

Regular Session, 2011

HOUSE BILL NO. 292

BY REPRESENTATIVES MORRIS, AUBERT, BOBBY BADON, BARRAS, BARROW, BILLIOT, BISHOP, HENRY BURNS, BURRELL, CHAMPAGNE, CHANDLER, CHANEY, DIXON, DOERGE, DOWNS, EDWARDS, ELLINGTON, GISCLAIR, GUILLORY, GUINN, HARRISON, HAZEL, HENDERSON, HOFFMANN, SAM JONES, LAMBERT, LEBAS, LIGI, LITTLE, MCVEA, MONToucET, MORENO, PATRICIA SMITH, ST. GERMAIN, STIAES, WILLIAMS, AND WOOTON AND SENATOR MICHOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ENVIRONMENT: Provides for litter abatement and enforcement and education programs

1 AN ACT

2 To amend and reenact R.S. 30:2506(A)(introductory paragraph) and (B) and 2507(A), R.S.
3 32:412(A)(1), (2), (5), and (6), (B)(1), (2), and (7)(e)(i)(aa), (cc), (dd)(I), and (ee)
4 and (ii)(aa), (cc), (dd)(I), and (ee), R.S. 36:605(B)(4)(a), and R.S. 47:463.43(A), (D),
5 and (E), to enact R.S. 56:10(B)(15), and to repeal R.S. 30:2504 and 2511, R.S.
6 36:609(B)(4), Section 3 of Act No. 527 of the 2003 Regular Session of the
7 Legislature, Act No. 363 of the 2004 Regular Session of the Legislature, Act No.
8 190 of the 2007 Regular Session of the Legislature, and R.S. 32:412(A)(1), (2), (5),
9 (6), (B)(1), (2), (7)(e)(i)(aa), (dd)(I), (e)(ii)(aa), and (dd)(I) as amended by Act No.
10 9 of the 2011 First Extraordinary Session of the Legislature, relative to litter
11 abatement, enforcement, and education; to provide for the Louisiana Environmental
12 Education Commission; to provide for the responsibility and duties of the
13 Department of Wildlife and Fisheries; to provide litter abatement and enforcement;
14 to provide for education programs; to abolish the environmental education division
15 within the Department of Wildlife and Fisheries; to provide for special license plates;
16 to provide for the disposition of certain funds collected from driver's license issuance
17 and renewal and special license plates; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 30:2506(A)(introductory paragraph) and (B) and 2507(A) are hereby
3 amended and reenacted to read as follows:

4 §2506. Curriculum framework

5 A. The commission ~~and the environmental education division~~ shall work
6 with the Department of Education to develop a curriculum framework for
7 establishing environmental education programs in all public and private elementary
8 and secondary schools. The program shall integrate environmental concepts and
9 skills into regular curricula, which include:

10 * * *

11 B. The commission ~~and the environmental education division~~ shall work
12 with the Department of Education to implement an environmental education program
13 in grades K through twelve.

14 * * *

15 §2507. Pre-service teacher education

16 A. The commission ~~and the environmental education division~~ shall work
17 with members of teacher education institutions, colleges and universities, and the
18 Board of Regents to develop guidelines for incorporating environmental education
19 into teacher education requirements.

20 * * *

21 Section 2. R.S. 32:412(A)(1), (2), (5), and (6), (B)(1), (2), and (7)(e)(i)(aa), (cc),
22 (dd)(I), and (ee) and (ii)(aa), (cc), (dd)(I), and (ee) are hereby amended and reenacted to read
23 as follows:

24 §412. Amount of fees; credit or refund; duration of license; disbursement of funds;
25 renewal by mail or electronic commerce of Class "D" or "E" drivers' licenses;
26 disposition of certain fees; exception

27 A.(1) Every applicant for a Class "D" driver's license, or for a renewal of a
28 Class "D" driver's license, except those bona fide residents of ~~cities having a~~
29 population in excess of four hundred fifty thousand and the city of New Orleans, shall

1 pay for such basic license a fee of twenty-eight dollars and fifty cents. Seven dollars
2 and forty-three cents of the fee shall be paid to the State Police Pension and
3 Retirement Fund. One dollar of the fee shall be forwarded by the department to the
4 ~~environmental education division within the Department of Wildlife and Fisheries,~~
5 ~~office of wildlife~~ litter abatement and education account which is created within the
6 Conservation Fund through the provisions of R.S. 56:10(B)(14).

7 (2) The fee for Class "D" ~~drivers'~~ driver's licenses, or renewal of a Class "D"
8 driver's license, issued to bona fide residents of ~~municipalities having a population~~
9 ~~in excess of four hundred fifty thousand~~ the city of New Orleans shall be thirty-six
10 dollars, ten dollars of which fee shall be payable by the department to the board of
11 trustees of the police pension fund of ~~such municipalities~~ the city of New Orleans.
12 One dollar and twenty-three cents of the fee shall be paid to the State Police Pension
13 and Retirement Fund. One dollar of the fee shall be forwarded by the department to
14 ~~the environmental education division within the Department of Wildlife and~~
15 ~~Fisheries, office of wildlife~~ litter abatement and education account which is created
16 within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

17 * * *

18 (5) Every applicant for a Class "E" driver's license, or for a renewal of a
19 Class "E" driver's license, except those bona fide residents of ~~cities having a~~
20 ~~population in excess of four hundred fifty thousand~~ the city of New Orleans, shall
21 pay for such basic license a fee of thirteen dollars and fifty cents, which shall be the
22 cost of such basic license. Three dollars and seventy-five cents of the fee shall be
23 paid to the State Police Pension and Retirement Fund. One dollar of the fee shall be
24 forwarded by the department to the ~~environmental education division within the~~
25 ~~Department of Wildlife and Fisheries, office of wildlife~~ litter abatement and
26 education account which is created within the Conservation Fund through the
27 provisions of R.S. 56:10(B)(15).

28 (6) The fee for a Class "E" driver's license, or renewal of a Class "E" driver's
29 license, issued to bona fide residents of ~~municipalities having a population in excess~~

1 ~~of four hundred fifty thousand~~ the city of New Orleans shall be thirteen dollars and
 2 fifty cents, two dollars and fifty cents of which fee shall be paid by the department
 3 to the board of trustees of the police pension funds of ~~such municipalities~~ the city of
 4 New Orleans. Two dollars and fifty cents of the fee shall be paid to the State Police
 5 Pension and Retirement Fund. One dollar of the fee shall be forwarded by the
 6 department to the ~~environmental education division within the Department of~~
 7 ~~Wildlife and Fisheries, office of wildlife~~ litter abatement and education account
 8 which is created within the Conservation Fund through the provisions of R.S.
 9 56:10(B)(15).

* * *

11 B.(1) Every applicant for a Class "A", "B", or "C" commercial driver's
 12 license, or for a renewal of a basic Class "A", "B", or "C" commercial driver's
 13 license, except for those bona fide residents of ~~cities having a population in excess~~
 14 ~~of four hundred fifty thousand~~ the city of New Orleans, shall pay for such basic
 15 license a fee of forty-one dollars. Ten dollars and eighty cents of the fee shall be
 16 paid to the State Police Pension and Retirement Fund. One dollar of the fee shall
 17 be forwarded by the department to the ~~environmental education division within the~~
 18 ~~Department of Wildlife and Fisheries, office of wildlife~~ litter abatement and
 19 education account which is created within the Conservation Fund through the
 20 provisions of R.S. 56:10(B)(15).

21 (2) The fee for a basic Class "A", "B", or "C" commercial driver's license,
 22 or for the renewal of a basic Class "A", "B", or "C" commercial driver's license,
 23 issued to bona fide residents of ~~municipalities having a population in excess of four~~
 24 ~~hundred fifty thousand~~ the city of New Orleans shall be fifty-one dollars, ten dollars
 25 of which fee shall be paid by the department to the board of trustees of the police
 26 pension fund of ~~such municipalities~~ the city of New Orleans. Ten dollars of the fee
 27 shall be paid to the State Police Pension and Retirement Fund. One dollar of the fee
 28 shall be forwarded by the department to the ~~environmental education division within~~
 29 ~~the Department of Wildlife and Fisheries, office of wildlife~~ litter abatement and

1 education account which is created within the Conservation Fund through the
2 provisions of R.S. 56:10(B)(15).

3 * * *

4 (7)

5 * * *

6 (e)(i)(aa) Every applicant seventy years of age or older for a Class "E"
7 driver's license, or for the renewal of a Class "E" driver's license, except those bona
8 fide residents of ~~cities having a population in excess of four hundred fifty thousand~~
9 the city of New Orleans, shall pay for such basic license a fee of four dollars and
10 fifty cents, which shall be the cost of the license. The license shall expire on the
11 anniversary of the birthday of the applicant which is nearest to a date of four years
12 subsequent to the issuing of the license, unless revoked, canceled, or suspended.

13 * * *

14 (cc) Fifty cents of the fee shall be paid to the office of state police. One
15 dollar and fifty cents of the fee shall be paid to the State Police Pension and
16 Retirement Fund. One dollar of the fee shall be forwarded by the department to the
17 ~~environmental education division within the Department of Wildlife and Fisheries;~~
18 ~~office of wildlife~~ litter abatement and education account which is created within the
19 Conservation Fund through the provisions of R.S. 56:10(B)(15).

20 (dd)(I) Every applicant seventy years of age or older for a Class "D" driver's
21 license, or for the renewal of a Class "D" driver's license, except those bona fide
22 residents of ~~cities having a population in excess of four hundred fifty thousand~~ the
23 city of New Orleans, shall pay for such basic license a fee of fourteen dollars and
24 seventy-five cents, which shall be the cost of the license. The license shall expire on
25 the anniversary of the birthday of the applicant which is nearest to the date of four
26 years subsequent to the issuing of the license, unless revoked, canceled, or
27 suspended.

28 * * *

1 (ee) Three dollars and seventy-one cents of the fee shall be paid to the State
2 Police Pension and Retirement Fund. One dollar of the fee shall be forwarded by the
3 department to the ~~environmental education division within the Department of~~
4 ~~Wildlife and Fisheries, office of wildlife~~ litter abatement and education account
5 which is created within the Conservation Fund through the provisions of R.S.
6 56:10(B)(15).

7 (ii)(aa) Every applicant seventy years of age or older for a Class "E" driver's
8 license, or for the renewal of a Class "E" driver's license, issued to bona fide
9 residents of ~~cities having a population in excess of four hundred fifty thousand~~ the
10 city of New Orleans, shall pay for such basic license a fee of four dollars and fifty
11 cents, which shall be the cost of the license. This license shall expire on the
12 anniversary of the birthday of the applicant which is nearest to a date of four years
13 subsequent to the issuing of the license, unless revoked, canceled, or suspended.

14 * * *

15 (cc) One dollar of the fee shall be paid to the Board of Trustees of the Police
16 Pension Fund of ~~said municipalities~~ the city of New Orleans. One dollar of the fee
17 shall be paid to the State Police Pension and Retirement Fund. One dollar of the fee
18 shall be forwarded by the department to the ~~environmental education division within~~
19 ~~the Department of Wildlife and Fisheries, office of wildlife~~ litter abatement and
20 education account which is created within the Conservation Fund through the
21 provisions of R.S. 56:10(B)(15).

22 (dd)(I) Every applicant seventy years of age or older for a Class "D" driver's
23 license, or for the renewal of a Class "D" driver's license, issued to bona fide
24 residents of ~~cities having a population in excess of four hundred fifty thousand~~ the
25 city of New Orleans, shall pay for such basic license a fee of eighteen dollars and
26 fifty cents, which shall be the cost of the license. This license shall expire on the
27 anniversary of the birthday of the applicant which is nearest to the date of four years
28 subsequent to the issuing of the license, unless revoked, canceled, or suspended.

29 * * *

1 (ee) Five dollars of the fee shall be payable by the department to the board
 2 of trustees of the police pension fund of ~~such municipalities~~ the city of New Orleans.
 3 Sixty-one cents of the fee shall be paid to the State Police Pension and Retirement
 4 Fund. One dollar of the fee shall be forwarded by the department to the
 5 ~~environmental education division within the Department of Wildlife and Fisheries,~~
 6 ~~office of wildlife~~ litter abatement and education account which is created within the
 7 Conservation Fund through the provisions of R.S. 56:10(B)(15).

8 * * *

9 Section 3. R.S. 36:605(B)(4)(a) is hereby amended and reenacted to read as follows:

10 §605. Powers and duties of the secretary of wildlife and fisheries

11 * * *

12 B. The secretary shall have authority to:

13 * * *

14 (4)(a) Enforce the laws of the state and rules and regulations relative to
 15 wildlife and fisheries, including but not limited to laws, rules, and regulations
 16 relative to illegal hunting, fishing, and trapping, boating safety regulations, and the
 17 prohibited methods, times, or seasons, and locations therefor, including the illegal
 18 transportation, shipping, and sale of wildlife, fish, and other aquatic life and fur-
 19 bearing animals and alligators, and including the illegal possession of wildlife, game,
 20 or fish and other aquatic life, and develop and implement litter abatement,
 21 enforcement, and awareness programs and toward these ends shall appoint not less
 22 than twenty-five wildlife agents, whose entire time, under the direction of the
 23 secretary, shall be devoted to the performance of their official duties as prescribed
 24 by law. Notwithstanding R.S. 40:5, the secretary shall have authority to enforce the
 25 laws specifically assigned by statute to the Department of Health and Hospitals and
 26 any rules or regulations promulgated thereunder for the purpose of regulating the
 27 harvesting, processing, or distribution of molluscan shellfish.

28 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Section 4. R.S. 47:463.43(A), (D), and (E) are hereby amended and reenacted to read
2 as follows:

3 §463.43. Special license plates; environmental education division

4 A. The Department of Public Safety and Corrections shall establish a special
5 prestige motor vehicle license plate for ~~the environmental education division within~~
6 by the Department of Wildlife and Fisheries, office of wildlife, R.S. 30:2503 et seq
7 for the purposes provided in R.S. 56:10(B)(15). The license plates shall be restricted
8 to use on passenger cars, pickup trucks, vans, and recreational vehicles.

9 * * *

10 D. The department shall collect the donation for each license plate and
11 forward the donation as provided in Subsection C of this Section to the
12 ~~environmental education division~~ Department of Wildlife and Fisheries. The one
13 dollar handling fee as provided in Subsection C of this Section shall be retained by
14 the department to offset the administrative costs. The funds received by the
15 ~~environmental education division~~ Department of Wildlife and Fisheries ~~office of~~
16 ~~wildlife~~ pursuant to this Section shall be deposited in the ~~Louisiana Environmental~~
17 ~~Education Fund, R.S. 30:2511~~ litter abatement and education account which is
18 created within the Conservation Fund through the provisions of R.S. 56:10(B)(15),
19 and used solely for the purposes of that fund.

20 E. The secretary ~~with the assistance of the environmental education division~~
21 shall establish such rules and regulations as are necessary to implement the
22 provisions of this Section, including but not limited to rules and regulations
23 governing the collection and disbursement of the donation, the transfer and
24 disposition of such license plates, the colors available, and the design criteria. ~~The~~
25 ~~design shall include the use of the environmental education division logo.~~

26 * * *

1 Section 5. R.S. 56:10(B)(15) is hereby enacted to read as follows:

2 §10. Annual report to governor; estimate of proposed expenditures; particular funds;
3 warrants; vouchers; surplus funds

4 * * *

5 B.

6 * * *

7 (15) There is hereby created within the Conservation Fund a special account
8 known as the "litter abatement and education account" which shall consist of all
9 revenue collected from the sale of the environmental education license plate
10 provided for in R.S. 47:463.43; all revenue received from the Department of Public
11 Safety and Corrections, office of motor vehicles, pursuant to driver's license
12 issuance; funds from public or private donations and any other source which may
13 specify deposit to this account; and any remaining balance in the Louisiana
14 Environmental Education Fund as of August 15, 2011. The revenues shall be subject
15 to the same requirements as provided for other revenues placed in the Conservation
16 Fund in Paragraph (1) of this Subsection. The funds in this account shall be used
17 solely for litter abatement and enforcement; public service announcements; develop,
18 review, approve, and implement a plan for statewide environmental education; for
19 the training of operators of vehicles regarding littering; to finance local littering
20 enforcement activities in order to promote public safety, order, and general welfare
21 by making the streets, roads, rivers, streams, bayous, lakes, waterways, and highways
22 of Louisiana clean, safe, and free of debris, litter, and other material falling from or
23 being thrown from vehicles; and to award grants to nonprofit organizations and
24 public agencies for the development, dissemination, and assessment of such
25 education programs.

26 * * *

27 Section 6. R.S. 30:2504 and 2511 and R.S. 36:609(B)(4) and Section 3 of Act No.
28 527 of the 2003 Regular Session of the Legislature, Act No. 363 of the 2004 Regular Session
29 of the Legislature, Act No.190 of the 2007 Regular Session of the Legislature, and R.S.

1 32:412(A)(1), (2), (5), (6), (B)(1), (2), (7)(e)(i)(aa), (dd)(I), (e)(ii)(aa), and (dd)(I) as
 2 amended by Act No. 9 of the 2011 First Extraordinary Session of the Legislature are hereby
 3 repealed in their entirety.

4 Section 7. This Act shall become effective on July 1, 2011; if vetoed by the governor
 5 and subsequently approved by the legislature, this Act shall become effective on July 1,
 6 2011, or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Morris

HB No. 292

Abstract: Provides for the Environmental Education Commission and the litter abatement and education account in the Conservation Fund.

Present law provides for the Environmental Education Commission in the Dept. of Wildlife and Fisheries, provides for the commission's powers and duties, and creates the office of environmental education within the office of wildlife, Dept. of Wildlife and Fisheries.

Proposed law retains present law except repeals the office of environmental education.

Present law provides for a \$1 fee on the fee charged for driver's licenses to be deposited into the La. Environmental Education Fund and to be used for public service announcements and for the education and training of drivers of motor vehicles regarding littering or to finance local littering enforcement activities until Aug. 15, 2011.

Present law creates a prestige motor vehicle environmental education license plate for the Dept. of Wildlife and Fisheries. Revenues received from the donations from the plates are deposited into the La. Environmental Education Fund to be used for the purposes of the Environmental Education Commission.

Proposed law repeals La. Environmental Education Fund and replaces the fund with the "litter abatement and education account" within the Conservation Fund.

Proposed law retains present law except the funds from both sources, along with any public or private donations, shall be deposited into the "litter abatement and education account" within the Conservation Fund, and repeals driver's license fee sunset date.

Proposed law provides that funds in the account shall be used solely for litter abatement and enforcement; public service announcements; develop, review, and approve a plan for statewide environmental education and training of operators of vehicles regarding littering; to finance local littering enforcement activities in order to promote public safety, order, and general welfare by making the streets, roads, rivers, streams, bayous, lakes, waterways, and highways of La. clean, safe, and free of debris, litter, and other material falling from or being thrown from vehicles; and to award grants to nonprofit organizations and public agencies for the development, dissemination, and assessment of such education programs.

Act No. 9 of the 2011 First Extraordinary Session amended various provisions of R.S. 32:412, of which are being repealed by the proposed law.

Effective July 1, 2011.

(Amends R.S. 30:2506(A)(intro. para.) and (B) and 2507(A), R.S. 32:412(A)(1), (2), (5), and (6), (B)(1), (2), and (7)(e)(i)(aa), (cc), (dd)(I), and (ee) and (ii)(aa), (cc), (dd)(I), and (ee), R.S. 36:605(B)(4)(a), and R.S. 47:463.43(A),(D), and (E); Adds R.S. 56:10(B)(15); Repeals R.S. 30:2504 and 2511, R.S. 36:609(B)(4), §3 of Act No. 527 of the 2003 R.S., Act No. 363 of the 2004 R.S., Act No.190 of the 2007 R.S., and R.S. 32:412(A)(1), (2), (5), (6), (B)(1), (2), (7)(e)(i)(aa), (dd)(I), (e)(ii)(aa), and (dd)(I) as amended by Act No. 9 of the 2011 1st E.S.)