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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

The second half of the session focused on the \$1.2 Billion shortfall in the state budget, the scholarship monies, and the surrogacy bill. A major split in philosophical approach over the budget between the Jindal Administration, the Republican House Fiscal Hawks, and the Democrats led to protracted negotiations in the final week of the session. There was a real possibility of the need for a special session. However, a budget was finally passed in the waning hours of the last day of the session.

EDUCATION

HB 1 [Fannin] - State Operating Budget (Support) . . . We avoided cuts in Required Services, school lunch salary supplements, textbooks, private prekindergarten, and school choice programs for disabled students. The monies for the scholarship program were increased significantly for the coming year. The governor signed this bill into law (ACT 14).

HB 571 [Robideaux] - Tax Rebates / Scholarship Tuition Organizations (Support) . . . As part of the budget battle the *Fiscal Hawks* amended this bill on the House floor to delay for three years the payment of rebates to several programs, including the Scholarship Tuition Organizations. The Senate removed that amendment and the bill passed into law without it.

HB 678 [Fannin] - Supplemental Appropriations (Final Scholarship Payment) (Support) . . . Another piece of the budget battle involved obtaining the \$6 Million owed to private schools as the final payment for the scholarship program for fiscal year 2012-2013. Prior to the recent Louisiana Supreme Court decision these monies had been paid out of the Minimum Foundation Program. This bill was passed into law with our monies intact.

HB 230 [Pope] - Scholarship Eligibility (Oppose) . . . This school boards and teachers union bill would have required that kindergarten students entering the scholarship program come from a public school district that was rated C, D, or F. That is the same criterion that is used for students in grades one through twelve. However, parents of kindergarten children have always had the choice of picking any private school regardless of its public school district rating. This goes back to 2008 in the original New Orleans program. This bill was defeated in House Education Committee.

HB 531 [Havard] and SB 29 [Nevers] - Transportation Cut Off to Private Schools (*Oppose*) . . . These two constitutional amendments (which the Governor cannot veto) would have given the public school boards a way to not provide 18,000 private school students with bus transportation. Our lobbying helped lead to the defeat of both bills in committee.

HB 643 [Miller] - Scholarship Funds (*Oppose*) . . . This Louisiana School Boards Association bill would have cut the monies available to the scholarship program by streaming monies from the MFP to the public school retirement systems. Thus, much less would have been left in the MFP, leading to a \$1,200 cut per student in the scholarship program. The bill was defeated in House Education.

HB 248 [Talbot] - Scholarship Annual Certification (*Oppose*) . . . This bill would have required that our schools get financial information from the parents of scholarship students every year to prove that they still meet the program's annual income limitation (\$55,000 for a family of four). Currently, we have to do this paperwork only once, when the child applies for the scholarship. This would have been a great additional burden on our schools, one that is not covered by Required Services. CEC, the Jindal Administration and the school choice organization lobbyists (Black Alliance for Educational Options, Louisiana Federation for Children) all spoke to the author, a School Choice friend, about our strong opposition. He eventually decided not to have his bill heard in committee.

HB 212 [Brossett] - Digital Mapping (*Support*) . . . This legislation came out of the Newtown, CT massacre reaction at the Capitol. The author accepted our amendments about defining "hazards." Private schools will have to provide school campus blueprints digitally to local emergency responders. Signed by the governor (Act 136).

SB 222 [Walsworth] - Daycare Licensing (*Support*) . . . This is a Jindal Administration bill. The daycare industry felt that the private schools were getting a free pass on healthcare and safety regulations versus what they have to deal with from DCFS, the Fire Marshall, and the Office of Public Health. We got a BESE Non-Public School Council member added to the new committee charged with implementing this law. Signed by the governor (Act 179).

SB 130 [Appel] - Early Childhood Education (*Support*) . . . This is another Jindal Administration bill and is the implementation of Act 3 of the 2012 session. It consolidates the monies and evaluation techniques from eight different state and federal programs into one system. This includes our private prekindergarten program (NSECD – Non Public School Early Childhood Development). We are highly rated so we had nothing to be concerned about. We also got a member from BESE's Non-Public School Council added to this legislation so that our interests were protected. Surprisingly, this unopposed bill ran into opposition related to the budget battle and the fact that the author was a leader in the Scholarship fight last year. Thus, it was never brought to a vote on the House floor.

HB 267 [Hensgens] - LHSAA (*Neutral*) . . . This bill said that public schools cannot be a member of LHSAA due to its recent internal decisions to discriminate against private schools in the new football playoff system. The Louisiana Supreme Court recently ruled on another, but related LHSAA matter, that the Legislature can't regulate LHSAA, as it is a private entity. The author spoke to the House Education Committee on May 1 and said he was not going to have it heard. Hensgens said progress was being made with the leadership of LHSAA.

SB 202 [Nevers] - TOPS Curriculum Revision (*Support*) . . . This Jindal Administration bill was tied into the new Core 4 Curriculum. Students will be encouraged by this legislation to take more Advanced Placement courses. We were successful in amending Biology II and Chemistry II into the list of acceptable courses. Signed by the governor (Act 359).

HB 718 [Hensgens] - School Crisis Management (*Support*) . . . This was a public school bill that a legislator was getting some traction on in terms of also including private schools. Again, this comes out of the reaction to the Newton, CT school massacre. We got both Rep. Hensgens and the other legislator to accept our amendment steering the private school piece to the BESE Non-Public School Council (NPSC). Signed by the governor (Act 50).

HB 314 [James] - Social Media Privacy Protection (Neutral) . . . We had some handbook concerns with this legislation, as private schools were included. It would have precluded us from access to students' online accounts. At our request the author amended private schools out of the bill when it was heard in House Commerce Committee. It later failed in the Senate due to Louisiana Association of Business and Industry opposition.

FAMILY LIFE

SB 162 [Smith, G.] - Surrogacy Contracts (Oppose) . . . Sen. Smith proposed a Louisiana Law Institute-sponsored measure which would legalize gestational surrogacy agreements within Louisiana. This would enable a married couple (the intended parents) to contract with a surrogate for the purpose of having the surrogate carry the genetic child of the intended parents to term. The surrogate would then relinquish the child to the intended parents who would have full rights of the child. This cleared the Legislature relatively easily. Both moral and policy arguments fell on deaf ears since the general sentiment of legislators was to not stand in the way of allowing others the opportunity to have a family. The conference submitted a veto request to Gov. Jindal and was joined in doing so by the Louisiana Family Forum, Bioethics Defense Fund, Hippocratic Resource, The Center for Bioethics and Culture Network, and a national board member of the National Organization for Women. Gov. Jindal has since vetoed this legislation, which the conference expresses its gratitude to the governor for having done so.

GENERAL

The Governor withdrew his plan to replace personal and corporate income taxes with a higher state sales tax. This would have had an impact on our operations in several areas. His plan and the reaction to it led to dozens of tax bills being filed that ended up never being heard in committee. There were no other bills impacting the Church as an Institution that we worked on this legislative session.

PRO-LIFE

HB 278 [Hodges] - Coerced Abortions to be Classified as Child Abuse (Support) . . . Rep. Hodges sought to add coerced abortions to the list of actions which constitute child abuse. This instrument defines coerced abortion as, "the use of force, intimidation, threat of force, threat of deprivation of food and shelter, or the deprivation of food and shelter by a parent or any other person in order to compel a female child to undergo an abortion against her will." Penalties associated with this action would include a temporary restraining order, without bond being issued to the defendant. Signed by the governor (ACT 260).

SB 90 [Mills] - Abortion Physician Requirements (Support) . . . This measure addressed many aspects of the relationship between an individual who is performing an abortion and the one seeking an abortion. Initially, it redefines a physician to mean "a person licensed to practice medicine in the state of Louisiana and completed residency in obstetrics and gynecology." This provision builds on the law passed last year which requires that an individual performing an abortion must be a Louisiana-licensed physician. Additionally, the issue of telemedicine is addressed in that this would require the abortionist and the woman seeking an abortion to be in the same room when a drug or chemical is administered which induces the abortion. Such "remote" practices including having a consultation via Skype followed by the administration of the drug by a non-physician would thus be outlawed. SB 90 passed both legislative bodies and was signed by the governor (ACT 259).

SCR 57 [Martiny] - Planned Parenthood Facility in New Orleans (Support) . . . Sen. Martiny's concurrent resolution focused on the construction of the future Planned Parenthood facility in New Orleans. The Louisiana Legislative Director of Planned Parenthood testified publicly in the Senate Health and Welfare Committee, that Planned Parenthood intends to perform abortions at this facility as soon as it is built.

This resolution operates such that the Louisiana Legislature requests and urges the Department of Health and Hospitals, the Division of Administration, the legislative auditor, and the office of the Inspector General to review and ensure that the practices of Planned Parenthood Gulf Coast are in compliance with all applicable laws. It also asks that any funding requests made by Planned Parenthood Gulf Coast to the state in furtherance of the building and operation of this facility in New Orleans be denied.

A powerful testimony was provided by Mrs. Abby Johnson—former employee of Planned Parenthood and now prolife advocate—before the House Health & Welfare committee. This testimony exposed many of the immoral and unethical practices of Planned Parenthood and both educated and touched those members of the committee. SCR 57 has been enrolled, as has been HR 105 by Rep. Frank Hoffman which accomplishes virtually the same task as this concurrent resolution.

SOCIAL JUSTICE

HB 126 [Hodges] - National Human Trafficking Resource Posting (Support) . . . Sen. Broome passed legislation last year which required that signage be posted at certain facilities which alerted individuals to the National Human Trafficking hotline. This measure seeks to revisit this now current law and changes one of these locations from a "highway truck stop or rest stop" to a "full service fuel facility adjacent to an interstate highway." It also changes where the posting must be inside such facilities to allow for greater visibility and access. Signed by the governor (ACT 430).

HB 152 [Hazel] - Sentencing of Juveniles to Life Without Parole – Making Louisiana *Miller* Compliant (Support) . . . Rep. Hazel managed to reach a compromise with all major stakeholders in attempting to make Louisiana *Miller* compliant. *Miller* is the U.S. Supreme Court case which ruled that it is unconstitutional to sentence a juvenile to life without parole for homicide crimes. This instrument would allow for the mere possibility of parole after the inmate has served at least thirty-five years of her/his sentence and met a reasonable and rational list of requirements. Louisiana became *Graham* compliant (It is unconstitutional to sentence a juvenile to life without parole for non-homicide crimes) last year, which this measure models. Signed by the governor (ACT 239).

HB 279 [Henry] - Defining Human Trafficking as Racketeering (Support) . . . Simply stated, this piece of legislation adds the activities of human trafficking and trafficking of children for sexual purposes to the crime of racketeering. Signed by the governor (ACT 144).

SB 125 [Petersen] - Medicaid Expansion (Support) . . . Sen. Petersen is one of many legislators who have addressed Louisiana's resistance to accept Medicaid expansion as provided by the Patient Protection and Affordable Care Act (PPACA). SB 125 was amended by Sen. Nevers in the Senate Health and Welfare Committee to allow for Medicaid expansion dollars to be used for the purchase of private health insurance plans. This brought the bill into closer conformity with the Arkansas model, or even allowed for a unique Louisiana model to be created. Accepting Medicaid expansion as provided by the federal government would allow for between 290,000 and 400,000 currently uninsured Louisiana citizens to access health insurance. SB 125 was recommitted to the Senate Finance committee where it failed to pass. Many legislators recognize the need to address health care coverage for the poor throughout our state. For this reason, the conversation will continue as a movement seems to be emerging to find a solution to this grave problem.



We tracked a total of 161 bills: Education (35); Family Life (9); Life (8); General (65); Social Justice (44).



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