

Regular Session, 2011

ACT No. 265

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.

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AN ACT

To amend and reenact R.S. 30:2506(A)(introductory paragraph) and (B), 2507(A), and 2532(A)(4) and (B)(1), 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), to enact R.S. 56:10(B)(15), and to repeal R.S. 30:2504, 2511, and 2532(C) and (D), R.S. 36:609(B)(4), Section 3 of Act No. 527 of the 2003 Regular Session of the Legislature, Act No. 363 of the 2004 Regular Session of the Legislature, Act No. 190 of the 2007 Regular Session of the Legislature, 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 First Extraordinary Session of the Legislature, relative to litter abatement, enforcement, and education; to provide for the Louisiana Environmental Education Commission; to provide for the responsibility and duties of the Department of Wildlife and Fisheries; to provide litter abatement and enforcement; to create the litter abatement and education account; to provide for the deposit of certain fines into the litter abatement and education account; to provide for education programs; to abolish the environmental education division within the Department of Wildlife and Fisheries; to provide for special license plates; to provide for the disposition of certain funds collected from driver's license issuance and renewal and special license plates; and to provide for related matters.

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

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 30:2506(A)(introductory paragraph) and (B), 2507(A), and
3 2532(A)(4) and (B)(1) are hereby 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 §2532. Collection and distribution of fines; ~~Keep Louisiana Beautiful Fund~~ litter
22 abatement and education account

23 A. All fines collected under the provisions of this Part shall be payable as
24 follows:

25 * * *

26 (4) The remainder shall be paid to the state treasury for credit to the ~~Keep~~
27 Louisiana Beautiful Fund litter abatement and education account.

28 B.(1) All other monies received under the provisions of this Part shall be
29 paid into the state treasury on or before the twenty-fifth day of each month following
30 their collection and, in accordance with Article VII, Section 9 of the Constitution of

1 Louisiana, shall be credited to the Bond Security and Redemption Fund. Out of the
 2 funds remaining in the Bond Security and Redemption Fund after a sufficient amount
 3 is allocated therefrom to pay all obligations secured by the full faith and credit of the
 4 state which become due and payable within each fiscal year, the treasurer shall pay
 5 an amount equal to the total amount of such funds collected or received under the
 6 provisions of this Part paid into the treasury into a special fund which is hereby
 7 created in the state treasury and designated as the ~~Keep Louisiana Beautiful Fund~~
 8 for administration by the Department of Environmental Quality. The secretary shall
 9 administer the ~~Keep Louisiana Beautiful Fund~~ and shall make disbursements from
 10 the fund for the necessary and appropriate operating expenses of the section litter
 11 abatement and education account.

12 * * *

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

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

19 A.(1) Every applicant for a Class "D" driver's license, or for a renewal of a
 20 Class "D" driver's license, except those bona fide residents of ~~cities having a~~
 21 ~~population in excess of four hundred fifty thousand~~ the city of New Orleans, shall
 22 pay for such basic license a fee of twenty-eight dollars and fifty cents. Seven dollars
 23 and forty-three cents of the fee shall be paid to the State Police Pension and
 24 Retirement Fund. One dollar of the fee shall be forwarded by the department to the
 25 ~~environmental education division within the Department of Wildlife and Fisheries;~~
 26 ~~office of wildlife~~ litter abatement and education account which is created within the
 27 Conservation Fund through the provisions of R.S. 56:10(B)(15).

28 (2) The fee for Class "D" ~~drivers'~~ driver's licenses, or renewal of a Class "D"
 29 driver's license, issued to bona fide residents of ~~municipalities having a population~~
 30 ~~in excess of four hundred fifty thousand~~ the city of New Orleans shall be thirty-six

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

* * *

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

19 (6) The fee for a Class "E" driver's license, or renewal of a Class "E" driver's
 20 license, issued to bona fide residents of ~~municipalities having a population in excess~~
 21 ~~of four hundred fifty thousand~~ the city of New Orleans shall be thirteen dollars and
 22 fifty cents, two dollars and fifty cents of which fee shall be paid by the department
 23 to the board of trustees of the police pension funds of ~~such municipalities~~ the city of
 24 New Orleans. Two dollars and fifty cents of the fee shall be paid to the State Police
 25 Pension and Retirement Fund. One dollar of the fee shall be forwarded by the
 26 department to the ~~environmental education division within the Department of~~
 27 ~~Wildlife and Fisheries, office of wildlife~~ litter abatement and education account
 28 which is created within the Conservation Fund through the provisions of R.S.
 29 56:10(B)(15).

* * *

1 anniversary of the birthday of the applicant which is nearest to a date of four years
2 subsequent to the issuing of the license, unless revoked, canceled, or suspended.

3 * * *

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

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

18 * * *

19 (ee) Three dollars and seventy-one cents of the fee shall be paid to the State
20 Police Pension and Retirement Fund. One dollar of the fee shall be forwarded by the
21 department to the ~~environmental education division within the Department of~~
22 ~~Wildlife and Fisheries, office of wildlife~~ litter abatement and education account
23 which is created within the Conservation Fund through the provisions of R.S.
24 56:10(B)(15).

25 (ii)(aa) Every applicant seventy years of age or older for a Class "E" driver's
26 license, or for the renewal of a Class "E" driver's license, issued to bona fide
27 residents of ~~cities having a population in excess of four hundred fifty thousand~~ the
28 city of New Orleans, shall pay for such basic license a fee of four dollars and fifty
29 cents, which shall be the cost of the license. This license shall expire on the

1 anniversary of the birthday of the applicant which is nearest to a date of four years
2 subsequent to the issuing of the license, unless revoked, canceled, or suspended.

3 * * *

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

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

18 * * *

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

26 * * *

27 Section 3. R.S. 36:605(B)(4)(a) is hereby amended and reenacted to read as follows:
28 §605. Powers and duties of the secretary of wildlife and fisheries

29 * * *

1 B. The secretary shall have authority to:

2 * * *

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

17 * * *

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

20 §463.43. Special license plates; environmental education division

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

26 * * *

27 D. The department shall collect the donation for each license plate and
28 forward the donation as provided in Subsection C of this Section to the
29 ~~environmental education division~~ Department of Wildlife and Fisheries. The one
30 dollar handling fee as provided in Subsection C of this Section shall be retained by

1 the department to offset the administrative costs. The funds received by the
 2 ~~environmental education division~~ Department of Wildlife and Fisheries ~~office of~~
 3 ~~wildlife~~ pursuant to this Section shall be deposited in the ~~Louisiana Environmental~~
 4 ~~Education Fund, R.S. 30:2511~~ litter abatement and education account which is
 5 created within the Conservation Fund through the provisions of R.S. 56:10(B)(15),
 6 and used solely for the purposes of that fund.

7 E. The secretary ~~with the assistance of the environmental education division~~
 8 shall establish such rules and regulations as are necessary to implement the
 9 provisions of this Section, including but not limited to rules and regulations
 10 governing the collection and disbursement of the donation, the transfer and
 11 disposition of such license plates, the colors available, and the design criteria. ~~The~~
 12 ~~design shall include the use of the environmental education division logo.~~

13 * * *

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

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

17 * * *

18 B.

19 * * *

20 (15) There is hereby created within the Conservation Fund a special account
 21 known as the "litter abatement and education account" which shall consist of all
 22 revenue collected from the sale of the environmental education license plate
 23 provided for in R.S. 47:463.43; all revenue received from the Department of Public
 24 Safety and Corrections, office of motor vehicles, pursuant to R.S. 32:412(A)(1);
 25 funds from public or private donations and any other source which may specify
 26 deposit to this account; and any remaining balance in the Louisiana Environmental
 27 Education Fund as of August 15, 2011. The revenues shall be subject to the same
 28 requirements as provided for other revenues placed in the Conservation Fund in
 29 Paragraph (1) of this Subsection. The funds in this account shall be used solely for
 30 litter abatement and enforcement; public service announcements; develop, review,

1 approve, and implement a plan for statewide environmental education; for the
 2 training of operators of vehicles regarding littering; to finance local littering
 3 enforcement activities in order to promote public safety, order, and general welfare
 4 by making the streets, roads, rivers, streams, bayous, lakes, waterways, and highways
 5 of Louisiana clean, safe, and free of debris, litter, and other material falling from or
 6 being thrown from vehicles; and to award grants to nonprofit organizations and
 7 public agencies for the development, dissemination, and assessment of such
 8 education programs.

* * *

10 Section 6. R.S. 30:2504 and 2511 and R.S. 36:609(B)(4) and Section 3 of Act No.
 11 527 of the 2003 Regular Session of the Legislature, Act No. 363 of the 2004 Regular Session
 12 of the Legislature, Act No.190 of the 2007 Regular Session of the Legislature, R.S.
 13 30:2532(C) and (D), and R.S. 32:412(A)(1), (2), (5), (6), (B)(1), (2), (7)(e)(i)(aa), (dd)(I),
 14 (e)(ii)(aa), and (dd)(I) as amended by Act No. 9 of the 2011 First Extraordinary Session of
 15 the Legislature are hereby repealed in their entirety.

16 Section 7. This Act shall become effective on July 1, 2011; if vetoed by the governor
 17 and subsequently approved by the legislature, this Act shall become effective on July 1,
 18 2011, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____