

The LRHA Policy Corner

May 22, 2006

STATE & LOCAL ACTION:

**Legislative Briefs From The State Legislature*

- Panel backs pollution cleanup bill
 - A House committee forwarded legislation May 16th that would let the state Department of Natural Resources oversee the cleanup of thousands of polluted sites abandoned by the oil and gas industry.
 - On a 9-6 vote, the House Natural Resources Committee recommended Senate Bill 655 to the full House.
 - The panel batted away, at the sponsor's request, three attempts to change its wording.
 - The measure — narrowly approved by the Senate two weeks ago — came out of the House committee without amendments, meaning that if the full House approves the measure without further changes, SB655 would go to Gov. Kathleen Blanco — who has already said she would sign it into law.

- Ethanol bill clears committee
 - A proposed law requiring refiners to produce ethanol-blended gasoline for sale is nearing final passage as the Senate Agriculture Committee backed legislation last week that the House already approved.
 - Despite claims that adding ethanol would increase the price of fuel at the pump by 80 cents, the Senate Agriculture Committee batted aside efforts to change House Bill 685.
 - If approved as is by the full Senate, it would go to the governor, who could sign it into law or veto it.
 - Sen. Ben Nevers, who is handling the House bill in the Senate, said the legislation would entice businesses to build plants that would turn plant matter — such as sugar cane, corn, soybeans — into an additive for gasoline called ethanol.
 - The additive would stretch the supply of gasoline, which is made largely from oil imported from other countries.
 - HB685 would require that once plants in the state produce 50 million gallons of ethanol, then refineries would have to include ethanol in 2 percent of total gasoline sold — but the legislation does not require retailers to sell gasoline blended with ethanol.
 - Louisiana drivers purchase about 2.3 billion gallons of fuel per year. That means about 46 million gallons of ethanol would have to be mixed into the gasoline.

- Panel revises abortion proposal - law would allow exception to ban

- A House panel decided that restricting abortions to cases where the life of the woman is at stake is too strict - so the panel broadened a proposed abortion ban to allow abortions to preserve a woman's health in certain high-risk situations.
 - The House Criminal Justice Committee added the provision to Senate-passed legislation under which all abortions except those to save the life of the mother would be a crime.
 - The committee, without objection, then shipped Senate Bill 33 to the House floor for debate.
 - Under the bill, doctors who perform the abortions would be subject to one to 10 years in prison and fines of \$10,000 to \$100,000 - Women getting abortions would not be punished.
 - The panel settled on language that would allow abortions when there would be "permanent impairment of the function of a life-sustaining organ or organs or to prevent the substantial risk of a pregnant woman."
 - The proposed Louisiana law would not go into effect until a Supreme Court reversal, or if the U.S. Constitution is changed to allow states to stop abortions.
- Anti-discrimination bill defeated on House floor
 - The House defeated a bill that would have banned job discrimination in state agencies, including actions based on sexual orientation.
 - Lawmakers voted 39-55 for House Bill 853 by Rep. Juan LaFonta, D-New Orleans.
 - LaFonta said his bill would have put into law an executive order that was issued by Gov. Kathleen Blanco when she took office two years ago and one that was in place under former Gov. Edwin Edwards - a executive order lasts only as long as the governor who issued it is in office.
 - The bill would have prohibited the state, its departments, offices, commissions and boards from discriminating or harassing on the basis of race, color, religion, sex, sexual orientation, national origin, political affiliation or disabilities.
 - A similar bill by Sen. Ed Murray, D-New Orleans, is pending action on the Senate floor.
- 'Prenatal neglect' bill passed, sent to governor
 - The state could remove a child from his mother's custody after a physician determines that she used illegal drugs while pregnant, under a bill passed by the Senate that goes next to the governor's desk.
 - The "prenatal neglect" measure, House Bill 215, is intended to bring Louisiana in line with federal requirements under anti-child abuse legislation passed in 2003.
 - The state needs to enact the measure to continue receiving certain federal health grants, according to Sen. Willie Mount, D-Lake Charles.
 - Under the bill, a doctor who suspects a woman used marijuana, cocaine, heroin or other illegal drugs during pregnancy would order toxicology tests on the infant.
 - If they're positive, he would be required to report the woman to the state Department of Social Services.
 - If the drug use is continuing and the child is deemed to be in danger, the child could be removed from her custody.
- Legislators approve ban on alcohol machines

- The Senate gave final legislative passage to a bill that would ban the use of machines that let users inhale alcohol for quicker intoxication, called “alcohol without liquid” devices.
- House Bill 122 by Rep. Taylor Townsend, D-Natchitoches, goes next to the governor’s desk.
- Senate backs legalized scalping; Blanco gets bill
 - The Louisiana Senate unanimously moved toward legalized ticket scalping, sending Gov. Kathleen Blanco a measure that would allow the practice on the Internet if the sports team or concert promoter doesn’t object.
 - Current law allows ticketholders to sell their tickets below cost or at face value, but no higher. House Bill 1299 by Rep. Billy Montgomery, D-Haughton, would allow ticketholders to sell them at any price on Web sites set up by Ticketmaster and eBay.
 - The companies say the plan would protect people from the con man selling fake tickets in the parking lot outside football games and concerts - the companies have agreed to guarantee the tickets’ validity.
 - The New Orleans Saints and Hornets, along with the LSU athletic department, have declined to say whether they would allow the scalping of their tickets.

****Healthcare Reform Role Uncertain - LRA OKs Less-Controversial Ideas***

The group charged with advising the governor on hurricane recovery could not come to an agreement May 17th on whether it has a leading part to play in health-care reform.

- The issue before the Louisiana Recovery Authority was a 228-page study that calls for sweeping changes — some more explosive than others — in the way the state cares for the uninsured and underinsured.
 - The study was paid for by the LRA Support Foundation.
- One controversial suggestion is to shift the charity hospital system away from LSU and increase the role of private and community hospitals in caring for poor patients - the study notes that there are few state-run hospitals left in the nation and the LRA decided not to venture into that briar patch.
 - Instead the group approved three of the study’s less controversial suggestions — a move that some members derailed as a piecemeal approach that will get mired in political muck.
 - LRA member Walter Leger admitted that he has only read a dozen pages of the report - other members said they have not gotten around to reading much of it either.
- The recommendations the LRA did endorse were that:
 - Action be taken to restore long-term care beds, including those at nursing homes, in the New Orleans area.
 - The state should distribute allocated funds for mental-health services.
 - The collaboration between the Department of Veterans Affairs and LSU result in a state-of-the-art facility.

- Many individuals believe that it is significant that the LRA moved forward on three recommendations and then revisit the study.
- This was the LRA board's first briefing on the study – which was received two weeks ago.

ON THE FEDERAL FRONT:

**Fact Sheet Directly from the CMS Office of Public Affairs*

Enrollment Activity on May 15th

- Hundreds of thousands of people with Medicare took action on May 15 to enroll in Medicare prescription drug plans before the close of the initial enrollment deadline, which ended at midnight.
 - There was also an unprecedented level of interest and enrollment leading up to the 15th as evidenced by the thousands of local enrollment events, more than 2.2 million calls to 1-800-MEDICARE, historic level of online enrollments and more than 15 million page views on www.medicare.gov.
 - Based on 872,000 enrollments from last week that have already been processed, as well as clear indications of strong enrollment activity in the final days before the deadline, significantly more than a million additional beneficiaries have Medicare drug coverage since our last announcement of more than 37 million beneficiaries with coverage on May 9.
 - As a result, while we are still tabulating final enrollment numbers, more than 38 million people with Medicare -- representing more than 90 percent of all beneficiaries -- now have coverage for prescription drugs.

Enrollment Update

- Overall: Since the last announcement on May 9th, 872,000 new applications have already been processed - this number does not reflect the last-minute enrollment surge that occurred over the last few days.
 - Consequently, with hundreds of thousands of additional enrollments since that time, well over a million more beneficiaries will have coverage once all applications have been fully processed.
 - We do not yet have numbers tabulated to reflect increased activity over the final weekend or online enrollments.
 - Plans are submitting enrollment records ahead of a “payment cutoff” date today, and a second cutoff date next week - in addition, some beneficiaries who called at peak times are receiving return calls over the next several days to complete their enrollment.
- Online Enrollment: Since November 15, 2005, more than 3.7 million people with Medicare have enrolled online - this includes over 500,000 online enrollments since May 7, 2006 that are not yet reflected in overall enrollment counts.

- Online enrollment activity for Monday, May 15th was extraordinary, reaching 143,875 individual enrollments - this is the largest single day online enrollment total since November 15, 2005.
- Over the weekend leading up to May 15th, online enrollment activity reached 57,494 individual enrollments – four to five times greater than any other weekend in 2006.
- The www.Medicare.gov server, which was enhanced to quadruple capacity in anticipation of the May 15th deadline, met the unprecedented level of demand readily.

Call Centers

- Volume of calls to 1-800-MEDICARE and use of the online enrollment center reached record levels on May 15th .
 - This level was 58 percent higher than any other period of operation.
 - More than 640,000 calls were handled on May 15th with an average wait time of 12 ½ minutes.
 - Moreover, the average call times for the week ahead of the May 15th deadline was less than 4 minutes.
 - In anticipation of unprecedented call volume, we staffed 1-800-MEDICARE with over 6,000 customer service representatives and supplemented with hundreds of our own expert staff.
 - In addition, we put in place a back-up program that allowed beneficiaries to leave their name and phone number and receive a call back to enroll without a penalty.

Online Support

- Use of the online enrollment center also reached an all-time high on May 15th, with an average of over 40,000 users accessing the website at any given time - at peak times during the day, over 50,000 active users were accessing the web site without difficulty.
- Due to a quadrupling of server capacity at www.Medicare.gov in anticipation of the initial enrollment deadline, the online enrollment center was able to handle this unprecedented level of traffic smoothly, with service maintained throughout the day.

Partner Activities

- Thousands of enrollment events were sponsored by local grassroots partners over the last weeks of the enrollment period and since November 15th, our grassroots partners – the network of caring – sponsored over 50,000 Medicare events and opportunities for people to get personalized assistance.
 - More than 40,000 volunteers in communities across the country worked over this enrollment period counseling beneficiaries and sponsoring events to help people with Medicare.
 - Thousands of our partners conducted events and stayed open over the weekend, and operated until midnight last night to assist people in making their last minute decision.

- Thanks to the national and local partners Medicare is now a permanent grassroots program, which will now turn its efforts to ensuring full use of the new prescription drug benefit and of the new and important preventive benefits, which are now a part of Medicare.
- CMS is confident that for the first time ever, 90 percent of people with Medicare have some kind of prescription drug coverage.

****President Bush Signs \$70 billion Tax-Cut Bill Into Law***

On Wednesday, May 17th, President Bush signed a \$70 billion tax-cut package that Republicans hope will ingratiate them with voters as they head into midterm elections with worries about holding control of Congress.

- The GOP says the tax cuts, which were first enacted in 2003, have created millions of new jobs and bolstered tax revenue - Democrats overwhelmingly opposed the bill, saying the tax cuts on capital gains and dividends will flow mostly to rich Americans.
- The bill passed the Senate by a 54-44 vote and provides a two-year extension of the reduced 15 percent tax rate for capital gains and dividends, which were set to expire at the close of 2008.
 - It also extends for one year recent changes to the alternative minimum tax to prevent it from hitting more upper middle-income families.
 - The AMT was designed to hit the very wealthy, but it is now common for taxpayers, especially those with families in high-tax states, to pay the AMT on incomes of \$100,000 and more.

****House Appropriations OKs Homeland Security Bill***

House appropriators approved a fiscal 2007 Homeland Security funding bill that would provide \$33.1 billion and give the department authority to draft chemical plant security regulations.

- Last week the full committee adopted an amendment by Martin Olav Sabo, D-Minn., that would allow the Department of Homeland Security to issue regulations requiring security upgrades for the highest-risk chemical plants.
 - The issue has been debated in Congress for years amid heated lobbying battles between industry and environmental groups, but no bill has reached President Bush's desk.
- A terrorist attack on the most vulnerable, unregulated plants "could have the potential to kill tens of thousands of people," said Sabo and "the American people have waited long enough."
- Sabo's victory could prove short lived.
 - Republicans objected to his amendment, but Appropriations Chairman Jerry Lewis, R-Calif., after a split voice vote, ruled that Sabo's amendment had succeeded.
 - No one requested a recorded roll call - still, Rogers' objections suggested that the provision could be removed later.

****Senate Votes English As 'National Language'***

After an emotional debate fraught with symbolism on Thursday, May 18th, the Senate voted to make English the "national language" of the United States, declaring that no one has a right to federal communications or services in a language other than English except for those already guaranteed by law.

- The measure, approved 63 to 34, directs the government to "preserve and enhance" the role of English, without altering current laws that require some government documents and services be provided in other languages.
 - Opponents, however, said it could negate executive orders, regulations, civil service guidances and other multilingual ordinances not officially sanctioned by acts of Congress.
- That vote, considered a defeat for immigration-rights advocates, was followed by an important victory: By 58 to 35, the Senate killed an amendment that would have blocked eventual citizenship for future immigrants who arrive under a temporary work permit.
 - Democrats and Republicans agreed that the amendment would have destroyed the fragile, bipartisan coalition backing the Senate bill.
- The Senate action came hours after President Bush, who visited the border town of Yuma, Ariz., asked Congress to approve a \$1.95 billion budget request to deploy National Guard troops and 1,000 additional enforcement agents to the U.S.-Mexico border - President Bush also endorsed for the first time the construction of 370 miles of southern border fences to cut down on illegal immigration.
- The English language vote continued the conservative turn that a major overhaul of the nation's immigration laws has taken since the Senate began debate last week.
 - The comprehensive legislation would strengthen border security, allow illegal immigrants who have been in the country five years or more to remain and eventually become citizens, and create a guest-worker program.
 - With approval of a triple-layered border fence, the capping of the annual number of guest-worker visas at 200,000 and the English-language amendment, Republicans say the bill is tougher than the original version and comes closer to what is needed to satisfy many conservatives.

**The mission of the Louisiana Rural Health Association is to serve as a unified voice for the promotion of rural health care through advocacy, education, and leadership. The information above was provided in part by the National Rural Health Association and gathered from various publicly released documents of news related sources.*