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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 difficult two-month "fiscal plus five" legislative session (meaning five non-fiscal "general" bills allowed per legislator). While short, it definitely was intense.

Attempts to cut funding for some of our education programs were defeated. We successfully passed our two education bills – 3-year-olds in nonpublic schools and TOPS 4<sup>th</sup> year Religion counting as a Social Studies class when taught in a secular manner as a "History of Religion" course.

Immigration continued to pose a major challenge for us. The harshest bills were defeated with LCCB taking the lead and other groups contributing. These were Arizona- and Alabama-style bills. While two E-Verify bills were successfully passed, they were weakened through LCCB efforts.

A major focus in the second half of the session was budget cuts that ended up falling primarily on healthcare and somewhat on higher education.

There was a major disagreement between Speaker Tucker and other House conservatives on the one hand, and Governor Jindal on the other, over how best to cut \$1.6 Billion from the budget. The House passed the Geymann rule which limits the amount of one-time monies that can be used for recurring expenses in the annual budget. This dramatically changed the way HB 1 was handled coming out of the House. The Senate leadership worked with the Administration to "discover" several hundred million dollars in a special fund that the House was not aware of. This money was used to then mitigate some of the fiscal pain to universities and healthcare providers.

## EDUCATION

### HB 1 (FANNIN) STATE OPERATING BUDGET (SUPPORT)

This 333-page document is Louisiana's Operating Budget of \$25 Billion for FY 2011-12. We avoided cuts in *Required Services* this session. Additionally, there were no cuts to *school lunch salary supplements, prekindergarten, textbooks, and textbook administration*. Last year's cut of \$7.2 Million in *Transportation* monies for nonpublic school students was not restored in this year's budget. The *Student Scholarships for Educational Excellence Program* in Orleans Parish was increased to \$10 Million in the

original version of the bill. House Appropriations zeroed out the program; the House floor put back \$9.1 Million. Senate Finance increased it to \$10 Million, and then the full Senate reduced it to \$8.9 Million. All participating students will be funded by this final appropriation amount. The soon to be implemented School Choice Program for Students with Disabilities was funded at \$690,000. This is enough money to cover all the students who have applied statewide.

**HB 621 (TALBOT) DONATIONS TO SCHOOL TUITION ORGANIZATIONS (SUPPORT)**

This bill would allow corporations and individuals to dedicate a portion of their state income taxes to a 501(c)3 organization that provides scholarships to students from low income families. It passed out of the House Education Committee, but unfortunately, it fell one vote short of passage on the House floor. The author promised to bring the bill back in 2012.

**HB 373 (GUINN) PREKINDERGARTEN INSTRUCTION PROVISIONS (SUPPORT)**

This bill was brought at our request to end the dual regulation of our schools that have three-year-olds in them. Currently, BESE regulates elementary schools with children ages 4 to 14, while DCFS (Dept. of Children and Family Services) regulates the three-year-olds in that same school. The bill was passed and signed into law. (Act 102)

**HB 589 (CHANEY) HIGH SCHOOL CURRICULUM AWARD TOPS (SUPPORT)**

This was also our bill. It permits the use of fourth year high school Religion as a Social Studies unit for TOPS purposes. The course must be taught from a secular perspective and be called "History of Religion." This bill was needed due to last year's bill by Rep. Downs (Act 758), which added three more credits as a requirement for a TOPS scholarship. Students now have to take 19 credits, versus 16 previously. This change was causing major scheduling problems for our students, as there was no longer enough time in their schedules to take higher level Band, Foreign Languages, or Fine Arts courses. Governor Jindal has signed this bill into law. (Act 203)

**HCR 209 (TUCKER) DIRECTS BESE TO SUBMIT A REPORT RELATIVE TO THE STUDENT SCHOLARSHIPS FOR EDUCATIONAL EXCELLENCE PROGRAM TO THE LEGISLATURE AND THE GOVERNOR PRIOR TO THE 2012 LEGISLATIVE SESSION (SUPPORT)**

This resolution was introduced and passed by both chambers on the last day of the 2011 session. It was the result of our meeting with the Speaker over his concerns about test scores in the program.

**SB 13 (MARIONNEAUX) REMOVAL OF 50% CAP ON TUITION DEDUCTION (SUPPORT)**

We supported this bill which increases the amount of tuition monies that private school parents can deduct from their state income taxes. This bill easily passed and has been signed into law. (Act 121).

**SB 53 (ALARIO) TRUST FUND MONIES FOR TOPS (NEUTRAL)**

Provides that once the balance in the Millennium Trust Fund reaches \$1.38 billion, 100% of the annual Tobacco Settlement proceeds shall be dedicated to the TOPS program. This constitutional amendment helps balance the state budget by capping the interest income that we receive in the Education Excellence Fund (EEF) portion of the Millennium Trust. It places these monies into the General Fund where they are constitutionally dedicated to TOPS funding. We liked the TOPS portion of this bill, but not the capping of the EEF monies. We remained neutral on this legislation.

**HB 406 (NORTON) REQUIREMENTS FOR ASSESSMENT OF STUDENTS (OPPOSE)**

We opposed the inclusion of nonpublic schools in this bill. It never passed out of committee.

## FAMILY LIFE

### **HB 288 (MORENO) AUTHORIZES A “SECOND PARENT” TO ADOPT WITHIN INTRAFAMILY ADOPTIONS (OPPOSE)**

This was heard in House Civil Law and was defeated when a motion to involuntarily defer the measure was made, followed by no objection on the part of the committee. Testifying against the bill were Louisiana Family Forum and LCCB. Our testimony focused on the best interests of the child which included spiritual and moral formation.

### **SB 155 (MARTINY) ACCESS TO ORIGINAL BIRTH CERTIFICATES (OPPOSE)**

This bill sought to allow any individual, upon reaching the age of twenty-four (24) to gain access to their original birth certificate. The proposed law represented a drastic shift in public policy, as it would have eliminated the possibility of closed adoptions, violated promises that were made to birth mothers, and left adoptive parents and families susceptible to having a birth parent unexpectedly reappear before the adoptee. The measure passed through Senate Judiciary C by a vote of 3-2, but was ultimately defeated on the Senate floor 15-21.

## GENERAL

### **HBs 463, HB 473, AND HB 484 (LEGER & ABRAHAMSON) CONSTITUTIONAL AMENDMENT**

#### **CITY OF NEW ORLEANS AD VALOREM TAXES (OPPOSE)**

We strongly opposed these three bills. Mayor Mitch Landrieu advocated for these bills, but they were turned into one House study resolution, HR 86. The Archdiocese of New Orleans and Catholic Charities Archdiocese of New Orleans are listed in the resolution as members of the study group.

## LIFE

### **HB 379 (HARDY) PROVIDES FOR THE FINAL DISPOSITION OF FETAL REMAINS (NEUTRAL)**

This measure was heard in House Health and Welfare and was involuntarily deferred. It would have required that the remains of a fetus of at least eight weeks gestation be cremated or decently interred, or cremated within a reasonable time after death. We spoke with the author about his intent and he truly believed that this would reduce the number of abortions as it would require the woman seeking an abortion to perform one more step—cremation or burial of the unborn child. USSCB counsel provided an analysis of this bill expressing concerns, and we therefore remained neutral on the legislation.

### **HB 636 (HOFFMAN) FORCED ABORTION PREVENTION SIGNS (SUPPORT)**

Labeled as the “Signs for Hope” legislation within the pro-life community, this measure mandates the placement of a sign in all abortion facilities, articulating that a woman cannot be forced or coerced to have an abortion. Furthermore, it updates Woman’s Right to Know laws originating in 1995 by digitizing forms, improving literature, and creating a website dedicated to corresponding information. The section pertaining to a clarification of conscience rights protection was ultimately eliminated as to ensure passage of the bill. The measure did indeed pass and has been signed by Governor Jindal. (*Act 411*)

### **HB 645 (LABRUZZO) PERSONHOOD AMENDMENT (OPPOSE)**

This measure was substituted for HB 587 when first heard in House Health and Welfare. USSCB counsel advised LCCB to remain neutral on the original HB 587 due to issues within the Personhood movement and legal challenges. HB 645 was highly problematic and flawed as it would have repealed major sections of hard fought, beneficial pro-life legislation and endangered Medicaid funding to the state in excess of \$4.9 to \$5 Billion. All traditional pro-life advocates (i.e., LCCB, Louisiana Right to Life, Bioethics Defense Fund, Southern Baptist Convention and Louisiana Family Forum) issued a joint and unified one-page statement highlighting the grave issues this bill created. This education piece was issued to all House Representatives prior to a potential floor

vote. Ultimately, a fiscal note in the amount of \$4.9 to \$5 Billion was attached to the bill (reflecting the zeroing out of Medicaid funding to the state), and it was recommitted to House Appropriations where it was never heard.

## SOCIAL JUSTICE

### **HB 7 (LABRUZZO) FAMILY INDEPENDENCE PROGRAM RANDOM DRUG TESTING (OPPOSE)**

This was Rep. LaBruzzo's third attempt to pass a measure for drug testing public assistance recipients. This year, his legislation would have required that twenty percent of those receiving such benefits be tested. The bill made it through three quarters (3/4) of the legislative process and then failed to pass as it was never heard on the Senate floor.

### **HB 49 (LEGER) AMENDS THE CRIME OF HUMAN TRAFFICKING AND TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES (SUPPORT)**

Prior to the session, Rep. Leger reached out to us asking for our support of this measure. The bill was also part of the Jindal Administration's package of bills. We supported this legislation which would strengthen the laws pertaining to those who perpetrate human trafficking and the particularly offensive trafficking of children for sexual purposes. The bill passed through the Legislature and has been signed by the Governor. (Act 64)

### **HB 59 (HARRISON) CREATES THE LOUISIANA TAXPAYER AND CITIZEN PROTECTION ACT OF 2011 (OPPOSE)**

This is one of two omnibus anti-immigrant bills proposed during the session (the other being HB 411). Within the measure were provisions creating a felon out of any individual who harbors or transports an undocumented immigrant, placing a number of burdens on law enforcement, and preempting federal law. Rep. Harrison voluntarily deferred his bill in House Judiciary after testimony from LCCB, Jesuit Social Research Institute, Puentes, Congress of Day Laborers, and law enforcement. While not testifying, the Louisiana Association of Business and Industry (LABI), the National Federation of Independent Business (NFIB), the Associated Builders and Contractors of Louisiana, and Tulane were also in opposition.

### **HB 115 (ARMES) JUVENILE PAROLE ELIGIBILITY (OPPOSE)**

This bill attempted to bring Louisiana into compliance with the U.S. Supreme Court *Graham V. Florida* decision, which stated that a juvenile could not be sentenced to life without parole for non-homicide crimes. The District Attorneys Association pushed this bill which would have required a juvenile—in the situation mentioned above—to serve at least sixty years prior to being eligible for parole. While in House Administration of Criminal Justice, legislators amended the bill to state that the individual had to serve thirty-five years and meet a host of criteria before being eligible for parole. This was the posture in which the bill passed through committee. The LCCB opposed this legislation due to the fact that the *Graham* decision clearly stated that such individuals would need to be given a "meaningful opportunity for release." Absent any major overhaul of the parole system within Louisiana, parole eligibility does not equate to a meaningful opportunity for release. LCCB, in conjunction with the Juvenile Justice Project, was able to defeat this bill on the House floor. We then successfully supported two mirror study resolutions (HCR 98 by Rep. Honore and SCR 37 by Rep. Martiny) which will institute a study commission to determine what the best and most just approach is to this issue.

### **HB 138 (P. SMITH) ELDERLY INMATE PAROLE CONSIDERATION (SUPPORT)**

This measure would allow for a nonviolent, nonsexual offense inmate to be eligible for parole upon reaching the age of sixty, having served at least ten years of her/his sentence, and meeting an exhaustive list of criteria. Such criteria include having been in good standing twelve months prior to the parole board hearing, having received a GED or some form of job-related training, and being deemed a low risk factor by the warden of the facility in which s/he has been housed. It is estimated that forty inmates would qualify for eligibility at a total cost savings to the state of \$1.1 million. It was one of only a few pieces of legislation focusing on criminal justice reform that passed the Legislature, and was signed by the Governor. (Act 253)

**HB 175 (TALBOT) REQUIRES EMPLOYERS TO USE E-VERIFY (OPPOSE)**

This bill was turned into a substitute bill - HB 646 - during its first hearing before the House Labor & Industrial Relations Committee. The bill seeks to permissively encourage employers to use the E-Verify system to check the immigration status of potential employees. We say "encourage," due to the fact that an incentive exists which is that the employer is indemnified of liability if he has used E-Verify and then subsequently is identified as having hired an undocumented immigrant. Fines are applied for employing an undocumented immigrant and are allocated based on number of offense. The bill passed the Legislature and has been signed by the Governor despite our opposition as well as other business and construction oriented groups. (Act 402)

**HB 342 (EDWARDS) E-VERIFY FOR PUBLIC WORKS CONTRACTS (OPPOSE)**

We opposed this piece of legislation which would require the use of E-Verify on the part of all employers who seek to contract with the state, and was pushed by the AFL-CIO. We were joined in opposition by others such as Jesuit Social Research Institute, Puentes, Congress of Day Laborers, Louisiana Association of Business and Industry (LABI), and Louisiana Associated General Contractors. However, the bill passed the Legislature and was signed by the Governor. (Act 376)

**HB 411 (WOOTON) CREATES THE LOUISIANA CITIZEN PROTECTION ACT (OPPOSE)**

Very similar to Rep. Harrison's HB 59, this was an omnibus anti-immigrant measure. It had many of the same provisions of HB 59 and it was opposed by all of the same groups who joined in opposition to Rep. Harrison's bill. The bill narrowly made it out of House Labor & Industrial Relations Committee by a vote of 5-3, however it was recommitted to House Appropriations due to its large fiscal note of \$11 Million. Rep. Wooton brought his bill before House Appropriations and ultimately moved to voluntarily defer. Interestingly enough, this occurred just three days after the governor of Alabama signed what is regarded as the most repressive and expansive anti-immigrant law in the nation.

**HB 487 (BALDONE) TUITION AT PUBLIC COLLEGES AND UNIVERSITIES FOR NON-U.S. CITIZENS (OPPOSE)**

We opposed this measure which sought to charge non-U.S. citizens out-of-state tuition in addition to 50% more on top of that. In this regard, it would have achieved the opposite of the DREAM Act which failed by five votes on the federal level, and which USCCB strongly advocated in support. Rep. Baldone was met by a lot of opposition in House Education Committee as legislators had been contacted by representatives of public colleges and universities that are their constituents, expressing concern for the creation of this type of public policy. Therefore, Rep. Baldone agreed to voluntarily defer the bill and study the issue further.

**SB 66 (RISER) FEDERAL E-VERIFY FOR PUBLIC WORKS CONTRACTS (OPPOSE)**

This bill and Rep. Edwards' HB 342 were companion bills. However, on the Senate floor Sen. Riser agreed to accept amendments which weakened the bill and alleviated some of the concerns of the Louisiana Associated General Contractors. Once heard in House Transportation, Sen. Riser stripped those agreed upon amendments forcing the bill to go to conference committee upon passing the House floor. The conference committee was assigned but no meeting took place, effectively killing the bill as the session ended.



*We tracked a total of 134 bills: Education (53); Family Life (6); Life (7); General (25); Social Justice (43).*



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