

Regular Session, 2014

SENATE BILL NO. 96

BY SENATOR NEVERS

MEDICAID. Constitutional amendment to direct the Department of Health and Hospitals to offer health insurance with essential health benefits to every legal resident of Louisiana whose income is at or below 138% of the federal poverty level, and to allow the legislature to determine whether to continue the program when federal funding falls below 90% of the total program funding. (2/3-CA13s1(A))

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A JOINT RESOLUTION

Proposing to add Article XII, Section 17 of the Constitution of Louisiana, relative to access to health care; to provide for a state-administered health insurance program providing essential health benefits for certain Louisiana residents; to provide for certain eligibility requirements; to provide for accessing of federal funds; to provide for annual legislative appropriation of certain funds; to provide for terms and conditions; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to add Article XII, Section 17 of the Constitution of Louisiana, to read as follows:

**§17. Access to health care**

**Section 17. Effective January 1, 2015, the Department of Health and Hospitals shall administer a state program which makes available to every legal resident of this state whose income is at or below one hundred thirty-eight percent of the federal poverty level access to health insurance with essential**

1        **health benefits, as provided by federal law. The department shall make all**  
2        **necessary state Medicaid plan amendments or waiver applications to the federal**  
3        **government in order to access all federal funding available for the provision of**  
4        **health care services, including but not limited to funds available through The**  
5        **Patient Protection and Affordable Care Act, Public Law 111-148 and The**  
6        **Health Care and Education Reconciliation Act, Public Law 111-152, or any**  
7        **successors to these Acts. The legislature shall annually appropriate the state**  
8        **and federal revenues necessary to fund this program to provide health**  
9        **insurance for this eligible population, except that, if total funding to operate this**  
10       **state program is comprised of less than ninety percent federal funds, the**  
11       **legislature shall have the authority to decide whether to continue the program.**

12       Section 2. Be it further resolved that this proposed amendment shall be submitted  
13       to the electors of the state of Louisiana at the statewide election to be held on November 4,  
14       2014.

15       Section 3. Be it further resolved that on the official ballot to be used at said election  
16       there shall be printed a proposition, upon which the electors of the state shall be permitted  
17       to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
18       follows:

19                    Do you support an amendment that requires the Department of Health and  
20                    Hospitals beginning January 1, 2015, to administer a state program which  
21                    gives every legal resident of Louisiana whose income is at or below 138%  
22                    of the federal poverty level access to health insurance with essential health  
23                    benefits, as provided by federal law, and to allow the legislature to decide  
24                    whether to continue that program if federal funding for the program falls  
25                    below 90% of the total funding required to run the program?

26                    (Adds Article XII, Section 17)

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter.

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## DIGEST

Nevers (SB 96)

Proposed constitutional amendment directs the Department of Health and Hospitals effective January 1, 2015, to administer a state program which makes available to every legal resident of this state whose income is at or below 138% of the federal poverty level access to health insurance with essential health benefits, as provided by federal law.

Proposed constitutional amendment provides that the department shall make all necessary state Medicaid plan amendments or wavier applications to the federal government in order to access all federal funding available for the provision of health care services, including but not limited to funds available through the Affordable Care Act, or any successor to that Act.

Proposed constitutional amendment provides that the legislature shall annually appropriate the state and federal revenues necessary to fund this program to provide health insurance for this eligible population, except that, if total funding to operate this state program is comprised of less than 90% federal funds, the legislature shall have the authority to decide whether to continue the program.

Provides for submission of the amendment to the voters at the statewide election to be held on November 4, 2014.

(Adds Const. Art. XII, Sec.17)