

Regular Session, 2011

HOUSE BILL NO. 292

BY REPRESENTATIVES MORRIS, BOBBY BADON, BILLIOT, HENRY BURNS, CHAMPAGNE, GISCLAIR, GUINN, HENDERSON, SAM JONES, LAMBERT, LITTLE, MCVEA, MONTOUCET, ST. GERMAIN, AND WILLIAMS 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

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AN ACT

To amend and reenact R.S. 30:2506(A)(introductory paragraph) 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), to enact R.S. 56:10(B)(14), and to repeal R.S. 30:2504 and 2511, 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 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.

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

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)(14).

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)(14).

\* \* \*

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)(14).

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)(14).

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)(14).

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)(14).

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)(14).

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   \*       \*       \*

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

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)(14).

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 \* \* \*

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)(14). 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)(14),  
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)(14) 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 (14) 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.

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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)]

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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)(14); 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.)