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Legislative UPDATE

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The Louisiana Conference of Catholic Bishops evaluates legislation in light of Gospel values. "The Church's obligation to participate in shaping the moral character of society is a requirement of our faith . . . Because we are people of both faith and reason, it is appropriate and necessary for us to bring this essential truth about human life and dignity to the public square." (Forming Consciences for Faithful Citizenship, USCCB)

OVERVIEW

We have just finished a three-month long legislative session. There were approximately 3,000 bills and resolutions filed, of which roughly one-third were passed into law.

The focus of the second half of the session was on severe budget cuts that fell primarily on healthcare and higher education—necessitated by revenue shortfall from corporate, sales and personal income taxes as a result of the national recession.

The massive oil spill in the Gulf is projected to do heavy damage to the state budget as Gulf Coast resident, tourist and business tax revenues sharply decrease. This will in time lead to a third consecutive year of midyear budget cuts.

Legislative bills are listed under alphabetized subject headings and then sequentially within subject areas. Our position on each bill is also shown.

EDUCATION

HB 1 (Fannin) State Operating Budget (Support)

We avoided cuts in *Required Services* this session. Additionally, there were no cuts to *School Lunch Salary Supplements, Pre-Kindergarten, Textbooks* and *Textbook Administration*. The public school boards did not succeed in getting restored the \$7.2 Million in *Transportation* monies for nonpublic school students. They testified that they will continue to provide the service and will use surplus funds to cover this expense. The *Orleans Parish Scholarship Program* was increased by \$1 Million for the 2011 fiscal year that begins July 1, 2010. (*Signed, Act 11*)

HB 151 (Carmody) Bossier and Caddo School Bus Transportation (Support)

This bill authorizes Bossier and Caddo Parish school boards to transport private school students if they live less than one mile from school. It passed and was also superseded by HB 1376 (Hines) as described below. (*Signed, Act 460*)

HB 216 (Foil) School Choice Program for Disabled Students (Support)

This bill had strong support from us and has been signed into law. Under the plan, students with special needs would receive a voucher—valued at 50% of the amount local public school systems receive from the state for such students—that would be applied to tuition in qualified nonpublic schools. This pilot program will begin with the 2011-12 school year in the state’s six largest civil parishes – Orleans, Jefferson, St. Tammany, East Baton Rouge, Lafayette and Caddo. *(Signed, Act 515)*

HB 303 (Henry) Home-School Student Participation in Interscholastic Athletics (Amended; then Neutral)

Rep. Henry worked with us on an amendment giving the principal of a nonpublic school the final authority on whether a home schooled student will be allowed to participate on that school’s athletic team. *(Signed, Act 691)*

HB 433 (Hardy) Requires BESE to Establish a Uniform Grading Scale in Public Schools (Amended; then Neutral)

This bill easily passed both chambers. Our concern was its impact on our students when competing with public school students for TOPS scholarships. The author agreed to our amendment to add a representative of the BESE Nonpublic School Commission to the 17-member study group. BESE is required by this law to implement the new system beginning with the 2011-12 school year. *(Signed, Act 701)*

HB 490; HB 905 (Harrison) TOPS (Oppose)

The first bill would have established a maximum dollar amount for TOPS. The second one would have required a higher grade point average for TOPS. Both were defeated in House Education.

HB 681 (Hardy) BESE Takeover of LHSAA (Oppose)

This bill was defeated in House Education.

HB 1135 (Greene) Nonpublic Schools’ Start and End Dates (Oppose)

This bill would have created havoc with school calendars. At our request the author decided not to move the bill.

HB 1376 (Hines) School Bus Transportation Guidelines (Support)

This bill authorizes a local school board, in accordance with specified guidelines and limitations, to transport any student who resides one mile or less from the school. The author’s intent is for local public school boards to pick up children who might be subject to sexual abuse by walking the distance to a private school. *(Signed, Act 750)*

HB 1491/HR 204 (Downs) TOPS (Neutral on Bill; Supported Resolution)

HB 1491 is a substitute bill for HB 1399 and deals with TOPS and BESE’s high school core curriculum. Specifically, the bill provides that, beginning with the 2013-14 school year and thereafter, students must have successfully completed at least 19 units of a specified high school core curriculum to be eligible for a TOPS Opportunity, Performance or Honors award. It moved late in the session. *(Signed, Act 758)*

Rep. Downs was sensitive to our concerns about this bill’s impact on private schools students and agreed to author a House study resolution (**HR 204**) to study the matter. The measure passed the last day of the session and was enrolled. The study resolution reads as follows:

...requests the Board of Regents (in consultation with the Louisiana Student Financial Assistance Commission, the state Board of Elementary and Secondary Education and the board's advisory Nonpublic School Commission, the Taylor Foundation, Citizens for Educational Choice, and others as deemed appropriate by the Board of Regents) to study the provisions of enacted HB No. 1491 of the 2010 Regular Session, relative to the high school core curriculum requirements for private school students to be eligible for a Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, or Honors award, and determine if requiring a student to successfully complete at least 19 units of the specified curriculum beginning with the 2013-2014 school year will have a disparate impact on students attending state-approved nonpublic schools.

Provides that the Board of Regents shall make recommendations as to how best to resolve any such disparate impact, if any. Also provides that the Board of Regents shall report in writing on study findings and recommendations to the House Education Committee prior to the start of the 2011 Regular Session.

SB 86 (B. Gautreaux) Caps on TOPS Amounts (Oppose)

This bill was defeated in Senate Education.

SB 192 (Mount) Religious Day Care Licensing Exemption (Support)

This bill restored the religious exemption for those facilities having children onsite for 24 or fewer hours per week. *(Signed, Act 429)*

SB 434 (Chaisson) Constitutional Amendment relative to Deposits into the Millennium Trust and the Louisiana Fund (Oppose)

This bill would have increased the amount of interest dollars going into healthcare, at the expense of education, via the Education Excellence Fund (EEF). The bill was authored by the Senate president and cleared the Senate. It was later defeated in the House Appropriations Committee.

SB 462 (Michot) Use of Education Support Fund Monies (Oppose)

We opposed this constitutional amendment which would have taken monies from the 8g fund during years when the state budget is in deficit. The bill never emerged from Senate Finance Committee.

SB 504/HB 287 (Crowe/Cortez) Child Care Facility Exemptions (Support)

This bill provides a religious exemption from DSS regulations for church-based child care centers. Initially, it was defeated in Senate Health and Welfare. The bill was later amended into HB 287 by Rep. Cortez and passed both chambers. *(Signed, Act 569)*

SB 637 (Michot) Use of Louisiana Education Quality Support Fund Money (Oppose)

This bill is similar to HB 462 above. It would have taken some of our 8g monies in years when state revenues have decreased. This bill never emerged from Senate Finance.

We tracked a total of 78 education bills potentially impacting Catholic schools or students.

FAMILY LIFE

HB 529 (Smith, P.) Sex Education in Public Schools (Oppose)

Such education would include "the importance of effectively using contraceptives and barrier methods to prevent unintended pregnancy and to protect against sexually transmitted infections." The bill failed on the House floor.

HB 738 (LaFonta) Intrafamily Adoption (Oppose)

Like SB 442 discussed below, this bill would have allowed a "second parent" to adopt a child. Truly, this was a homosexual adoption bill, and was defeated in the House Civil Law Committee.

HB 1357 (Baldone) Prohibits Transmission of Certain Indecent Visual Depictions (Support)

This bill creates the crime of "sexting" to deter those under the age of 17 from participating in this behavior, but the bill also provides that such persons would not be classified as sex offenders. We supported this rational and balanced piece of legislation. *(Signed, Act 993)*

SB 129 (Morrell) Authorizes an Unmarried Couple Jointly to Adopt (Oppose)

This bill, aimed at allowing homosexuals to adopt, was joined with SB 442 by Senator Murray while being heard in Senate Judiciary A committee. We actively opposed this legislation and it was defeated.

SB 442 (Murray) Authorizes a "Second Parent" in Intrafamily Adoptions (Oppose)

As mentioned above, this was joined with Senator Morrell's SB 129 and centered on allowing homosexuals to adopt children. It, too, was defeated with our advocacy as well as that of other groups.

We tracked a total of 20 family life bills potentially impacting the institution of the family.

GENERAL

HB 68; HB 1272 substitute(H. Burns) Concealed Weapons in Church (Neutral)

This bill was permissible; if it were mandatory we would have opposed it. Initially, it was defeated in the Senate Judiciary Committee but was amended into **HB 1272** late in the session and passed. It allows entities which own or have authority over a church, synagogue, or mosque to authorize any person holding a valid concealed handgun permit to carry a concealed handgun in these places of worship. The bishops determined at their last board meeting that if the bill became law they would notify their pastors that no concealed weapons would be allowed in Catholic churches. *(Signed, Act 944)*

HB 532; HB 1488 Substitute (Lorusso) Open Records of Nonprofit Corporations (Amended, then Neutral)

Initially, we were against this bill as it would have imposed massive reporting requirements on Catholic Charities' financial officers. The author met with us and other opponents to hear our concerns. He then introduced HB 1488 as a substitute bill which passed. *(Signed, Act 1045)*

LCCB counselor Richard Bordelon advises the following about the bill:

The bill provides that, to the extent that any nonprofit corporation such as an (arch)diocese, incorporated parish or other related, corporate entity receives any state funds of any kind, whether they be grants, loans, awards or direct appropriations to non-governmental entities, then they are subject to audit by the Legislative auditor. At a hearing on the bill, the attorney for the Legislative Auditor testified that, to the extent that the receipt and expenditure of these state funds are recorded separately from other funds on the books of the nonprofit entity, then only the state-fund entries will be audited. However, to the extent state funds are comingled with any other funds, then all of the books of the nonprofit, including all funds, are subject to audit. Thus, any funds received from the state should be segregated on the books of the entity. That being said, note that this was a statement by the attorney for the Legislative Auditor and not part of the legislation. Thus, this practice could change at any time. In view of this, parishes and other related entities of dioceses should consider the receipt of state funds carefully and, if accepted, make sure those funds and expenditures from those funds are handled separately on the books of the parish or entity.

HB 686 (Richmond) Professional Chaplain Licensing Act (Oppose)

We defeated this bill in committee. It was clearly unconstitutional.

HB 1101 (Schroeder) Prohibits Appropriations to Non-governmental Entities Upon a Decrease in State Revenues (Oppose)

This bill would have prohibited committee member amendments for Catholic Charities' programs such as food banks and foster grandparents. This bill never left the House Appropriations Committee.

SB 606 (Martiny) Preservation of Religious Freedom (Amended; then Supported)

The author accepted our amendments and the bill passed both chambers. It raises the legal standard as to when the state may interfere with religious entities. Specifically, it "provides that government shall not substantially burden a person's exercise of religion, even if the burden results from a facially neutral rule or a rule of general applicability, unless it demonstrates that application of the burden to the person is both in furtherance of a

compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest." *(Signed, Act 793)*

SB 612 (Dorsey) Regulations for Receipt of Federal Funds *(Oppose)*

We opposed this bill as it would have overloaded our financial officers with unnecessary paperwork. The author didn't move the bill after hearing our concerns.

These were among 29 general bills we tracked for their possible impact on the Church.

LIFE

HB 528 (Hoffman) "Choose Life" Prestige License Plates *(Support)*

This bill established an annual fee of \$25.00 for the "Choose Life" license plate. Revenue from the fee will be directed to crisis pregnancy centers and the like throughout the state. *(Signed, Act 42)*

HB 1123 (Gallot) Uniform Anatomical Gift Act *(Amended, then Neutral)*

The Louisiana Organ Procurement Association brought forth this measure regarding organ donation and its many specifics. LCCB and others were able to amend the bill in its original form to ensure that there would be a two-physician safeguard—meaning that there must be two physicians present to declare a patient dead for the purpose of organ procurement. *(Signed, Act 937)*

HB 1247 (Hoffman) Prohibits Health Insurance Coverage of Elective Abortions *(Support)*

An elective abortion is defined as an abortion "for any reason other than to preserve the life of the mother when her life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself." This measure was amended in the Senate Health and Welfare Committee, limiting its effectiveness by simply allowing Louisiana to take advantage of the clause within the Patient Protection and Affordable Care Act of 2010 which enables an individual state to opt out of funding abortion through the federal exchange. *(Signed, Act 941)*

HB 1370 (Mills) License Revocation of Outpatient Abortion Facilities *(Support)*

This legislation provides that the secretary of the Department of Health and Hospitals (DHH) may deny, refuse, or revoke an existing license for an outpatient abortion facility if an investigation or survey determines that an applicant or licensee is in violation of the law. DHH may also suspend a license if an investigation determines that there has been a violation of the law that is an immediate threat to the health and safety of a patient or client. Finally, if a license is revoked or not renewed for reasons other than cessation of business or non-operational status, the owner of the facility as well as other interested parties may be prohibited from operating another outpatient abortion clinic in Louisiana. *(Signed, Act 490)*

HB 1485 (Mills) Provides for the LaPOST Program *(Amended; then Supported)*

An end of life measure, HB 1485 addressed the desire to create a medical order through which a patient's choices would be honored during the end stages of that person's life. LaPOST stands for Louisiana Physician Order for Scope of Treatment. Through the collaboration of the proponents of this legislation, along with Archbishop Gregory Aymond, Rev. Jose Lavastida (moral theologian at Notre Dame Seminary), and Richard Bordelon (LCCB counsel), we were able to amend this form so that it conforms to Catholic teaching. We, therefore, supported this legislation as it creates a Catholic alternative to the national POLST (Physician Order for Scope of Treatment) paradigm and thereby honors the dignity of those within their final stages of life. *(Signed, Act 954)*

SB 528 (Broome) Ultrasound Before Abortion Act *(Support)*

This bill ensures that a woman considering abortion is fully informed by being given the option to view an ultrasound, hearing an explanation of what appears on the screen, and receiving a sealed envelope containing a photographic image of the unborn child. *(Signed, Act 888)*

We tracked a total of 23 life bills potentially impacting the sacredness of life.

SOCIAL JUSTICE

HB 76 (Fannin) Provides for the Ancillary Expenses of State Government (Support)

Within this bill were allocations to Catholic Charities Archdiocese of New Orleans: \$40,000 for the *Foster Grandparents* program and \$100,000 to Hope Haven for its *Café Hope* endeavor. *(Signed, Act 41)*

HB 531 (Abramson) Amends the Elements of the Crime of Human Trafficking (Support)

This is a technical bill which clarifies a provision of the law passed last year by changing the offender's legal mindset from "intentionally" to "knowingly." This emphasizes the seriousness of the crime and allows law enforcement to bring to justice those engaged in such criminal behavior. *(Signed, Act 382)*

HB 775 (Simon) GED Program for Incarcerated Offenders (Support)

Highlighting the importance and value of offering a GED program to incarcerated offenders, this piece of legislation would mandate that all correctional facilities – both local and state – offer such a program within its confines. *(Signed, Act 832)*

HB 825 (Abramson) Adds the Crimes of Human Trafficking and Trafficking of Children for Sexual Purposes to the List of Sex Offenses and Crimes of Violence (Support)

As the title implies, HB 825 would add human trafficking and trafficking of children for sexual purposes to the legal designations of crimes of violence and sex offenses. It therefore acknowledges the egregious nature of such crimes and attempts to provide consistent penalties so as to deter one from committing them. *(Signed, Act 387)*.

HB 1205 (Harrison) Creates the Louisiana Taxpayer and Citizen Protection Act of 2010 (Oppose)

Despite its fairly generic title, this was an omnibus anti-immigrant bill. Its provision included such things as an employer verification system, creating the crimes of transporting and harboring undocumented immigrants, as well as placing an undue burden on local and state government/law enforcement. This 17-page measure was defeated with the help of other associations such as Louisiana Association of Business and Industry, National Federation of Independent Business, and Associated Builders and Contractors.

HB 1490 (Connick) Limits Governmental Contracts to Persons Convicted of Felonies (Opposed Amendment; Neutral on Bill)

On the second to last day of the session, Sen. Neil Riser hitchhiked an e-verify bill onto Rep. Connick's HB 1490. E-verify is an incredibly flawed system by which, in principal, an employer is able to verify the immigration status of its employees. We were able to remove this amendment/bill from HB 1490 on the very last day of the session. We were again joined by Louisiana Association of Business and Industry, National Federation of Independent Business, and the Associated Builders and Contractors. *(Signed, Act 864)*

SB 494 (Martiny) Juvenile Life Without Parole (Support)

Sen. Danny Martiny brought this bill upon the request of the bishops, seeking to eliminate the sentencing of juveniles to life without the possibility of parole. It passed the Senate Judiciary B Committee, but failed 10-25 on the Senate floor. The vote was highly influenced, in an unfortunate way, by the favorable outcome of the U.S. Supreme Court decision in *Graham v. Florida*, which was issued the night before the floor vote. *Graham v. Florida* declared the sentencing of youth to life without parole for non-homicide crimes unconstitutional. SB 494 attempted to eliminate the sentencing of juveniles to life without the possibility of parole for any and all crimes.

We tracked a total of 57 social justice bills potentially impacting the common good.