

LOUISIANA FEDERATION OF
TEACHERS, ET AL

* NO: 612,733 SECTION: 22

* 19TH JUDICIAL DISTRICT COURT

VERSUS

* PARISH OF EAST BATON ROUGE

* STATE OF LOUISIANA, ET AL * STATE OF LOUISIANA

CONSOLIDATED WITH DOCKET NUMBERS: 613,142 AND 613,320

JUDGMENT

These consolidated cases came before the Court for a bench trial on November 28, 2012 through November 30, 2012. Present in Court on all three days were the following: Brian F. Blackwell, Robert L. Hammonds, Larry Samuel, William E. Rittenberg, Louis L. Robein, Julie Richard-Spencer, Nancy Picard, J. Isaac Funderbunk, John K. Guice, and Melissa S. Losch, counsel for plaintiffs; and Jimmy R. Faircloth, Jr., Barbara Bell Melton, Jonathan Ringo, A. Gregory Grimsel, Frank P. Simoneaux, Richard Komer, and William R. Maurer; counsel for defendants

After considering the pleadings, evidence, testimony, arguments of counsel, briefs, and supported by the Written Reasons for Judgment;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

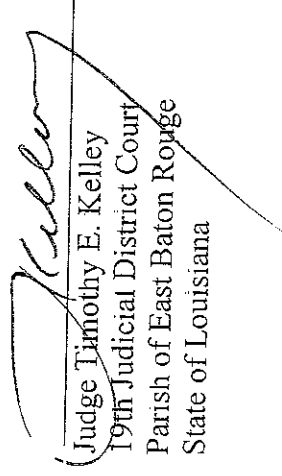
1. SCR 99, a Senate Concurrent Resolution, was not a legislative instrument intended to have the effect of law. Therefore, Article VIII, §2(A)(3)(a) of the Louisiana Constitution of 1974 is inapplicable. SCR 99 was timely introduced, timely considered, and received the votes required to be properly enacted. It was properly, from a procedural standpoint, passed in the Louisiana House of Representatives by a majority of the members present and voting. For this issue Declaratory Judgment is denied.
2. Act 2 was reasonably related to and had a natural connection with the stated single object of HB976 and, thus, does not violate the "one

object” requirement of Article III, §15(A) of the Louisiana Constitution of 1974. For this issue Declaratory Judgment is denied.

3. Act 2 and SCR 99 unconstitutionally divert MFP funds that are constitutionally mandated to be allocated to public elementary and secondary schools to nonpublic entities in violation of Article VIII, §13(B) of the Louisiana Constitution of 1974. For this issue Declaratory Judgment is granted.
4. Act 2 and SCR 99 unconstitutionally divert local funds included in the MFP that are constitutionally mandated to be allocated to public elementary and secondary schools to nonpublic entities in violation of Article VIII, §13(C) of the Louisiana Constitution of 1974 as implemented by LSA-R.S. 47:338.84. For this issue Declaratory Judgment is granted.

Costs are assessed against defendants and intervenors equally.

THUS DONE AND SIGNED this 30th day of November, 2012, in the Parish of East Baton Rouge.


Judge Timothy E. Kelley
19th Judicial District Court
Parish of East Baton Rouge
State of Louisiana