2. Provide that an appointment to a vacancy that occurs prior to the expiration of a term shall be filled for the remainder of the unexpired term.

3. Provide that the commission and the district shall have all the general powers, duties, functions, and responsibilities of a hospital service district created under the general provisions of present law.

4. Provide for the termination of terms of all members appointed prior to the effective date of proposed law. Further retains amendments that require that new appointments be made in accordance with proposed law and provides that no member appointed prior to the effective date of proposed law shall have any claim, right, or privilege to a seat on the board.

Report rejects Senate amendments which would have:

1. None.

Report amends the bill to:

1. Make technical changes.

Digest of the bill as proposed by the Conference Committee

Present law (R.S. 46:1094) creates the Parish Hospital Service District for the parish of Orleans. Provides for the district's boundaries to be coterminous with the parish boundaries but divides the parish into two areas, each to be governed by a board of commissioners. The two areas are: (a) Orleans Parish east of the Industrial Canal and (b) all of Orleans Parish except the geographical areas east of the Industrial Canal and the area of Orleans Parish bounded by Earhart Boulevard, Carrollton Avenue, Loyola Avenue, and Iberville Street. Proposed law retains present law.

Present law, relative to the boards of commissioners for each of the two areas, provides that each board is comprised of 13 members. Present law provides that seven members are appointed by the parish chief executive officer and that they shall have expertise in certain areas outlined in present law. Proposed law retains the expertise requirement of present law and requires that three of the seven appointments be made from lists of nominations submitted by the member of the governing authority of New Orleans, the member of the La.

House of Representatives, and the member of the La. Senate whose districts encompasses all or the greater portion of the area in which the district is located. Proposed law otherwise retains present law.

Present law provides that the seven members shall serve four-year staggered terms.

Present law provides that the six other appointments to the commission shall be:

(1) A consumer appointed by the chief executive officer of the parish.

(2) The chancellor of the Louisiana State University-Health Sciences Center School of Medicine or his designee.

(3) The chancellor of the Tulane University School of Medicine or his designee.

(4) The president of the New Orleans Medical Association or his designee.

(5) The president of the Orleans Parish Medical Society or his designee.

(6) The director of the city of New Orleans Department of Health.

Proposed law retains present law.

Present law provides that the consumer member shall serve at the pleasure of the parish chief executive officer and the other five specified ex officio members shall serve during their term of office.

Proposed law retains present law.

Present law provides that vacancies shall be filled in the same manner as the original appointment within 30 days of the vacancy. Provides that if the appointing authority fails to fill a vacancy within 30 days, the remaining members of the commission shall appoint an interim successor to serve on the commission until the position is filled by the appointing authority.

Proposed law retains present law and additionally provides that an appointment to fill a vacancy that occurs prior to the expiration of term shall be filled for the remainder of the unexpired term.

Proposed law provides that the commission and the district shall have all the general powers, duties, functions, and responsibilities of a hospital service district created under the general provisions of present law.

Proposed law provides that the term of office of all appointed members to the district appointed pursuant to present law shall terminate and such seats shall be declared vacant on the effective date of proposed law. Requires that new appointments be made in accordance with proposed law. Provides that no legislator shall submit a list of nominees for appointment to the chief executive officer prior to January 1, 2012. Provides that no member appointed prior to the effective date of proposed law shall have any claim, right, or privilege to a seat on the board.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 46:1095(B)(1) and (C) and 1097(A))