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# Legislative UPDATE

VOLUME 2

2009 REGULAR SESSION

JUNE 26, 2009

## OVERVIEW

We had a successful session in many areas. The human-animal hybrid ban passed and Governor Jindal has signed it into law. A healthcare conscience bill was passed that meets most of our concerns. We were able to expand the scholarship program in New Orleans, pass a bill to provide a permanent exemption for our schools on paying state and local sales taxes when purchasing educational materials, and remove private schools from a bill that would have required us to allow home-schooled students to play on our high school athletic teams.

Unfortunately, the bill seeking to clarify state law regarding birth certificates of children adopted by out-of-state homosexual couples was defeated. Also losing was a constitutional amendment on freedom of religion that we were neutral on due to language problems.

VoterVoice played an important role in influencing the votes on several important bills.

There was a series of running battles throughout the session between the House and Senate on how best to address the \$1.4 Billion revenue shortfall in HB 1, the Appropriations Bill. In the end, healthcare and higher education took deep cuts but they were not as severe as originally proposed by the Administration.

## HIGH PRIORITY ISSUES (IN ALPHABETICAL ORDER)

**FREEDOM OF RELIGION - HB 340 . . .** Rep. Cameron Henry offered this legislative measure which would take the form of a Louisiana constitutional amendment. The bill was brought forward at the request of the Louisiana Family Forum and included some conscience rights protection. It passed both chambers but with slightly different language. It didn't emerge from conference committee.

**HEALTHCARE CONSCIENCE RIGHTS - HB 517 . . .** This bill by Rep. Bernard LeBas began as a broadly drafted measure which would protect the conscience rights of health care professionals, including pharmacists. After amendments in House Civil Law Committee, on the House Floor, in Senate Health and Welfare Committee, and finally on the Senate Floor, the House concurred on the Senate

amendments. This bill will be sent to the Governor for his signature. Conscience rights of healthcare professionals will now be protected in both the private and public sectors and will be limited to the following issues: abortion, dispensation of abortifacient drugs, human embryonic stem cell research, human embryo cloning, euthanasia, and physician-assisted suicide.

**HUMAN ANIMAL HYBRIDS - SB 115 . . .** This measure, prohibiting the creation of human-animal hybrid embryos for the purpose of scientific research, has been signed into law by Governor Jindal as Act 108. This is the first law of its kind within the United States to our knowledge and reaffirms Louisiana as a consistent pro-life state specifically pertaining in this case to embryonic stem cell research. Sen. Danny Martiny did an excellent job handling this bill for the Bishops.

**LAPOST STUDY COMMITTEE - SCR 43 . . .** This study resolution brought forth by Sen. Joe McPherson addresses the issue of Louisiana Physician Order for Scope of Treatment which is an end-of-life issue. LCCB was able to get itself amended into the bill once it was recommitted to House and Governmental Affairs Committee and therefore will serve on this study committee. The resolution was passed by both chambers.

**REQUIRED SERVICES PROGRAM (IN HB1) . . .** Nearly everybody was cut in this extremely difficult budget session. We were NOT cut.

**SCHOLARSHIP MONIES (IN HB1) . . .** The Administration asked for an increase of \$2.2 Million for FY 10 (on top of the \$4 million spent in FY 09). The increase was cut by the House, but restored in conference committee at the end of the session. The Archdiocese will double its seats from 500 to 1,000 in the 2009-10 year.

**MEDIUM PRIORITY ISSUES  
(IN ALPHABETICAL ORDER)**

**BUS TRANSPORTATION TO PRIVATE SCHOOLS IN ORLEANS PARISH - SB 220 . . .** This bill by Sen. J.P. Morrell would have legally permitted the Orleans Parish school board to continue not providing transportation to private school students. They have been breaking the law since Katrina. We strongly opposed the bill and defeated it. In fact, it was never heard in committee. We agreed to work in the future with the bill's proponents, the Administration, the Department of Education, and BESE to solve the Orleans Parish School Board bus transportation start-up problems.

**Child Sex Trafficking - HB 564 . . .** Rep. Neil Abramson brought this bill to create the crime of trafficking of children for sexual purposes. The House overwhelmingly concurred on the Senate amendment. It has been sent to the Governor's desk for his signature.

**DEMONSTRATIONS OUTSIDE SCHOOLS AND HOSPITALS - SB 74 . . .** We spoke with Sen. Ed Murray to inform him that we had concerns with his bill due to its breadth, specifically that it may prohibit such things as sidewalk counseling near abortion clinics. It was never heard in committee.

**FETAL TORTURE AND DISMEMBERMENT - SCR 101 & 102 . . .** Sen. Sharon Broome brought forth two Senate concurrent resolutions addressing abortion from the standpoint of the fetus. SCR 101 memorializes Congress to enact legislation to prohibit fetal torture and dismemberment, while SCR 102 urges President Obama to use the full extent of his executive authority to take all executive action necessary to prohibit these practices. Both of these resolutions passed and have been enrolled.

**FREEDOM OF CHOICE ACT - SCR 5 . . .** This concurrent resolution narrowly passed Senate Judiciary B Committee although not all of the members of the committee were present to vote. It was then returned to the Senate calendar subject to call but never brought up for a vote.

**HOME-SCHOOLED STUDENTS ON HIGH SCHOOL ATHLETIC TEAMS - HB 531 . . .** This bill by Rep. Cameron Henry was aimed at requiring the LHSAA (Louisiana High School Athletic Association) to change its rules to allow home-schooled students to try out for public high school athletic teams. It was amended on the House floor to include private school teams, but we succeeded in having the amendment stripped in the Senate Education Committee. The bill didn't come out of conference committee due to LHSAA opposition.

**PAROLE ELIGIBILITY FOR JUVENILE OFFENDERS - HB 715 . . .** Rep. Walt Leger proposed this measure which would have given 15- to 16-year-old juvenile offenders sentenced to life without parole the possibility of being heard by a parole board at the age of 31. The bill was heard in House Administration of Criminal Justice Committee and failed. We expected it to pass in committee and be debated on the House floor, but four committee members switched their vote at the last minute.

**PLANNED PARENTHOOD DAY - HCR 66 AND SCR 46 . . .** Rep. Karen Carter Peterson authored HCR 66 while Sen. Lydia Jackson brought SCR 46. Both of these concurrent resolutions slipped through the clerk of their respective chambers but eventually were derailed through the efforts of LCCB and other pro-life groups. Given that these resolutions were controversial, the clerk should have assigned them to a committee for a hearing. After they passed, we lobbied to have them assigned to committees in the other chamber for a hearing. These measures were part of a larger attempt to have a fully recognized Planned Parenthood Day on May 13, 2009 which was thwarted. HCR 66 was assigned to Senate Health and Welfare while SCR 46 was assigned to House Health and Welfare. Neither resolution was heard in committee.

**REGISTRAR OF VITAL RECORDS/ADOPTED CHILDREN - HB 60 . . .** Rep. Jonathan Perry brought this instrument on behalf of the Attorney General's office to address a flaw in current law which enabled a federal judge in Louisiana to rule that the names of a New York homosexual couple could be placed on the Louisiana birth certificate of a boy they adopted from Louisiana. (LCCB filed an amicus on this issue at the request of the Attorney General's office in its appeal of this ruling.) This bill clarified that the registrar may issue a birth certificate only for a child born to a Louisiana resident or residents whereby the adoptive parent is a single person or the adoptive parents are a married couple. HB 60 passed the House, and passed the Senate Health and Welfare Committee despite opposition from gay rights advocates. However, the bill returned to the Senate calendar subject to call and stalled on the Senate floor.

**TAX EXEMPTION FOR EDUCATIONAL MATERIALS AND EQUIPMENT - HB 389 . . .** Our schools' tax exemption has been renewed several times over the last 13 years. We were fortunate to have the chair of the House Ways and Means Committee (Rep. Hunter Greene) author our bill which would give us a permanent exemption just as the public schools have. The bill now sits on the Governor's desk. If we don't get his signature this will in effect be a tax increase on our schools of \$2.4 Million, starting July 12, 2009. This is because our current exemption covers both local taxes (\$2.3 Million) and state taxes (\$1.1 Million).

**TAX EXEMPTION ON FOOD SERVED IN SCHOOLS - HB189 . . .** This, too, was our bill--introduced by Rep. Hunter Greene--to provide retroactive tax relief for all institutions (public, private, university, hospital) on the food that has been served in their cafeterias for the last three years. The Louisiana Department of Revenue recently discovered that it had not collected this tax for the last 20 years and that it may

retroactively collect for the past three years. Our schools were sent a letter stating they had to pay up. This measure had wide support and passed easily. It now sits on the Governor's desk.

**TOBACCO TAX - HB 75 . . .** Rep. Karen Carter Peterson's bill would have increased the tax on cigars from 8% of the invoice price to 12%, on smokeless tobacco from 20% of the invoice price to 30%, and on a pack of cigarettes by a total of \$1.00. The revenue generated from these increases would have been used to fill the gap created by the disproportionate cuts to higher education and healthcare in the state's budget. Many individuals and entities including LCCB supported this measure. However, the bill failed in the House Ways and Means Committee.

**LOW PRIORITY ISSUES**  
**(IN ALPHABETICAL ORDER)**

**DRUG TESTING FOR RECIPIENTS OF FEDERAL ASSISTANCE - HB 137 . . .** Rep. John LaBruzzo initiated this bill which would create further "suspicionless" drug testing for all adult recipients of federal assistance. We opposed this measure and it failed in the House Health and Welfare Committee. Rep. LaBruzzo then used another one of his instruments - HB 138 - to resurrect this issue in the form of a substitute bill, HB 897. It passed in House Ways and Means but was then assigned to House Appropriations Committee where it was never heard.

**EQUAL PAY FOR WOMEN - HB 705 . . .** This bill would have ensured that both genders were compensated equally, and that the practice of paying women less within the state of Louisiana would end. Rep. Barbara Norton was able to get this bill out of the House Labor and Industrial Relations Committee despite strong opposition, but the bill failed by a large margin on the House floor.

**EXCESSIVE NOISE PROHIBITION - HB 29 . . .** We successfully amended this bill by Rep. Sam Little in the House such that we were in a neutral position. It was later defeated in the Senate.

**HANDGUNS IN CHURCHES - SB 291 . . .** Under current law uniformed police officers may carry handguns into houses of worship. This bill by Sen. Dale Erdey would have allowed private security officers, after appropriate training, also to be permitted to carry handguns into churches, synagogues and mosques. Liability issues caused the bill not to progress and be turned into a study resolution.

**HOMELESS ASSISTANCE - HB 781 . . .** Rep. Walker Hines brought this measure to directly combat the growing problem of homelessness in Louisiana. It would create the position of director of homeless assistance and prevention within the Department of Social Services whose function would be to develop and implement a ten-year comprehensive strategy for reducing homelessness. The House concurred on Senate amendments and the bill currently awaits the Governor's signature.

**HOPE HAVEN - HB 1 . . .** Rep. Pat Connick amended HB 1 to include a \$10,000 appropriation for Hope Haven, a \$25,000 increase over last year when Rep. Connick included a \$75,000 appropriation.

**LATIN-AMERICAN ADVISORY COUNCIL - HB 521 . . .** Rep. Juan LaFonta proposed this instrument to identify obstacles to the effective delivery of governmental services by service providers at all levels of government to Latin Americans, to propose methods for removing those obstacles, and to submit its proposals to the appropriate governmental entity or entities. The council will be made up of sixteen different entities, one of which will be Catholic Charities within Louisiana. The bill has passed both chambers and is enrolled.

**SAFE HAVEN LAW INSTRUCTION NONPUBLIC SCHOOLS - HCR 45 . . .** This resolution requests that schools instruct students on the safe haven program for newborn infants.

**SCHOOL NUTRITION PROGRAMS (HB 193) . . .** This bill by Rep. Charles Chaney dealt with technical language changes required to bring state law into compliance with the federal government's updated guidelines for the U.S. Department of Agriculture's Child Nutrition Program. We successfully amended the bill to clearly reflect private school participation in the program. The bill passed and has been sent to the governor for his signature.

**SECOND HARVEST FOOD BANK OF GREATER NEW ORLEANS AND ACADIANA - HB 1 . . .** These food banks received \$500,000 in HB 1 representing a 90% decrease from the \$5 million dedicated to them last year.



**FINAL NOTE . . .** We also monitor dozens of public school bills to ensure private schools are not amended into the legislation.



**LCCB WEBSITE: [WWW.LACCB.ORG](http://WWW.LACCB.ORG)**

**LEGISLATURE WEBSITE: [WWW.LEGIS.STATE.LA.US](http://WWW.LEGIS.STATE.LA.US)**

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