



**ISSUE #21 2019**

# SCORECARD

**LEGISLATIVE VOTING GUIDE**

WITH CUMULATIVE SCORES FOR THE 2016-2020 TERM

**LABI**

Louisiana Association  
OF BUSINESS AND INDUSTRY



**POLICY EXPERTS  
WORKING FOR  
LOUISIANA JOBS**

<b>4-5</b>	NOTE FROM LABI LEADERSHIP
<b>6-7</b>	TIMELINE OF THE TERM
<b>8</b>	LABI VOTES FOR JOBS: SENATE
<b>9-10</b>	LABI VOTES FOR JOBS: HOUSE
<b>11-12</b>	ISSUE: CIVIL JUSTICE REFORM
<b>13</b>	ISSUE: EDUCATION AND WORKFORCE DEVELOPMENT
<b>14</b>	ISSUE: EMPLOYEE RELATIONS
<b>15</b>	ISSUE: ENERGY & ENVIRONMENTAL QUALITY
<b>16</b>	ISSUE: GOVERNMENTAL REFORM
<b>17</b>	ISSUE: HEALTH CARE
<b>18</b>	ISSUE: SMALL BUSINESS
<b>19-20</b>	ISSUE: TAXATION AND FINANCE
<b>21-22</b>	ISSUE: TRADE, TRANSPORTATION & TOURISM
<b>23</b>	TERM CHAMPIONS SNAPSHOT
<b>24</b>	TERM SNAPSHOT

# TABLE OF CONTENTS

<b>25</b>	TERM SENATE ALL STARS
<b>26-28</b>	TERM HOUSE ALL STAR
<b>29</b>	TERM HONORABLE MENTIONS
<b>30</b>	SESSION CHAMPIONS SNAPSHOT
<b>31</b>	SESSION SNAPSHOT
<b>32-39</b>	THE METHODOLOGY
<b>40-42</b>	APPENDIX

**T**he 2019 LABI legislative scorecard marks the end of a tumultuous four-year term where much was debated but little accomplished. As predicted, the nine-week fiscal session was largely overshadowed by the upcoming fall elections where 47 legislative seats will be vacated due to term limits, members will be retiring or shifting to the opposite chamber and all statewide officials are on the ballot.

The 2019 election is monumental and will impact the future of Louisiana for decades. The next governor and legislature will be tasked with redrawing the electoral lines for offices such as Congress, the state Supreme Court, the Public Service Commission and the legislature itself. Meanwhile, the state's economy is at a tipping point with two consecutive years of significant population losses, low workforce participation rates and employment numbers that lag the nation. While the governor and the legislature largely focused on the state's budget these past few years, perennial challenges facing the state as a whole were left unaddressed and loom over our future.

As we prepare for another election season full of rhetoric and promises, the LABI scorecard offers a data-driven analysis of how each legislator voted on the issues most important to the economy and the business community for the 2019 session but also over the past four years.

**This year**, LABI led the way with a proactive effort to enact comprehensive **tort reform**, seek **taxpayer fairness** and improve **the economy**. Although opposed by the administration throughout the legislative process, a bill to require simple refunds of unconstitutional state taxes was signed into law by the governor. A major **infrastructure** funding package is now law that repurposes settlement funds from the Deepwater Horizon incident, and a statewide **ridesharing** bill passed after years of defeat in the Senate Judiciary A Committee. However, a package of bills to enact common-sense legal reforms to begin to lower high auto insurance rates flew through the House and once again met its fate in that same Senate committee.

**2018** was perhaps the year of the most opportunities lost this term, as bills died in the regular session to reform the state's **pension system**, enact statewide ridesharing, repeal the seat belt gag order, seek more **accountability in Medicaid** spending and take steps toward a **Constitutional Convention**. Three special sessions were called by the governor to secure the extension of sales tax increases passed in 2016. After asking for \$1.2 billion to continue government programs and services at record levels, the administration settled for roughly half that amount when federal tax changes largely filled the gap and when it became clear the legislature was not willing to raise the rate as high as the governor hoped.

**In 2017** LABI joined a diverse bipartisan coalition to pass **criminal justice reforms** intended to improve Louisiana's ability to protect the public and provide education and treatment to improve re-entry and job readiness for these individuals. The major focus of this year, however, was "comprehensive tax reform", where the governor's main proposal was a **\$900 million Commercial Activity Tax (CAT)** to replace the temporary one percent state sales tax. The CAT was a stark departure from the recommendations of





the state's blue-ribbon task force and would have proved a disaster for the Louisiana economy. LABI led a chorus of voices that contributed to this proposal's bipartisan demise in a legislative committee.

When the new governor and legislature took office in **2016**, the singular focus was to fill a deficit in the state budget by whatever means possible. Ultimately, a temporary one percent sales tax was enacted along with a bevy of tax changes on Louisiana businesses that led to the state's **#1 rank for growth in state and local business taxes** in the nation from Fiscal Year 2016 to Fiscal Year 2017 at an alarming rate of 12.5 percent compared to two percent nationally. Within days of adjourning the third session of 2016, the governor released an Executive Order with seismic changes to the Industrial Tax Exemption Program as well. This approach to funding government with little regard for the impact on the state's economy is an avoidable factor in the state's current poor performance.

This term was long on battles and short on accomplishments. With a few notable exceptions, the primary achievement has been defined by our leaders as full funding for government programs that are currently running surpluses in the hundreds of millions of dollars. However, this "win" came at a steep price – higher taxes on individuals and employers across the state but also the resounding message to the nation that Louisiana stands ready to tax and sue the private sector to ensure government services can continue at record levels.

But it is not too late to right the ship. Dozens of legislators worked diligently to prioritize the state's economy throughout the past four years, and the state's employers are grateful for their hard work and dedication. In this scorecard, LABI is proud to recognize lawmakers who took courageous stands to defend free enterprise and to promote common-sense reforms to improve the Louisiana economy both in 2019 and throughout this difficult term:

- **24 Term** All-Stars who voted 90 percent or more to support jobs and the economy; and
- **20 Term** Honorable Mentions who voted 80 percent or more to support jobs and the economy.

Louisiana's employers, entrepreneurs and workers deserve better than the rhetoric and unpredictability of the past four years. LABI looks forward to supporting candidates who stand ready to take bold action to create jobs and put our economy back on track. Comprehensive tort reform, a fair and competitive tax code and a skilled workforce are among LABI's top issues this election cycle. The state has enormous potential, and we are at a critical point. LABI eagerly awaits the next term and proudly supports leaders – incumbents and newcomers – with a vision for prosperity, concrete solutions and a willingness to address our state's long-standing challenges together.

STEPHEN WAGUESPACK  
PRESIDENT & CEO, LABI

# LABI WAS THE FIRST LINE OF DEFENSE FOR LOUISIANA EMPLOYERS AND ENTREPRENEURS THIS TERM

The drumbeat to raise taxes and impose mandates on businesses has been overwhelming since 2016, and in many cases, the defeat of a bill was a win for Louisiana. In the course of this four-year term with 11 sessions, LABI was unfortunately forced to call upon legislators to stop bills that would harm Louisiana's economy far more often than to support pro-growth policies. In that same vein, however, LABI's policy proposals to improve the business climate were regularly sidelined with a few notable exceptions. Here is an in-depth look at the term.

## JAN

- Gov. Edwards and a new legislature take office and House elects **independent Speaker**
- Senate committees are **stacked with trial attorneys** and vocal proponents of business taxes

## FEB

- Legislature passes and Gov. Edwards signs legislation to raise **\$575 million in taxes on Louisiana employers** for FY16 including an expansion of the franchise tax, a 4% sales tax on business utilities, and a cap on Net Operating Losses
- Rep. Jay Morris (R-Monroe) successfully spearheads a temporary **1% sales tax on manufacturing machinery and equipment** over LABI's objections

## MAR

- Gov. Edwards sponsors legislation to **roll back school accountability and parental choice**, which LABI defeats
- Gov. Edwards sponsors legislation to **enact new wage mandates on employers**, which LABI defeats

## JUN

- Legislature passes and Gov. Edwards signs legislation to further limit the inventory tax credit, bringing the **total tax increase on Louisiana employers to \$1.33 billion** for FY17
- Gov. Edwards kicks off the overhaul of the **Industrial Tax Exemption Program (ITEP)** with a new Executive Order, raising concerns across the statewide business community

## FEB

- Numerous attempts to further raise business taxes are **defeated by LABI**

## APR

- Gov. Edwards ignores recommendations of the blue ribbon task force and instead proposes a **\$900 million gross receipts tax** on all Louisiana businesses regardless of profit known as the **Commercial Activity Tax (CAT)**, which LABI defeats
- Rep. Kenny Havard (R-St. Francisville) spearheads another version of a gross receipts tax known as the **Business Activity Tax (BAT)**, which LABI defeats
- Numerous attempts by legislators to **terminate the inventory tax credit**, limit the ITEP, and further tax business utilities are defeated by LABI
- Gov. Edwards sponsors legislation to enact **new wage mandates** on employers, which LABI defeats
- Bill to enact statewide ridesharing (Uber/Lyft) is **killed in the Senate Judiciary A Committee**

## JUN

- LABI is part of a diverse coalition to support historic **criminal justice reforms**, working to rehabilitate, train, and employ former offenders

## OCT

- LABI is part of a coalition of business allies to help pass a Constitutional Amendment to **exempt construction work in progress from taxation**

# 2018

## MAR

- Louisiana Supreme Court rules that **charter schools are public schools**, securing public funding for charters

## MAY

- Bipartisan proposal to **improve the cost and performance of legacy state pension systems** is sidelined due to opposition by Gov. Edwards
- Tort reform bill to repeal the seat belt gag rule is **killed in the Senate Judiciary A Committee**
- Bill to enact statewide ridesharing (Uber/Lyft) is **killed in the Senate Judiciary A Committee**
- Gov. Edwards files legislation to enact **new wage mandates** on employers, which LABI defeats

## JUN

- LABI is part of a coalition to create the **Early Childhood Care and Education Commission** to develop a strategy for achieving affordable access to quality care
- LABI is part of a coalition that helps pass a new government transparency website, [LouisianaCheckbook.com](http://LouisianaCheckbook.com)

## AUG

- Gov. Edwards rolls out a second overhaul of the Industrial Tax Exemption Program (ITEP) after two years of **confusion and chaos** at the local level

## APR

- Gov. Edwards sponsors legislation to enact **new wage mandates** on employers, which LABI defeats

## MAY

- Comprehensive tort reform bills to **lower auto insurance rates are killed in the Senate Judiciary A Committee**; subsequent efforts are sidelined on the Senate floor by both Democrat and Republican trial attorneys

## JUN

- After three years of attempts, bill to enact **statewide ridesharing** (Uber/Lyft) is passed following a close Senate floor vote
- \$700 million in **infrastructure spending** for major economic development projects is secured utilizing settlements from the Deepwater Horizon incident
- LABI passes legislation opposed by Gov. Edwards in the legislative process (but ultimately signed into law) to ensure that **unconstitutional taxes are refunded** through a simple administrative procedure

## OCT

**ELECTION DAY:**  
OCTOBER 12, 2019

# 2019



“In Committee you amended seat belt language into your bill which is what you would effectively have left if you amend the prescription out. That, of course, is after your committee killed seat belt language twice,” on Sen. Ward’s amendment to remove prescription language from SB 154.  
 - SEN. SHARON HEWITT (R-SLIDELL)

## 2019 LABI Votes for Jobs: Senate

**SB 198 - Vote to Reject and Send to Conference Committee**  
 (SEN. BARROW PEACOCK, R-BOSSIER CITY, MOTION BY SEN. JP MORRELL, D-NEW ORLEANS)

This bill requires the state to make refunds to Louisiana taxpayers for overpayments of taxes that were not legally due. Without this bill, state government stood to unfairly benefit from taxes collected illegally from Louisiana families and companies who lack the knowledge and resources to file taxes under protest or pursue a claim against the state. The motion failed to pass by a vote of 12-23. **A vote to REJECT was a vote AGAINST LABI.**

**SB 198 - Vote to Concur**  
 (SEN. BARROW PEACOCK, R-BOSSIER CITY)

This bill requires the state to make refunds to Louisiana taxpayers for overpayments of taxes that were not legally due. Without this bill, state government stood to unfairly benefit from taxes collected illegally from Louisiana families and companies who lack the knowledge and resources to file taxes under protest or pursue a claim against the state. It passed by a vote of 24-11. **A vote to CONCUR was a vote WITH LABI.**

**HB 181**  
 (REP. KEN BRASS, D-VACHERIE - AMENDMENT BY SEN. SHARON HEWITT, R- SLIDELL)

This bill expands seat belt usage requirements to large trucks. An amendment by Sen. Sharon Hewitt repealed the seat belt gag rule to allow judges and juries to consider apportioning the risk and cost of not wearing a seat belt to individuals who take that risk, not the insurance-paying public at large. The amendment was adopted by a vote of 27-10. **A vote FOR the amendment was a vote WITH LABI.**

**HB 575**  
 (REP. TANNER MAGEE, R-HOUMA - AMENDMENT BY SEN. DANNY MARTINY, R-METAIRIE)

This bill creates a clear framework to allow Transportation Network Companies (TNC), such as Lyft and Uber to operate statewide. An amendment by Sen. Danny Martiny would have moved TNC oversight to the Public Service Commission rather than the Department of Transportation and Development, leaving the possibility for an ongoing patchwork of confusing local regulations. The amendment failed to pass by a vote of 12-22. **A vote AGAINST the amendment was a vote WITH LABI.**

**HB 578**  
 (REP. TANNER MAGEE, R-HOUMA)

This bill directs proceeds from the Deepwater Horizon settlement to major transportation projects. Beginning in Fiscal Year 2021, through Fiscal Year 2034, \$53 million annually will be transferred to the Construction Subfund of the Transportation Trust Fund to support a list of specific infrastructure projects, including phase two of the LA 1 improvements and construction of the LA 415 Bridge at the Intracoastal Canal. It passed by a vote of 37-0. **A vote FOR the bill was a vote WITH LABI.**

**DID YOU KNOW >>>>** IN JUST OVER THREE YEARS, MORE THAN TWO DOZEN NEW LAWS PASSED THAT PERMANENTLY AFFECT THE TAXES PAID BY SMALL AND LARGE COMPANIES CONDUCTING BUSINESS IN LOUISIANA, ULTIMATELY LEADING TO AN ADDITIONAL \$3 BILLION IN STATE TAXES THIS TERM.



“We do know this: the bodily injury awards for the same type of injuries in other states are higher here. Why are they higher?”  
 - REP. KIRK TALBOT (R-RIVER RIDGE) referring to his Omnibus Tort Reform Bill.

## 2019 LABI Votes for Jobs: House

### HB 51 (REP. MIKE HUVAL, R-BREAUX BRIDGE)

This bill would have authorized a judge to decide if evidence of seat belt usage should be introduced in civil trials related to injuries from motor vehicle accidents, repealing the “gag rule” that bans this evidence from courtrooms. Removing the seat belt gag rule would allow judges and juries to consider apportioning the risk and cost of not wearing a seat belt to individuals who take that risk, not the insurance-paying public at large. The bill passed the House by a vote of 86-7. **A vote FOR the bill was a vote WITH LABI.**

### HB 265 (REP. PHILLIP DEVILLIER, R-EUNICE)

This bill would have required the state to make refunds to Louisiana taxpayers for overpayments of taxes that were not legally due. Without this bill, state government stood to unfairly benefit from taxes collected illegally from Louisiana families and companies who lack the knowledge and resources to file taxes under protest or pursue a claim against the state. The bill passed the House by a vote of 91-2. **A vote FOR the bill was a vote WITH LABI.**

### HB 339 (REP. STEPHEN DWIGHT, R-LAKE CHARLES - AMENDMENT BY REP. CLAY SCHEXNAYDER, R-GONZALES)

This bill would have expanded occupancy taxes to various forms of lodging rentals. An amendment by Rep. Clay Schexnayder clarified that temporary workforce housing would remain exempt from such occupancy taxes. The amendment passed the House by a vote of 52-42. **A vote FOR the amendment was a vote WITH LABI.**

### HB 346 (REP. DODIE HORTON, R-HAUGHTON)

This Constitutional Amendment attempted to roll back employee protections from partisan politics, allowing certain civil service employees to make political contributions, join political groups and attend political rallies while off duty and out of uniform. It failed to pass the House by a vote of 29-64. **A vote AGAINST the bill was a vote WITH LABI.**

### HB 372 (REP. KIRK TALBOT, R-RIVER RIDGE)

This bill was titled the Omnibus Premium Reduction Act and encompassed a broad effort to lower car insurance rates through common-sense reforms to the legal system. It would have reduced the civil jury trial threshold to \$5,000, limited direct action against an insurer, repealed the collateral source rule, extended the prescription period to two years and called for auto insurance rate reviews and reductions. It passed the House by a vote of 69-30. **A vote FOR the bill was a vote WITH LABI.**

### HB 372 (REP. KIRK TALBOT, R-RIVER RIDGE - AMENDMENT BY REP. GREG MILLER, R-NORCO)

This bill would have enacted comprehensive tort reform known as the Omnibus Premium Reduction Act. An amendment by Rep. Greg Miller would have increased the jury trial threshold from the \$5,000 limit in the original bill to \$25,000. This amendment would have still left Louisiana with the highest jury trial threshold in the nation. The amendment failed to pass the House by a vote of 9-90. **A vote AGAINST the amendment was a vote WITH LABI.**

## DID YOU KNOW >>>>

TORT LAWSUITS COST EVERY HOUSEHOLD IN LOUISIANA MORE THAN \$4,000 PER YEAR. A PRIME EXAMPLE IS IN AUTO INSURANCE WHERE LOUISIANANS PAY THE SECOND HIGHEST PREMIUMS IN THE U.S. – 56 PERCENT ABOVE THE NATIONAL AVERAGE.

## 2019 LABI Votes for Jobs: House

### HB 575

(REP. TANNER MAGEE, R-HOUMA)

This bill creates a clear framework to allow Transportation Network Companies (TNC), such as Lyft and Uber to operate statewide. For the third consecutive year, the bill passed the House. The vote was 92-0. **A vote FOR the bill was a vote WITH LABI.**

### HB 578

(REP. TANNER MAGEE, R-HOUMA)

This bill directs proceeds from the Deepwater Horizon settlement to major transportation projects. Beginning in Fiscal Year 2021, through Fiscal Year 2034, \$53 million annually will be transferred to the Construction Subfund of the Transportation Trust Fund to support a list of specific infrastructure projects, including phase two of the LA 1 improvements and construction of the LA 415 Bridge at the Intracoastal Canal. It passed by a vote of 97-4. **A vote FOR the bill was a vote WITH LABI.**

### HB 615

(REP. STUART BISHOP, R-LAFAYETTE)

This bill would have authorized facilities regulated by DEQ to conduct voluntary health, safety and environmental audits similar to 22 other states. It would have encouraged improved environmental compliance and created immunity from civil penalties for disclosing and promptly remediating qualifying events. The bill failed to pass by a vote of 46-41. The bill needed 53 votes to pass. **A vote FOR the bill was a vote with LABI.**

### HCR 3

(REP. RICK EDMONDS, R-BATON ROUGE)

This joint legislative resolution sought to amend the Board of Commerce and Industry Rules to streamline the local approval process for Industrial Tax Exemption Program (ITEP) applications. It failed to pass by a vote of 50-44. The resolution needed 53 votes to pass. **A vote FOR the resolution was a vote WITH LABI.**

### SB 198

(SEN. BARROW PEACOCK, R-BOSSIER CITY)

This bill requires the state to make refunds to Louisiana taxpayers for overpayments of taxes that were not legally due. Without this bill, state government stood to unfairly benefit from taxes collected illegally from Louisiana families and companies who lack the knowledge and resources to file taxes under protest or pursue a claim against the state. It passed by a vote of 97-1. **A vote FOR the bill was a vote WITH LABI.**

## DID YOU KNOW >>>>

WHILE LOUISIANA'S UNEMPLOYMENT RATE IS DECREASING, AS OF JUNE 2019, THE 4.4 PERCENT RATE IS STILL RANKED 43RD IN THE NATION. MEANWHILE, LOUISIANANS ARE AGING OUT, MOVING OUT, AND DROPPING OUT OF THE WORKFORCE, LEAVING THE STATE WITH THE LOWEST WORKFORCE PARTICIPATION RATE SINCE THE 1970S.



“I can’t tell you it’s going to work; nobody can. But what I’d like to see, I think if we could just slow the growth of the insurance rates, I would think that we might have a win there,” referring to Rep. Kirk Talbot’s Omnibus Tort Reform Bill.  
– SEN. JACK DONAHUE (R-MANDEVILLE)

## ISSUE: CIVIL JUSTICE REFORM

Comprehensive civil justice reform was a top priority for LABI in the 2019 legislative session, and the organization supported a package of bills that sought to repeal the seat belt gag rule, lower the jury trial threshold, remove the direct action statute, remove the collateral source rule, increase the prescriptive period to two years and in turn would require an automatic auto insurance rate review and reduction if actuarially justified. This LABI-led effort garnered broad support in the House. However, the reform legislation hit the predictable roadblock of the Senate Judiciary A Committee – where trial lawyer legislators hold the majority of seats, and bills to make improvements to the legal climate are consistently killed. Several attempts were made on the Senate floor to bypass the Committee, but were either sidelined by legislative procedure or parked by trial lawyer authors.

Despite running into a legislative roadblock again this year, tort reform is more important than ever in the minds of legislators, the business community and the public. The link between Louisiana’s insurance crisis and the prevalence of a litigious culture have become kitchen-table issues for people living and working in Louisiana — resulting in a more informed electorate to make their voices heard in the upcoming election cycle.



**“WE’RE HERE, WE’RE AT THE TABLE. WE’RE READY TO GIVE SOME TO GET SOME RELIEF ON THIS CRISIS THAT WE CURRENTLY HAVE IN LOUISIANA WHEN IT COMES TO AUTO INSURANCE RATES.”**

**LAUREN CHAUVIN**  
LABI DIRECTOR OF CIVIL JUSTICE

## ISSUE: CIVIL JUSTICE REFORM

“This is the beginning of a grassroots movement that is not going away. People are tired of the political games that have protected the lawsuit culture status quo for years. The costs are too high for La families & businesses. It’s time for change. #lalege”

- STEPHEN WAGUESPACK, LABI PRESIDENT AND CEO 



### DID YOU KNOW...

In Louisiana, evidence of whether or not a plaintiff was wearing their seat belt at the time of an accident is **NOT ALLOWED** to be submitted in court. Seat belts are legally required and proven to reduce injury in accidents, thereby reducing the cost of medical bills and the cost of injury lawsuits. But in Louisiana, it is **ILLEGAL** to let a judge or jury know whether seat belts were worn.



**X2**

Louisianans pay on average \$2,126 in insurance premiums, nearly double the national average.



Louisiana claimants report bodily injuries at double the national rate, and are 60 percent more likely to file lawsuits.

Louisiana laws have set the stage for excessive litigation, and legislators can fix this problem. Throughout this four-year term, the Senate Judiciary A Committee has killed every tort reform measure passed by the House, as five of seven members of the Committee are trial lawyers themselves, both Republicans and Democrats.



“The achievement today shows what is possible when we set high goals.”

– REP. NANCY LANDRY (R-LAFAYETTE), referencing the announcement that a record number of Louisiana students graduated high school in 2018 (The Advocate 5/15/2019)

## ISSUE: EDUCATION & WORKFORCE DEVELOPMENT

Teacher pay and funding for public schools were major topics in budget negotiations in the 2019 session. Ultimately, the Legislature approved the governor’s request for a \$1,000 permanent pay raise for teachers and \$500 for school support workers, as well as a \$39 million inflationary increase for general funding for public schools. Roughly \$19 million for early childhood education also made it into the final state budget.

LABI supported successful resolutions to increase access to dual enrollment and work-based learning opportunities, as well as student-focused bills to increase transparency in K-12 school fees and to lower the costs of college textbooks and materials. LABI worked with a coalition of organizations to defeat legislation in committee that would have repealed statewide K-12 standards and assessments and required charter schools to fund the legacy debt of the teachers’ retirement system.

Going into the fall elections, education and workforce development will be a major issue for LABI as we seek to promote implementation of major policies from the past decade, expand access to early childhood education and better align high school to higher education and job opportunities.



### ***DID YOU KNOW...***

Louisiana’s high school graduation rate is at an all-time high at 81 percent. A record 25,083 public high school graduates from the Class of 2018 enrolled in college in the fall immediately after graduation – a figure that has increased by 23 percent since 2012. More than half of the growth is due to African-American students pursuing education and training after high school. (LDOE May 2019)

# ISSUE: EMPLOYEE RELATIONS

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The 2019 session ended with no floor votes on employee relations bills of note. LABI successfully fought against legislation harmful to the state's job creators, including local government mandates and expensive workers' compensation bills. The handful of instruments introduced this year that sought to increase wage mandates on employers in Louisiana – all which LABI opposed – were either defeated in the House Labor and Industrial Relations Committee or parked on the Senate floor without a vote. Similarly, House and Senate employer mandate bills that would have exposed Louisiana employers to a greater risk for employee lawsuits by expanding Louisiana's equal pay law beyond federal requirements also failed to clear their respective houses of origin.

LABI continues to support market-based solutions to wage growth with limited governmental interference.

## ***DID YOU KNOW...***

LABI sponsored legislation in 2014 that codified the federal Equal Pay Act into state law. RS 23:332 states: "It shall be unlawful discrimination for an employer to... intentionally pay wages to an employee at a rate less than that of another employee of the opposite sex for equal work on jobs in which their performance requires equal skill, effort, and responsibility and which are performed under similar working conditions."



# ISSUE: ENERGY & ENVIRONMENTAL QUALITY

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Virtually nothing was passed by the legislature targeting this sector of the Louisiana economy. LABI supported a bill to authorize facilities regulated by the Department of Environmental Quality to conduct voluntary health, safety and environmental audits, which is common practice in a number of other states. However, the bill failed to pass the House floor over the objections of vocal environmental groups and allies concerned with bad actors. LABI also supported several bills to reinforce oil and gas tax incentives and exemptions, which were parked or killed in Senate Committees.



## ISSUE: GOVERNMENTAL REFORM

The central issue in this year's legislative session for LABI's Government Reform Task Force was a bill to erode the "Little Hatch Act" by attempting to remove prohibitions on political activity by certain public employees. This proposed amendment to the state constitution sought to allow some members of the police and fire departments in classified civil service to engage in political activities, exposing these public employees to possible coercion.

LABI has long held the position that the civil service employees should be safe from political pressure from unions and elected officials. Put simply, going back to a politicized public workforce is not a good idea for Louisiana, and LABI successfully defeated this legislation on the House floor by a substantial margin.



“

We are still concerned with the piece of individuals being coerced and forced to deal with political activities when they don't want to. I understand the people in the First Amendment right for folks to speak up and want to do this, but what about the folks that do not want to do this?

If you lift this protection, then they're going to have to do something that they don't want to do... It has been a longstanding position at LABI that we protect the Little Hatch Act here.”

- COURTNEY BAKER , LABI DIRECTOR OF GOVERNMENT REFORM



## ISSUE: HEALTH CARE

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Health care continues to dominate state spending with a nine percent increase in Medicaid funding for the Fiscal Year 2020 budget, bringing the total to nearly \$14 billion of a total state budget of more than \$30 billion.

LABI's focus this session was to defeat or amend bills that would have raised health care costs on Louisiana employers. Chief among this legislation was a bill signed by the Governor to regulate Pharmacy Benefits Managers (PBMs) that LABI opposed until the author accepted heavy amendments to address most major cost drivers in the proposal. Still, our self-insured members maintained concerns that the new law would apply to all forms of health plans, including those regulated by the federal government under ERISA, which will almost certainly result in litigation that other states have already failed to win. LABI will continue to monitor implementation of this new law and its effect on our members.

### ***DID YOU KNOW..***

Bipartisan legislation passed this session to guarantee coverage for patients with pre-existing conditions should federal courts continue to rule the Affordable Care Act unconstitutional. Pushed by Attorney General Jeff Landry and signed into law by Governor John Bel Edwards, Act 412 also eliminates lifetime limits on the dollar value of benefits, allows for coverage on parent policies for children under age 26 and mandates essential health benefits. The new law also takes steps toward a Guaranteed Benefits Pool to help lower costs related to these benefits.



This legislation helps veterans after they have served our country. Proud to support our veterans and their small businesses!

-REP. RICK EDMONDS (R-BATON ROUGE), referencing the passage of HB 391, bipartisan legislation supported by LABI to certify veteran-owned businesses by Rep. Franklin Foil. [Twitter](#)

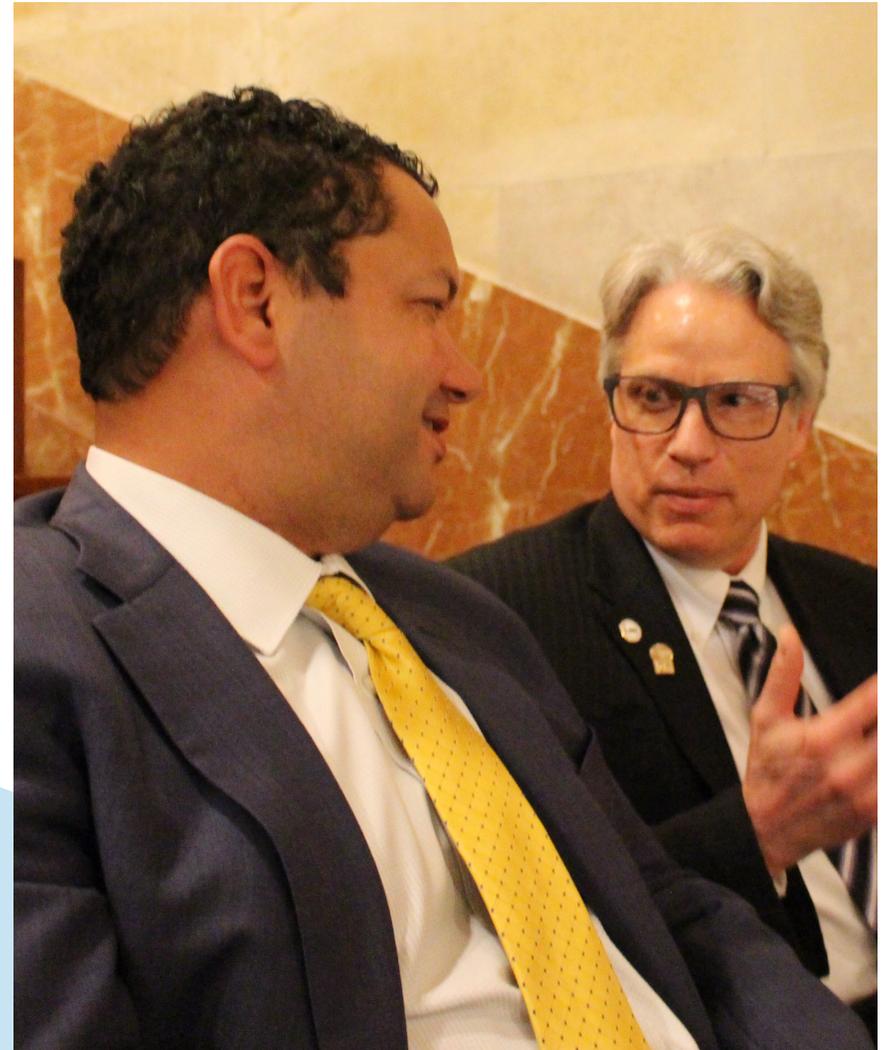
## ISSUE: SMALL BUSINESS

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This session, LABI supported legislation to enact the Small Business Protection Act to ensure small business owners are notified of new regulatory actions that could impact their businesses. Under the new law, LABI will assist in the dissemination of such notice. Additionally, LABI supported a new law that will certify businesses owned by veterans or their surviving spouses and set up a veteran-owned business database. Finally, LABI worked to protect small business employers this session by defeating bills that would have created new opportunities for lawsuits against them and sought a number of civil justice reforms to level the playing field for small business and begin to lower the cost of auto insurance.

### ***DID YOU KNOW...***

**80 PERCENT** OF LABI MEMBERS ARE SMALL BUSINESSES WITH **FEWER THAN 100 EMPLOYEES.**



## ISSUE: TAXATION & FINANCE

While this was a fiscal session, there were generally no tax assaults on business this year – a welcome change after the past three years and more than 10 sessions. In fact, 2019 saw several notable improvements championed by LABI and our allies. First and foremost, LABI successfully gained passage of legislation to ensure that unconstitutional state taxes must be refunded to the taxpayer in a simple, administrative way. LABI filed this bill in response to the administration’s refusal to repay taxes collected illegally unless taxpayers have the foresight to file “under protest” or obtain a legislative appropriation. While the administration opposed the legislation, LABI was successful in securing its passage and the governor ultimately signed it into law. Other business-friendly bills of note that passed this session include a reversal of a 2016 bill to again allow Net Operating Losses (NOLs) to be taken in the order of occurrence and legislation to treat Subchapter S companies fairly under the new federal tax provisions.

Responding to the administration’s regulatory weakening of the Industrial Tax Exemption Program (ITEP), LABI supported attempts in both the House and the Senate to streamline procedures for local input and decision making on ITEP applications. The administration opposed these measures. In the end, the only instrument that passed was a resolution requesting Louisiana Economic Development to develop uniform local review and approval standards for ITEP.

Other tax bills filed this year were also beneficial to business, like legislation to streamline and simplify sales tax administration by centralizing state and local sales tax collections, although this Constitutional Amendment was parked in the House Committee due to the overwhelming objections of local governments. Other tax bills were problematic, such as legislation that sought to clarify when hotel occupancy taxes are to be applied but also effectively levied them

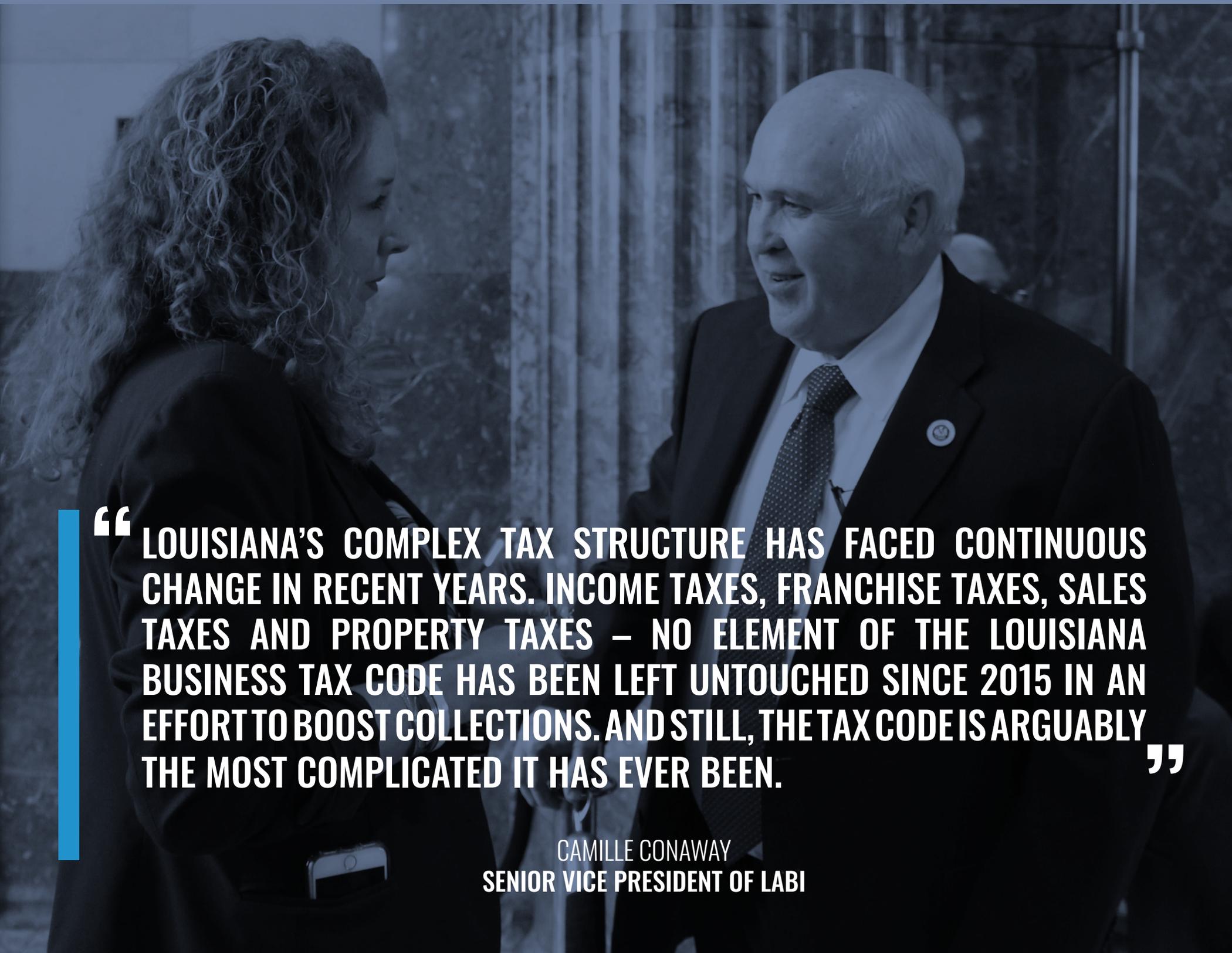
against employer-owned and operated temporary workforce housing. LABI’s opposition to the bill was removed with a floor amendment exempting temporary workforce housing from hotel occupancy taxes, but the bill was ultimately tabled by the author as a result of this amendment, which again pitted the business community against local governments.

### ***DID YOU KNOW...***

The data clearly shows that manufacturing – supported by ITEP – brings tremendous benefit to the state far beyond the facility fence line. In parishes with manufacturing jobs, wages are higher, poverty rates are lower and both property and sales tax collections are higher, supporting essential community services such as higher teacher pay.

### **DID YOU KNOW >>>>**

EVEN WITH PROGRAMS SUCH AS ITEP, NATIONAL DATA SHOWS THAT LOUISIANA BUSINESSES PAY 49 PERCENT OF ALL TAXES COLLECTED IN LOUISIANA, WHICH IS ABOVE THE NATIONAL AVERAGE OF 44 PERCENT. GIVEN RECENT TAX CHANGES AT THE STATE LEVEL, ONE NATIONAL REPORT NOTED THAT LOUISIANA HAD THE GREATEST INCREASE IN BUSINESS TAXES IN THE NATION FROM 2016 TO 2017.



**“ LOUISIANA’S COMPLEX TAX STRUCTURE HAS FACED CONTINUOUS CHANGE IN RECENT YEARS. INCOME TAXES, FRANCHISE TAXES, SALES TAXES AND PROPERTY TAXES – NO ELEMENT OF THE LOUISIANA BUSINESS TAX CODE HAS BEEN LEFT UNTOUCHED SINCE 2015 IN AN EFFORT TO BOOST COLLECTIONS. AND STILL, THE TAX CODE IS ARGUABLY THE MOST COMPLICATED IT HAS EVER BEEN. ”**

**CAMILLE CONAWAY  
SENIOR VICE PRESIDENT OF LABI**



"#lalege working on traffic relief & transportation infrastructure. Creative solutions without raising taxes. Building trust, redirecting & dedicating money to roads & bridges, reducing traffic congestion at 'new' Baton Rouge bridge."  
-REP. PAULA DAVIS (R-BATON ROUGE) 

## ISSUE: TRADE, TRANSPORTATION & TOURISM

While the possibility of a new gas tax made headlines leading up to the legislative session – and received the support of the LABI Board of Directors – the bill was ultimately sidelined in a legislative committee without a vote as members cited a lack of public support at this time. However, a new law did pass the legislature that will make a sizeable investment in statewide infrastructure over the next decade. As originally filed, the bill sought to redirect economic damage proceeds from the Deepwater Horizon litigation to the Transportation Trust Fund’s Construction Subfund for two major infrastructure projects: phase two of the LA 1 Improvement Project between Golden Meadow and Leesville and the LA 415 Bridge at the Intracoastal Canal on the west bank in Baton Rouge. LABI supported the legislation as these projects are truly essential to commerce along these economic development corridors.

Over the course of the session, projects from every corner of the state found their way into the proposal, winning overwhelming support of both the House and Senate as well as stakeholders. The new law ultimately re-directs nearly \$700 million for state transportation needs, including I-49 South in Lafayette, LA Highway 3241 (a St. Tammany TIMED Project remaining from 1989), I-49 North Inner City Connector in Caddo Parish, an acquisition of a new Cameron Parish Ferry, two cranes for the Port of New Orleans and an upgrade of rural roads and on-system bridges.



While the legislature did not get an opportunity to vote on a statewide tax on the sale of gasoline, it did indeed secure funding from existing dollars to fund multiple types of infrastructure projects that have been on the books for decades.

Additionally, the legislature finally passed a statewide framework for the operation of transportation network companies, such as Uber and Lyft. LABI has supported this proposal for three consecutive years, and Louisiana will now finally join the 45 states that have adopted the single set of rules for ridesharing companies that bring economic opportunities and expand access to reliable transportation to Louisiana.



**“ LABI UNDERSTANDS THE DIRECT CORRELATION BETWEEN A THRIVING BUSINESS COMMUNITY AND INVESTING IN A SAFE AND SUSTAINABLE TRANSPORTATION SYSTEM WHICH STIMULATES ECONOMIC GROWTH, AND IS PROUD TO BE PART OF THE EFFORT TO SUPPORT INNOVATION AND IMPROVE LOUISIANA’S INFRASTRUCTURE.**

**”**

---

**COURTNEY BAKER  
LABI DIRECTOR OF TRADE, TRANSPORTATION AND TOURISM**

## RANKINGS KEY:

- **ALL-STARS:** Scored 90 percent or higher on the legislation important to LABI and the state's employers for the term.
- **HONORABLE MENTIONS:** Scored 80 percent or higher on the legislation important to LABI and the state's employers for the term.

**TERM**

# CHAMPIONS

## SNAPSHOT

### ALL-STARS

90% +

SEN. CONRAD APPEL  
SEN. JACK DONAHUE  
SEN. SHARON HEWITT  
SEN. BETH MIZELL  
SEN. MIKE WALSWORTH  
SPEAKER TAYLOR BARRAS

REP. BERYL AMEDEE  
REP. TONY BACALA  
REP. RAYMOND CREWS  
REP. PAULA DAVIS  
REP. PHILLIP DEVILLIER  
REP. RICK EDMONDS

REP. JULIE EMERSON  
REP. RAYMOND GAROFALO  
REP. DODIE HORTON  
REP. BARRY IVEY  
REP. NANCY LANDRY  
REP. BLAKE MIGUEZ

REP. ALAN SEABAUGH  
REP. JOHN STEFANSKI  
REP. KIRK TALBOT  
REP. POLLY THOMAS  
REP. MARK WRIGHT  
REP. JEROME ZERINGUE

### HONORABLE MENTIONS

80% +

SEN. BARROW PEACOCK  
SEN. NEIL RISER  
SEN. MACK 'BODI' WHITE  
REP. JOHNNY BERTHELOT  
REP. STUART BISHOP

REP. THOMAS CARMODY  
REP. STEVE CARTER  
REP. JEAN-PAUL COUSSAN  
REP. CAMERON HENRY  
REP. VALARIE HODGES

REP. MIKE HUVAL  
REP. CHRIS LEOPOLD  
REP. SHERMAN MACK  
REP. TANNER MAGEE  
REP. JACK MCFARLAND

REP. KEVIN PEARSON  
REP. STEVE PUGH  
REP. CLAY SCHEXNAYDER  
REP. SCOTT SIMON  
REP. JULIE STOKES

# SCORECARD

# TERM

## SNAPSHOT

# SENATE

# HOUSE

ABRAHAM, MARK	79%	GAINES, RANDAL	37%
ABRAMSON, NEIL	60%	GAROFALO, RAY	91%
AMEDEE, BERYL	95%	GISCLAIR, JERRY	43%
ANDERS, ANDY	34%	GLOVER, CEDRIC	28%
ARMES, JAMES	27%	GUINN, JOHN	78%
BACALA, TONY	91%	HARRIS, JIMMY	34%
BAGLEY, LARRY	72%	HARRIS, LANCE	76%
BAGNERIS, JOHN	35%	HENRY, CAMERON	82%
BARRAS, TAYLOR	93%	HILFERTY, STEPHANIE	73%
BERTHELOT, JOHNNY	86%	HILL, DOROTHY SUE	30%
BILLIOT, ROBERT	59%	HODGES, VALARIE	83%
BISHOP, STUART	88%	HOFFMANN, FRANK	64%
BOUIE, JOE	30%	HOLLIS, PAUL	79%
BRASS, KEN	57%	HORTON, DODIE	95%
BROWN, CHAD	61%	HOWARD, FRANK	79%
BROWN, TERRY	46%	HUVAL, MIKE	85%
CARMODY, THOMAS	88%	IVEY, BARRY	91%
CARPENTER, BARBARA	31%	JACKSON, KATRINA	28%
CARTER, GARY	35%	JAMES, TED	34%
CARTER, ROBBY	23%	JEFFERSON, PATRICK	37%
CARTER, STEVE	86%	JENKINS, SAM	35%
CHANEY, CHARLES	51%	JOHNSON, ROBERT	28%
CONNICK, PATRICK	73%	JONES, SAM	29%
COUSSAN, JEAN-PAUL	88%	JORDAN, EDMOND	41%
COX, KENNY	24%	LANDRY, NANCY	99%
CREWS, RAYMOND	98%	LANDRY, TERRY	30%
DAVIS, PAULA	92%	LEBAS, BERNARD	27%
DEVILLIER, PHILLIP	90%	LEGER, WALT III	34%
DWIGHT, STEPHEN	78%	LEOPOLD, CHRIS	81%
EDMONDS, RICK	97%	LYONS, RODNEY	35%
EMERSON, JULIE	99%	MACK, SHERMAN	83%
FALCONER, REID	73%	MAGEE, TANNER	83%
FOIL, FRANKLIN	78%	MARCELLE, DENISE	25%
FRANKLIN, A.B.	39%	MARINO, JOE	72%

MCFARLAND, JACK	83%
MIGUEZ, BLAKE	94%
MILLER, DUSTIN	39%
MILLER, GREG	77%
MORRIS, JAY	45%
MORRIS, JIM	76%
NORTON, BARBARA	27%
PEARSON, KEVIN	80%
PIERRE, VINCENT	43%
POPE, ROGER	67%
PUGH, STEVE	85%
PYLANT, STEVE	57%
RICHARD, JEROME	69%
SCHEXNAYDER, CLAY	83%
SEABAUGH, ALAN	94%
SIMON, SCOTT	86%
SMITH, PAT	38%
STAGNI, JOE	66%
STEFANSKI, JOHN	94%
STOKES, JULIE	85%
TALBOT, KIRK	91%
THOMAS, POLLY	96%
WHITE, MALINDA	50%
WRIGHT, MARK	92%
ZERINGUE, JEROME	90%

ALARIO, JOHN	52%
ALLAIN, BRET	76%
APPEL, CONRAD	96%
BARROW, REGINA	19%
BISHOP, WESLEY	21%
BOUDREAUX, GERALD	21%
CARTER, TROY	19%
CHABERT, NORBY	67%
CLAITOR, DAN	75%
COLOMB, YVONNE	16%
CORTEZ, PAGE	72%
DONAHUE, JACK	94%
ERDEY, DALE	48%
FANNIN, JIM	64%
GATTI, RYAN	56%
HENSGENS, BOB	65%
HEWITT, SHARON	91%
JOHNS, RONNIE	69%
LAFLEUR, ERIC	32%
LAMBERT, EDDIE	72%
LONG, GERALD	53%
LUNEAU, JAY	24%
MARTINY, DANNY	37%

MILKOVICH, JOHN	42%
MILLS, FRED	57%
MIZELL, BETH	91%
MORRELL, JP	17%
MORRISH, DAN 'BLADE'	50%
PEACOCK, BARROW	89%
PETERSON, KAREN CARTER	15%
PRICE, ED	28%
RISER, NEIL	83%
SMITH, GARY	45%
SMITH, JOHN	53%
TARVER, GREG	32%
THOMPSON, FRANCIS	46%
WALSWORTH, MIKE	95%
WARD, RICK III	66%
WHITE, MACK 'BODI'	80%

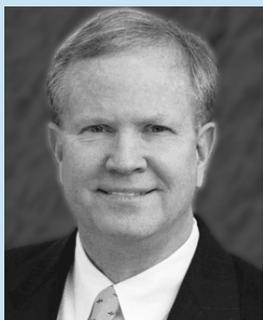
A CUMULATIVE SCORE COULD NOT BE CALCULATED FOR THE FOLLOWING LEGISLATORS BECAUSE THEY WERE NOT VOTING MEMBERS FOR MORE THAN ONE YEAR.

REP. ADAMS  
REP. BOURRIAQUE  
REP. DUBUISSON  
REP. DUPLESSIS  
REP. M. JOHNSON  
REP. LACOMBE

REP. LARVADAIN  
REP. MCMAHEN  
REP. MOSS  
REP. MOORE  
REP. MUSCARELLO  
REP. TURNER

# TERM SENATE ALL-STARS

LABI honors the five senators whose voting record shows a dedication to the principles of free enterprise. On 90 percent of the legislation important to LABI and the state's employers, these legislators voted to prioritize growth in the private sector economy for their entire term.



SEN. APPEL (R-METAIRIE)



SEN. DONAHUE (R-MANDEVILLE)



SEN. HEWITT (R-SLIDELL)



SEN. MIZELL (R-FRANKLINTON)



SEN. WALSWORTH (R-WEST MONROE)

## DID YOU KNOW >>>>

IN 2015-16, 60 PERCENT OF BACHELOR'S DEGREES EARNED IN LOUISIANA'S PUBLIC COLLEGES WERE AWARDED TO WOMEN. HOWEVER, ONLY 17 PERCENT OF BACHELOR'S DEGREES IN ENGINEERING AND 18 PERCENT IN COMPUTER SCIENCE WERE EARNED BY WOMEN.

# TERM HOUSE ALL-STARS

LABI extends a special thanks to the 19 representatives who scored 90 percent or higher on LABI's Scorecard for their entire term. These legislators assisted LABI in advancing a platform of positive, pro-growth measures to improve Louisiana's economy.



REP. AMEDEE (R-HOUMA)



REP. BACALA (R-PRAIRIEVILLE)



SPEAKER BARRAS (R-NEW IBERIA)



REP. CREWS (R-BOSSIER CITY)



REP. DAVIS (R-BATON ROUGE)



REP. DEVILLIER (R-EUNICE)



REP. EDMONDS (R-BATON ROUGE)



REP. EMERSON (R-CARENCRE)

# TERM HOUSE ALL-STARS

LABI extends a special thanks to the 19 representatives who scored 90 percent or higher on LABI's Scorecard for their entire term. These legislators assisted LABI in advancing a platform of positive, pro-growth measures to improve Louisiana's economy.



REP. GAROFALO (R-CHALMETTE)



REP. HORTON (R-HAUGHTON)



REP. IVEY (R-BATON ROUGE)



REP. N. LANDRY (R-LAFAYETTE)



REP. MIGUEZ (R-ERATH)



REP. SEABAUGH (R-SHREVEPORT)



REP. STEFANSKI (R-CROWLEY)



REP. TALBOT (R-RIVER RIDGE)

# TERM HOUSE ALL-STARS

LABI extends a special thanks to the 19 representatives who scored 90 percent or higher on LABI's Scorecard for their entire term. These legislators assisted LABI in advancing a platform of positive, pro-growth measures to improve Louisiana's economy.



REP. THOMAS (R-METAIRIE)



REP. WRIGHT (R-COVINGTON)



REP. ZERINGUE (R-HOUMA)

# TERM HONORABLE MENTIONS

LABI recognizes the following senators and representatives who scored 80 percent or higher on issues important to LABI and the state's employers for the entire term.

**SEN. BARROW PEACOCK (R- BOSSIER CITY)**

**SEN. NEIL RISER (R-COLUMBIA)**

**SEN. BODI WHITE (R-BATON ROUGE)**

**REP. JOHNNY BERTHELOT (R-GONZALES)**

**REP. STUART BISHOP (R-LAFAYETTE)**

**REP. THOMAS CARMODY (R-SHREVEPORT)**

**REP. STEVE CARTER (R-BATON ROUGE)**

**REP. JEAN-PAUL COUSSAN (R-LAFAYETTE)**

**REP. CAMERON HENRY (R-METAIRIE)**

**REP. VALARIE HODGES (R-DENHAM SPRINGS)**

**REP. MIKE HUVAL (R-BREAUX BRIDGE)**

**REP. CHRIS LEOPOLD (R-BELLE CHASSE)**

**REP. SHERMAN MACK (R-ALBANY)**

**REP. TANNER MAGEE (R-HOUMA)**

**REP. JACK MCFARLAND (R-JONESBORO)**

**REP. KEVIN PEARSON (R-SLIDELL)**

**REP. STEPHEN PUGH (R-PONCHATOULA)**

**REP. CLAY SCHEXNAYDER (R-GONZALES)**

**REP. SCOTT SIMON (R-ABITA SPRINGS)**

**REP. JULIE STOKES (R-KENNER)**

## RANKINGS KEY:

- **MOST VALUABLE POLICYMAKERS (MVPS):** Scored 100 percent on the legislation important to LABI and the state's employers.
- **ALL-STARS:** Scored 90 percent or higher on the legislation important to LABI and the state's employers.
- **HONORABLE MENTIONS:** Scored 80 percent or higher on the legislation important to LABI and the state's employers.

# SESSION

# CHAMPIONS

## SNAPSHOT

### MOST VALUABLE POLICYMAKERS (MVPs)

100%

SEN. BRET ALLAIN  
SEN. CONRAD APPEL  
SEN. NORBY CHABERT  
SEN. DAN CLAITOR  
SEN. PAGE CORTEZ  
SEN. JACK DONAHUE

SEN. JIM FANNIN  
SEN. RYAN GATTI  
SEN. SHARON HEWITT  
SEN. RONNIE JOHNS  
SEN. FRED MILLS  
SEN. BETH MIZELL

SEN. BARROW PEACOCK  
SEN. NEIL RISER  
SEN. MIKE WALSWORTH  
SEN. RICK WARD III  
SPEAKER TAYLOR BARRAS  
REP. THOMAS CARMODY

REP. STEVE CARTER  
REP. RAYMOND CREWS  
REP. PHILLIP DEVILLIER  
REP. MARY DUBUISSON  
REP. RICK EDMONDS  
REP. MIKE HUVAL

REP. MIKE JOHNSON  
REP. NANCY LANDRY  
REP. BLAKE MIGUEZ  
REP. CLAY SCHEXNAYDER  
REP. ALAN SEABAUGH

### ALL-STARS

90% +

REP. TONY BACALA  
REP. PAULA DAVIS

REP. JULIE EMERSON  
REP. FRANKLIN FOIL

REP. LANCE HARRIS  
REP. PAUL HOLLIS

REP. DODIE HORTON  
REP. SHERMAN MACK

REP. JULIE STOKES

### HONORABLE MENTIONS

80% +

REP. MARK ABRAHAM  
REP. NEIL ABRAMSON  
REP. BERYL AMEDEE  
REP. ANDY ANDERS  
REP. LARRY BAGLEY  
REP. JOHNNY BERTHELOT

REP. ROBERT BILLIOT  
REP. STUART BISHOP  
REP. KEN BRASS  
REP. CHAD BROWN  
REP. JEAN-PAUL COUSSAN  
REP. RAY GAROFALO

REP. JOHN GUINN  
REP. CAMERON HENRY  
REP. VALARIE HODGES  
REP. FRANK HOFFMANN  
REP. BARRY IVEY  
REP. CHRIS LEOPOLD

REP. JACK MCFARLAND  
REP. WAYNE MCMAHEN  
REP. JIM MORRIS  
REP. KEVIN PEARSON  
REP. ROGERS POPE  
REP. STEVE PUGH

REP. KIRK TALBOT  
REP. POLLY THOMAS  
REP. CHRIS TURNER  
REP. MARK WRIGHT  
REP. JEROME ZERINGUE

# HOUSE

ABRAHAM, MARK	88%	GAINES, RANDAL	62%
ABRAMSON, NEIL	82%	GAROFALO, RAY	88%
ADAMS, DARYL	37%	GISCLAIR, JERRY	53%
AMEDEE, BERYL	88%	GLOVER, CEDRIC	46%
ANDERS, ANDY	81%	GUINN, JOHN	88%
ARMES, JAMES	53%	HARRIS, JIMMY	50%
BACALA, TONY	94%	HARRIS, LANCE	94%
BAGLEY, LARRY	85%	HENRY, CAMERON	81%
BAGNERIS, JOHN	60%	HILFERTY, STEPHANIE	59%
BARRAS, TAYLOR	100%	HILL, DOROTHY SUE	48%
BERTHELOT, JOHNNY	83%	HODGES, VALARIE	88%
BILLIOT, ROBERT	83%	HOFFMANN, FRANK	83%
BISHOP, STUART	86%	HOLLIS, PAUL	94%
BOUIE, JOE	50%	HORTON, DODIE	94%
BOURRIAQUE, RYAN	77%	HOWARD, FRANK	65%
BRASS, KEN	88%	HUVAL, MIKE	100%
BROWN, CHAD	88%	IVEY, BARRY	85%
BROWN, TERRY	71%	JACKSON, KATRINA	67%
CARMODY, THOMAS	100%	JAMES, TED	50%
CARPENTER, BARBARA	50%	JEFFERSON, PATRICK	59%
CARTER, GARY	50%	JENKINS, SAM	44%
CARTER, STEVE	100%	JOHNSON, MIKE	100%
CHANEY, CHARLES	71%	JOHNSON, ROBERT	44%
CONNICK, PATRICK	71%	JONES, SAM	50%
COUSSAN, JEAN-PAUL	83%	JORDAN, EDMOND	71%
COX, KENNY	47%	LACOMBE, JEREMY	65%
CREWS, RAYMOND	100%	LANDRY, NANCY	100%
DAVIS, PAULA	94%	LANDRY, TERRY	30%
DEVILLIER, PHILLIP	100%	LARVADAIN, ED	35%
DUBUISSON, MARY	100%	LEBAS, BERNARD	59%
DUPLESSIS, ROYCE	41%	LEGER, WALT III	48%
DWIGHT, STEPHEN	68%	LEOPOLD, CHRIS	88%
EDMONDS, RICK	100%	LYONS, RODNEY	59%
EMERSON, JULIE	94%	MACK, SHERMAN	94%
FALCONER, REID	59%	MAGEE, TANNER	77%
FOIL, FRANKLIN	94%	MARCELLE, DENISE	62%
FRANKLIN, A.B.	59%	MARINO, JOE	42%

MCFARLAND, JACK	80%
MCMAHEN, WAYNE	83%
MIGUEZ, BLAKE	100%
MILLER, DUSTIN	65%
MILLER, GREG	67%
MOORE, PAT	59%
MORRIS, JAY	77%
MORRIS, JIM	80%
MOSS, STUART	77%
MUSCARELLO, NICHOLAS	77%
NORTON, BARBARA	47%
PEARSON, KEVIN	88%
PIERRE, VINCENT	71%
POPE, ROGERS	88%
PUGH, STEVE	88%
PYLANT, STEVE	74%
RICHARD, JEROME	65%
SCHEXNAYDER, CLAY	100%
SEABAUGH, ALAN	100%
SMITH, PAT	71%
STAGNI, JOE	53%
STEFANSKI, JOHN	77%
STOKES, JULIE	94%
TALBOT, KIRK	85%
THOMAS, POLLY	83%
TURNER, CHRIS	88%
WHITE, MALINDA	75%
WRIGHT, MARK	83%
ZERINGUE, JEROME	83%

ALARIO, JOHN	30%
ALLAIN, BRET	100%
APPEL, CONRAD	100%
BARROW, REGINA	38%
BISHOP, WESLEY	29%
BOUDREAUX, GERALD	39%
CARTER, TROY	20%
CHABERT, NORBY	100%
CLAITOR, DAN	100%
COLOMB, YVONNE	50%
CORTEZ, PAGE	100%
DONAHUE, JACK	100%
ERDEY, DALE	39%
FANNIN, JIM	100%
GATTI, RYAN	100%
HENSGENS, BOB	76%
HEWITT, SHARON	100%
JOHNS, RONNIE	100%
LAFLEUR, ERIC	39%
LAMBERT, EDDIE	76%
LONG, GERALD	55%
LUNEAU, JAY	39%
MARTINY, DANNY	56%
MILKOVICH, JOHN	62%

# SENATE

MILLS, FRED	100%
MIZELL, BETH	100%
MORRELL, JP	20%
MORRISH, DAN 'BLADE'	77%
PEACOCK, BARROW	100%
PETERSON, KAREN CARTER	15%
PRICE, ED	61%
RISER, NEIL	100%
SMITH, GARY	53%
SMITH, JOHN	51%
TARVER, GREG	15%
THOMPSON, FRANCIS	76%
WALSWORTH, MIKE	100%
WARD, RICK III	100%
WHITE, MACK 'BODI'	76%

THE FOLLOWING SCORES COULD NOT BE CALCULATED BECAUSE THE LEGISLATORS WERE NOT PRESENT FOR THE WHOLE SCORABLE PERIOD.

REP. SCOTT SIMON

REP. ROBBY CARTER

# SCORECARD 2019 SESSION

SNAPSHOT

# THE METHODOLOGY.



---

A check indicates the legislator voted with LABI's position on a bill.



---

An X indicates the legislator voted opposite of LABI's position on a bill. An X will deduct from their overall score.



---

An A indicates that the legislator was absent when LABI did not need their support on a vote.



---

An A- indicates that the legislator was absent when LABI needed their support on a vote. An A- will deduct from their overall score.

# SENATE

	2016	2017	2018	2019 SCORE			TERM SCORE			HB 181 SEATBELT AMENDMENT	HB 575 UBER/LYFT AMENDMENT	HB 578 TRANSPORTATION	SB 198 REFUNDS REJECT	SB 198 REFUNDS CONCUR
	SCORE	SCORE	SCORE	POSSIBLE	EARNED	SCORE	POSSIBLE	EARNED	SCORE	POINTS (Y) 50 WITH LABI 27 AGAINST LABI 10 ABSENT 2	POINTS (N) 80 WITH LABI 22 AGAINST LABI 12 ABSENT 5	POINTS (Y) 50 WITH LABI 37 AGAINST LABI 0 ABSENT 2	POINTS (Y) 75 WITH LABI 23 AGAINST LABI 12 ABSENT 4	POINTS (Y) 75 WITH LABI 24 AGAINST LABI 11 ABSENT 4
Alario	32%	76%	70%	330	100	30%	4980	2600	52%	✓	×	✓	×	×
Allain	56%	100%	82%	330	330	100%	4980	3805	76%	✓	✓	✓	✓	✓
Appel	94%	94%	100%	330	330	100%	4830	4630	96%	✓	✓	✓	✓	✓
Barrow	5%	39%	22%	330	125	38%	4880	950	19%	×	×	✓	✓	×
Bishop	10%	39%	18%	175	50	29%	4475	925	21%	A-	A	✓	A	A-
Boudreaux	15%	27%	20%	330	130	39%	4980	1030	21%	×	✓	✓	×	×
Carter	16%	24%	17%	250	50	20%	4850	900	19%	A-	A	✓	×	×
Chabert	51%	78%	76%	330	330	100%	4880	3255	67%	✓	✓	✓	✓	✓
Claitor	67%	88%	72%	330	330	100%	4980	3755	75%	✓	✓	✓	✓	✓
Colomb	14%	19%	11%	250	125	50%	4400	725	16%	×	A	✓	✓	×
Cortez	51%	100%	74%	330	330	100%	4980	3580	72%	✓	✓	✓	✓	✓
Donahue	93%	88%	100%	330	330	100%	4330	4055	94%	✓	✓	✓	✓	✓
Erdey	25%	49%	92%	255	100	39%	4855	2500	48%	✓	×	✓	A	A-
Fannin	51%	49%	92%	250	250	100%	4800	3050	64%	✓	A	✓	✓	✓
Gatti	22%	96%	74%	330	330	100%	4405	2455	56%	✓	✓	✓	✓	✓
Hensgens	58%	77%	65%	330	250	76%	4929	3216	65%	✓	×	✓	✓	✓
Hewitt	80%	98%	100%	330	330	100%	4880	4430	91%	✓	✓	✓	✓	✓
Johns	53%	84%	74%	330	330	100%	4980	3430	69%	✓	✓	✓	✓	✓
LaFleur	11%	68%	24%	330	130	39%	3655	1155	32%	×	✓	✓	×	×
Lambert	47%	96%	87%	330	250	76%	4630	3325	72%	✓	×	✓	✓	✓
Long	36%	64%	68%	330	180	55%	4630	2455	53%	✓	✓	✓	×	×
Luneau	16%	39%	20%	330	130	39%	4980	1205	24%	×	✓	✓	×	×
Martiny	26%	51%	39%	180	100	56%	4055	1500	37%	✓	×	✓	A	A
Milkovich	30%	59%	42%	330	205	62%	4980	2105	42%	×	✓	✓	×	✓
Mills	41%	63%	66%	330	330	100%	4980	2830	57%	✓	✓	✓	✓	✓
Mizell	82%	98%	100%	280	280	100%	4930	4505	91%	✓	✓	A	✓	✓
Morrell	9%	29%	20%	250	50	20%	4900	850	17%	×	A	✓	×	×
Morrish	41%	42%	68%	330	255	77%	4730	2380	50%	✓	✓	✓	×	✓
Peacock	76%	100%	100%	330	330	100%	4980	4455	89%	✓	✓	✓	✓	✓
Peterson	10%	31%	10%	330	50	15%	4530	700	15%	×	×	✓	×	×
Price	33%	62%	20%	330	200	61%	1580	450	28%	×	×	✓	✓	✓
Riser	98%	64%	72%	330	330	100%	4930	3980	83%	✓	✓	✓	✓	✓
Smith, G.	41%	51%	44%	330	175	53%	4980	2250	45%	✓	×	✓	×	✓
Smith, J.	51%	47%	71%	255	130	51%	4055	2155	53%	✓	✓	A-	A	A-
Tarver	37%	35%	24%	330	50	15%	4830	1525	32%	×	×	✓	×	×
Thompson	37%	42%	59%	330	250	76%	4780	2200	46%	✓	×	✓	✓	✓
Walsworth	94%	90%	100%	330	330	100%	4980	4730	95%	✓	✓	✓	✓	✓
Ward	31%	40%	41%	330	330	100%	4830	3180	66%	✓	✓	✓	✓	✓
White	71%	77%	100%	330	250	76%	4830	3875	80%	✓	×	✓	✓	✓

# HOUSE

	2016	2017	2018	2019 SCORE			TERM SCORE			HCR 3 ITEP	HB 51 SEAT BELT	HB 265 REFUNDS	HB 339 WORK- FORCE HOUSING	HB 346 LITTLE HATCH ACT	HB 372 TORT REFORM
	SCORE	SCORE	SCORE	POSSIBLE	EARNED	SCORE	POSSIBLE	EARNED	SCORE	POINTS (Y) 100 WITH LABI 50 AGAINST LABI 44 ABSENT 11	POINTS (Y) 80 WITH LABI 86 AGAINST LABI 7 ABSENT 12	POINTS (Y) 75 WITH LABI 91 AGAINST LABI 2 ABSENT 12	POINTS (Y) 100 WITH LABI 52 AGAINST LABI 42 ABSENT 11	POINTS (N) 50 WITH LABI 64 AGAINST LABI 29 ABSENT 6	POINTS (Y) 100 WITH LABI 69 AGAINST LABI 30 ABSENT 2
Abraham	51%	100%	100%	860	760	88%	5,534	4,384	79%	✓	✓	✓	×	✓	✓
Abramson	38%	89%	63%	705	575	82%	4,879	2,933	60%	✓	A-	A	✓	×	✓
Adams	N/A	N/A	N/A	760	280	37%	760	280	N/A	A-	A-	✓	×	×	A-
Amedee	100%	82%	100%	860	760	88%	5,684	5,409	95%	✓	✓	✓	A-	✓	✓
Anders	16%	38%	31%	810	660	81%	5,634	1,893	34%	×	✓	✓	✓	A	✓
Armes	21%	4%	31%	860	460	53%	4,743	1,268	27%	×	✓	✓	✓	✓	×
Bacala	83%	97%	98%	860	810	94%	5,684	5,176	91%	✓	✓	✓	✓	×	✓
Bagley	54%	78%	89%	860	730	85%	5,534	3,988	72%	✓	✓	✓	✓	×	✓
Bagneris	28%	43%	26%	810	485	60%	5,484	1,918	35%	×	✓	✓	✓	A	×
Berthelot	82%	87%	94%	860	710	83%	5,684	4,885	86%	✓	✓	✓	×	×	✓
Billiot	29%	100%	62%	860	710	83%	5,684	3,326	59%	×	✓	✓	✓	✓	✓
Bishop	78%	100%	97%	705	605	86%	5,429	4,804	88%	✓	✓	A	×	✓	✓
Bouie	16%	46%	29%	860	430	50%	5,359	1,613	30%	×	×	✓	×	✓	×
Bourriaque	N/A	N/A	N/A	860	660	77%	860	660	N/A	✓	✓	✓	×	✓	✓
Brass	N/A	N/A	40%	860	760	88%	2,409	1,376	57%	×	✓	✓	✓	✓	✓
Brown, C.	45%	88%	55%	810	710	88%	5,509	3,334	61%	×	✓	✓	✓	✓	✓
Brown, T.	35%	54%	44%	860	610	71%	5,609	2,593	46%	×	✓	✓	×	✓	✓
Carmody	84%	67%	100%	780	780	100%	5,604	4,904	88%	✓	A	✓	✓	✓	✓
Carpenter	22%	44%	25%	860	430	50%	5,518	1,705	31%	×	A-	✓	A-	✓	×
Carter, G.	28%	44%	30%	860	430	50%	5,209	1,821	35%	×	A-	✓	×	✓	×
Carter, R.	7%	38%	31%	125	125	N/A	4,949	1,133	23%	A	A	A	A	A	A
Carter, S.	75%	92%	91%	860	860	100%	5,684	4,901	86%	✓	✓	✓	✓	✓	✓
Chaney	33%	72%	54%	860	610	71%	5,684	2,893	51%	×	✓	✓	✓	✓	✓
Connick	48%	100%	100%	860	610	71%	5,459	4,009	73%	✓	✓	✓	A-	✓	✓
Coussan	89%	85%	93%	860	710	83%	5,584	4,934	88%	✓	✓	✓	×	✓	✓
Cox	15%	27%	25%	810	380	47%	5,584	1,363	24%	A-	×	✓	×	A	×
Crews	N/A	97%	97%	860	860	100%	3,259	3,184	98%	✓	✓	✓	✓	✓	✓
Davis	93%	92%	89%	860	810	94%	5,684	5,243	92%	✓	✓	✓	✓	✓	✓
DeVillier	77%	100%	100%	660	660	100%	5,484	4,959	90%	✓	✓	✓	✓	✓	A
DuBuisson	N/A	N/A	N/A	860	860	100%	860	860	N/A	✓	✓	✓	✓	✓	✓
Duplessis	N/A	N/A	N/A	860	355	41%	860	355	N/A	×	A-	A-	A-	✓	×
Dwight	65%	90%	94%	860	585	68%	5,684	4,409	78%	×	✓	✓	×	✓	✓
Edmonds	100%	85%	100%	810	810	100%	5,634	5,484	97%	✓	✓	✓	✓	A	✓
Emerson	100%	100%	100%	860	810	94%	5,434	5,384	99%	✓	✓	✓	✓	✓	✓
Falconer	57%	84%	98%	860	505	59%	5,409	3,971	73%	A-	✓	A-	✓	×	✓
Foil	55%	92%	94%	860	810	94%	5,684	4,434	78%	✓	✓	✓	✓	✓	✓
Franklin	22%	72%	33%	860	510	59%	5,684	2,226	39%	×	✓	✓	×	✓	×
Gaines	18%	62%	29%	860	530	62%	5,184	1,896	37%	×	✓	✓	✓	✓	×
Garofalo	93%	77%	100%	860	760	88%	5,534	5,059	91%	✓	✓	✓	×	✓	✓

# HOUSE

	2016	2017	2018	2019 SCORE			TERM SCORE			HB 372 JURY TRIAL AMEND	HB 575 UBER/LFYT	HB 578 TRANSPORTATION	HB 615 ENV. AUDIT	SB 198 REFUNDS
	SCORE	SCORE	SCORE	POSSIBLE	EARNED	SCORE	POSSIBLE	EARNED	SCORE	POINTS (N) 100 WITH LABI 90 AGAINST LABI 9 ABSENT 6	POINTS (Y) 80 WITH LABI 92 AGAINST LABI 0 ABSENT 13	POINTS (Y) 50 WITH LABI 97 AGAINST LABI 4 ABSENT 4	POINTS (Y) 50 WITH LABI 46 AGAINST LABI 41 ABSENT 18	POINTS (Y) 75 WITH LABI 97 AGAINST LABI 1 ABSENT 5
Abraham	51%	100%	100%	860	760	88%	5,534	4,384	79%	✓	✓	✓	✓	✓
Abramson	38%	89%	63%	705	575	82%	4,879	2,933	60%	✓	A	✓	✓	✓
Adams	N/A	N/A	N/A	760	280	37%	760	280	N/A	A	✓	✓	x	✓
Amedee	100%	82%	100%	860	760	88%	5,684	5,409	95%	✓	✓	✓	✓	✓
Anders	16%	38%	31%	810	660	81%	5,634	1,893	34%	✓	✓	✓	A-	✓
Armes	21%	4%	31%	860	460	53%	4,743	1,268	27%	x	✓	x	x	✓
Bacala	83%	97%	98%	860	810	94%	5,684	5,176	91%	✓	✓	✓	✓	✓
Bagley	54%	78%	89%	860	730	85%	5,534	3,988	72%	✓	A-	✓	✓	✓
Bagneris	28%	43%	26%	810	485	60%	5,484	1,918	35%	✓	✓	✓	x	A-
Berthelot	82%	87%	94%	860	710	83%	5,684	4,885	86%	✓	✓	✓	✓	✓
Billiot	29%	100%	62%	860	710	83%	5,684	3,326	59%	✓	✓	✓	x	✓
Bishop	78%	100%	97%	705	605	86%	5,429	4,804	88%	✓	A	✓	✓	✓
Bouie	16%	46%	29%	860	430	50%	5,359	1,613	30%	✓	✓	✓	x	✓
Bourriaque	N/A	N/A	N/A	860	660	77%	860	660	N/A	x	✓	✓	✓	✓
Brass	N/A	N/A	40%	860	760	88%	2,409	1,376	57%	✓	✓	✓	✓	✓
Brown, C.	45%	88%	55%	810	710	88%	5,509	3,334	61%	✓	✓	✓	A	✓
Brown, T.	35%	54%	44%	860	610	71%	5,609	2,593	46%	✓	✓	✓	x	✓
Carmody	84%	67%	100%	780	780	100%	5,604	4,904	88%	✓	✓	✓	✓	✓
Carpenter	22%	44%	25%	860	430	50%	5,518	1,705	31%	✓	✓	✓	x	✓
Carter, G.	28%	44%	30%	860	430	50%	5,209	1,821	35%	✓	✓	✓	x	✓
Carter, R.	7%	38%	31%	125	125	N/A	4,949	1,133	23%	A	A	✓	A	✓
Carter, S.	75%	92%	91%	860	860	100%	5,684	4,901	86%	✓	✓	✓	✓	✓
Chaney	33%	72%	54%	860	610	71%	5,684	2,893	51%	x	✓	✓	x	✓
Connick	48%	100%	100%	860	610	71%	5,459	4,009	73%	x	✓	✓	x	✓
Coussan	89%	85%	93%	860	710	83%	5,584	4,934	88%	✓	✓	A-	✓	✓
Cox	15%	27%	25%	810	380	47%	5,584	1,363	24%	✓	✓	✓	x	✓
Crews	N/A	97%	97%	860	860	100%	3,259	3,184	98%	✓	✓	✓	✓	✓
Davis	93%	92%	89%	860	810	94%	5,684	5,243	92%	✓	✓	✓	A-	✓
DeVillier	77%	100%	100%	660	660	100%	5,484	4,959	90%	A	✓	✓	✓	✓
DuBuisson	N/A	N/A	N/A	860	860	100%	860	860	N/A	✓	✓	✓	✓	✓
Duplessis	N/A	N/A	N/A	860	355	41%	860	355	N/A	✓	✓	✓	x	✓
Dwight	65%	90%	94%	860	585	68%	5,684	4,409	78%	✓	✓	✓	✓	x
Edmonds	100%	85%	100%	810	810	100%	5,634	5,484	97%	✓	✓	✓	✓	✓
Emerson	100%	100%	100%	860	810	94%	5,434	5,384	99%	✓	✓	✓	A-	✓
Falconer	57%	84%	98%	860	505	59%	5,409	3,971	73%	✓	A-	A-	✓	✓
Foil	55%	92%	94%	860	810	94%	5,684	4,434	78%	✓	✓	✓	x	✓
Franklin	22%	72%	33%	860	510	59%	5,684	2,226	39%	✓	✓	✓	x	✓
Gaines	18%	62%	29%	860	530	62%	5,184	1,896	37%	✓	A-	✓	x	✓
Garofalo	93%	77%	100%	860	760	88%	5,534	5,059	91%	✓	✓	✓	✓	✓

# HOUSE

	2016	2017	2018	2019 SCORE			TERM SCORE			HCR 3 ITEP <small>POINTS (Y) 100 WITH LABI 50 AGAINST LABI 44 ABSENT 11</small>	HB 51 SEAT BELT <small>POINTS (Y) 80 WITH LABI 86 AGAINST LABI 7 ABSENT 12</small>	HB 265 REFUNDS <small>POINTS (Y) 75 WITH LABI 91 AGAINST LABI 2 ABSENT 12</small>	HB 339 WORK- FORCE HOUSING <small>POINTS (Y) 100 WITH LABI 52 AGAINST LABI 42 ABSENT 11</small>	HB 346 LITTLE HATCH ACT <small>POINTS (N) 50 WITH LABI 64 AGAINST LABI 29 ABSENT 6</small>	HB 372 TORT REFORM <small>POINTS (Y) 100 WITH LABI 69 AGAINST LABI 30 ABSENT 2</small>
	SCORE	SCORE	SCORE	POSSIBLE	EARNED	SCORE	POSSIBLE	EARNED	SCORE						
Gisclair	16%	72%	60%	860	455	53%	5,684	2,463	43%	x	✓	A-	A-	x	✓
Glover	13%	38%	36%	810	375	46%	5,634	1,600	28%	✓	A-	A-	x	A	✓
Guinn	78%	85%	69%	810	710	88%	5,534	4,335	78%	x	✓	✓	✓	A	✓
Harris, J.	23%	51%	30%	860	430	50%	5,534	1,896	34%	A-	A-	✓	A-	✓	x
Harris, L.	61%	97%	75%	860	810	94%	5,684	4,326	76%	✓	✓	✓	✓	x	✓
Henry	70%	97%	90%	785	635	81%	5,209	4,276	82%	✓	✓	✓	A-	✓	✓
Hilferty	56%	85%	96%	610	360	59%	5,284	3,868	73%	A-	✓	✓	x	A	A
Hill	9%	59%	35%	860	410	48%	4,910	1,485	30%	x	✓	✓	x	✓	x
Hodges	86%	54%	96%	860	760	88%	5,684	4,743	83%	✓	✓	✓	✓	x	✓
Hoffmann	54%	85%	56%	860	710	83%	5,584	3,601	64%	x	✓	✓	✓	x	✓
Hollis	73%	54%	97%	810	760	94%	4,826	3,818	79%	✓	✓	✓	✓	A	✓
Horton	95%	87%	100%	860	810	94%	5,684	5,384	95%	✓	✓	✓	✓	x	✓
Howard	93%	85%	67%	860	560	65%	5,159	4,068	79%	A-	✓	✓	x	x	✓
Huval	77%	79%	93%	860	860	100%	5,584	4,759	85%	✓	✓	✓	✓	✓	✓
Ivey	100%	76%	90%	860	735	85%	5,384	4,909	91%	✓	✓	✓	✓	x	✓
Jackson	12%	38%	25%	760	510	67%	5,334	1,518	28%	A	✓	✓	x	✓	x
James	28%	47%	27%	860	430	50%	5,609	1,921	34%	x	x	✓	x	✓	x
Jefferson	15%	62%	40%	860	510	59%	5,684	2,076	37%	x	✓	✓	x	✓	x
Jenkins	26%	46%	36%	860	380	44%	5,534	1,921	35%	x	x	✓	x	x	x
Johnson, M.	N/A	N/A	N/A	860	860	100%	860	860	N/A	✓	✓	✓	✓	✓	✓
Johnson, R.	19%	36%	27%	860	380	44%	5,634	1,571	28%	x	x	✓	x	x	x
Jones	10%	54%	29%	860	430	50%	5,534	1,630	29%	x	✓	✓	x	✓	x
Jordan	40%	38%	27%	860	610	71%	3,634	1,501	41%	x	✓	✓	✓	✓	x
LaCombe	N/A	N/A	N/A	860	560	65%	860	560	N/A	x	✓	✓	x	x	✓
Landry, N.	100%	97%	100%	860	860	100%	5,684	5,659	99%	✓	✓	✓	✓	✓	✓
Landry, T.	22%	54%	27%	860	255	30%	5,684	1,696	30%	x	x	x	x	x	x
Larvadain	N/A	N/A	N/A	860	305	35%	860	305	N/A	x	x	x	x	✓	x
LeBas	12%	35%	27%	860	510	59%	5,234	1,435	27%	x	✓	✓	x	✓	x
Leger	20%	49%	40%	810	385	48%	5,234	1,801	34%	x	✓	A-	A-	A	x
Leopold	77%	89%	79%	860	760	88%	5,634	4,576	81%	x	✓	✓	✓	✓	✓
Lyons	26%	46%	27%	860	510	59%	5,684	1,976	35%	x	✓	✓	A-	✓	x
Mack	88%	56%	87%	860	810	94%	5,684	4,735	83%	✓	✓	✓	✓	✓	✓
Magee	67%	100%	100%	860	660	77%	5,684	4,734	83%	✓	✓	✓	x	x	✓
Marcelle	16%	26%	15%	860	535	62%	5,509	1,351	25%	x	✓	A-	✓	✓	x
Marino	N/A	74%	87%	860	360	42%	3,384	2,434	72%	x	✓	✓	x	x	x
McFarland	70%	89%	100%	860	685	80%	5,484	4,559	83%	✓	✓	✓	x	✓	✓
McMahen	N/A	N/A	N/A	860	710	83%	860	710	N/A	x	✓	✓	✓	x	✓
Miguez	83%	100%	100%	860	860	100%	5,484	5,109	93%	✓	✓	✓	✓	✓	✓
Miller, D.	26%	51%	33%	860	560	65%	5,284	2,076	39%	x	✓	✓	✓	x	x

# HOUSE

	2016	2017	2018	2019 SCORE			TERM SCORE			HB 372 JURY TRIAL AMEND	HB 575 UBER/LFYT	HB 578 TRANSPORTATION	HB 615 ENV. AUDIT	SB 198 REFUNDS
	SCORE	SCORE	SCORE	POSSIBLE	EARNED	SCORE	POSSIBLE	EARNED	SCORE	POINTS (N) 100 WITH LABI 90 AGAINST LABI 9 ABSENT 6	POINTS (Y) 80 WITH LABI 92 AGAINST LABI 0 ABSENT 13	POINTS (Y) 50 WITH LABI 97 AGAINST LABI 4 ABSENT 4	POINTS (Y) 50 WITH LABI 46 AGAINST LABI 41 ABSENT 18	POINTS (Y) 75 WITH LABI 97 AGAINST LABI 1 ABSENT 5
Gisclair	16%	72%	60%	860	455	53%	5,684	2,463	43%	✓	A-	✓	✓	✓
Glover	13%	38%	36%	810	375	46%	5,634	1,600	28%	✓	A-	A-	×	✓
Guinn	78%	85%	69%	810	710	88%	5,534	4,335	78%	✓	✓	✓	✓	✓
Harris, J.	23%	51%	30%	860	430	50%	5,534	1,896	34%	✓	✓	✓	×	✓
Harris, L.	61%	97%	75%	860	810	94%	5,684	4,326	76%	✓	✓	✓	✓	✓
Henry	70%	97%	90%	785	635	81%	5,209	4,276	82%	✓	✓	✓	×	A
Hilferty	56%	85%	96%	610	360	59%	5,284	3,868	73%	A	✓	✓	×	✓
Hill	9%	59%	35%	860	410	48%	4,910	1,485	30%	×	✓	✓	×	✓
Hodges	86%	54%	96%	860	760	88%	5,684	4,743	83%	✓	✓	✓	×	✓
Hoffmann	54%	85%	56%	860	710	83%	5,584	3,601	64%	✓	✓	✓	✓	✓
Hollis	73%	54%	97%	810	760	94%	4,826	3,818	79%	✓	✓	✓	A-	✓
Horton	95%	87%	100%	860	810	94%	5,684	5,384	95%	✓	✓	✓	✓	✓
Howard	93%	85%	67%	860	560	65%	5,159	4,068	79%	✓	✓	✓	A-	✓
Huval	77%	79%	93%	860	860	100%	5,584	4,759	85%	✓	✓	✓	✓	✓
Ivey	100%	76%	90%	860	735	85%	5,384	4,909	91%	✓	✓	✓	✓	A-
Jackson	12%	38%	25%	760	510	67%	5,334	1,518	28%	✓	✓	✓	×	✓
James	28%	47%	27%	860	430	50%	5,609	1,921	34%	✓	✓	✓	A-	✓
Jefferson	15%	62%	40%	860	510	59%	5,684	2,076	37%	✓	✓	✓	×	✓
Jenkins	26%	46%	36%	860	380	44%	5,534	1,921	35%	✓	✓	✓	A-	✓
Johnson, M.	N/A	N/A	N/A	860	860	100%	860	860	N/A	✓	✓	✓	✓	✓
Johnson, R.	19%	36%	27%	860	380	44%	5,634	1,571	28%	✓	✓	✓	×	✓
Jones	10%	54%	29%	860	430	50%	5,534	1,630	29%	✓	A-	✓	×	✓
Jordan	40%	38%	27%	860	610	71%	3,634	1,501	41%	✓	✓	✓	×	✓
LaCombe	N/A	N/A	N/A	860	560	65%	860	560	N/A	✓	✓	✓	A-	✓
Landry, N.	100%	97%	100%	860	860	100%	5,684	5,659	99%	✓	✓	✓	✓	✓
Landry, T.	22%	54%	27%	860	255	30%	5,684	1,696	30%	✓	✓	×	×	✓
Larvadain	N/A	N/A	N/A	860	305	35%	860	305	N/A	✓	✓	×	A-	✓
LeBas	12%	35%	27%	860	510	59%	5,234	1,435	27%	✓	✓	✓	×	✓
Leger	20%	49%	40%	810	385	48%	5,234	1,801	34%	✓	✓	✓	×	✓
Leopold	77%	89%	79%	860	760	88%	5,634	4,576	81%	✓	✓	✓	✓	✓
Lyons	26%	46%	27%	860	510	59%	5,684	1,976	35%	✓	✓	✓	×	✓
Mack	88%	56%	87%	860	810	94%	5,684	4,735	83%	✓	✓	✓	×	✓
Magee	67%	100%	100%	860	660	77%	5,684	4,734	83%	✓	✓	✓	A-	✓
Marcelle	16%	26%	15%	860	535	62%	5,509	1,351	25%	✓	✓	✓	×	✓
Marino	N/A	74%	87%	860	360	42%	3,384	2,434	72%	×	✓	✓	×	✓
McFarland	70%	89%	100%	860	685	80%	5,484	4,559	83%	✓	✓	✓	✓	A-
McMahen	N/A	N/A	N/A	860	710	83%	860	710	N/A	✓	✓	✓	✓	✓
Miguez	83%	100%	100%	860	860	100%	5,484	5,109	93%	✓	✓	✓	✓	✓
Miller, D.	26%	51%	33%	860	560	65%	5,284	2,076	39%	✓	✓	✓	A-	✓





# APPENDIX.



# ACT 367: RESTORE TAXPAYER FAIRNESS

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The Louisiana Association of Business and Industry (LABI) sponsored Act 367 by Sen. Barrow Peacock, which will make clear that taxpayers can pursue a refund claim when there is an overpayment of taxes that were not legally due to state government.

## THE BACKGROUND

In November 2018, the Louisiana First Circuit Court of Appeal ruled in *Bannister Properties, Inc. v. Louisiana* that **an administrative refund claim is prohibited for an overpayment of taxes made due to a mistake of law unless the taxes were paid “under protest”** – a procedure at the time of payment whereby the taxpayer expresses concern to the Department of Revenue or a local collector followed by a civil lawsuit. The only recourse for a taxpayer who did not file under protest would be to make a “claim against the state” through the Board of Tax Appeals, which would then require an act of the Legislature to appropriate the refund if approved by the Board. Furthermore, at the local level, there is no such procedure, and the only remedy is to pay local taxes under protest when taxpayers are concerned with the legality of the tax and want to protect their right to a refund. In February 2019, the Louisiana Supreme Court declined to hear the *Bannister* case on appeal, allowing the First Circuit Court of Appeal’s ruling to stand, severely limiting a taxpayer’s ability to obtain a refund for the overpayment of taxes caused by a mistake of law on the part of the state.

Historically, prior to *Bannister*, when a law was declared unconstitutional, taxpayers received administrative refunds as one mechanism for recovering their overpayment of taxes not legally due. Act 367 restores and guarantees this taxpayer right.

## THE BILL

**Act 367 was amended in the House ways and Means Committee to mirror HB 265 by Rep. DeVillier, a measure that passed the House Floor by a vote of 91-2. Act 367 by Sen. Barrow Peacock requires the state to make refunds to Louisiana taxpayers for overpayments they made to the state because the taxes were not legally due.** The bill clarifies that taxpayers may use a simple administrative process of filing a refund claim when taxes are overpaid due to:

1. An unconstitutional law;
2. An invalid or unenforceable rule or regulation; or
3. A mistake of law arising from the misinterpretation by the collector of the law, rule, or regulation.

State and local laws already allow the taxing agencies to make administrative refunds from current collections for a variety of reasons, such as errors and omissions whether on the part of the taxpayer or the collector. Current law requires that refunds must be made out of the current collections of the particular tax that was overpaid.

The new law took effect July 1, 2019.

## THE TIMELY NEED FOR ACT 367

State law taxes residents on income earned both within Louisiana and outside the state. For many years, Louisiana authorized a credit against Louisiana income tax for net income taxes paid to other states to avoid taxing the same income twice. In 2015, Act 109 was passed to temporarily limit the credit by a) capping it at the level of taxpayer liability, making it non-refundable; and b) only allowing it if the other state offered a reciprocal credit for its own residents transacting business in Louisiana.

# ACT 367: RESTORE TAXPAYER FAIRNESS (cont.)

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LABI opposed the passage of Act 109 in 2015, citing constitutional concerns with double taxation. In December 2018, **the Louisiana Supreme Court did, in fact, hold portions of Act 109 unconstitutional in *Smith v. Robinson***, specifically that only offering the credit when other states offer reciprocal credits “constitutes a double taxation and is thus in violation of the dormant Commerce Clause of the United States Constitution.”

In the second special session of 2018, before Act 109 could expire, the Legislature extended it to 2023 and attempted to address this double taxation concern, particularly as it related to Texas. Texas levies an “entity-level tax” that in effect acts as an income tax. Act 6 of 2018 authorized a deduction for the proportionate share of the entity-level tax paid to Texas, but not a credit. As such, **it remains unclear if the revised law complies with the constitutionality concerns the Louisiana Supreme Court expressed in *Smith v. Robinson***.

What is clear is the testimony of the Louisiana Department of Revenue in a Revenue Estimating Conference meeting shortly after the *Smith v. Robinson* ruling was released in December 2018. Secretary Robinson testified that **the state would not be refunding any of the income taxes unconstitutionally collected between 2015 and 2018** and that taxpayers would have had to originally file their income taxes “under protest” and sue the state to recover – or the taxpayers could file an appeal to the Board of Tax Appeals as a “claim against the state” and seek a legislative appropriation if approved by the Board.

## **WHY LABI SPONSORED ACT 367**

**Act 367 by Sen. Barrow Peacock restored the taxpayer right to a simple administrative refund of an illegal tax.** Individual and small business taxpayers – without legal teams and in-house accountants – are harmed the most by the *Bannister* case. The government stands to unfairly benefit from taxes collected illegally from Louisiana families and companies who lack the knowledge and resources to file taxes under protest or pursue a claim against the state.

Without a timely and simple process, individual and business taxpayers’ alike would be incentivized to regularly not pay the tax at all or to file new or questionable taxes “under protest,” requiring onerous and expensive efforts by taxpayers to recover their overpayments. Furthermore, paying taxes “under protest” can inject chaos into the state’s revenue collections because the funds must be placed in escrow and are unavailable for expenditure until the courts reach a final decision.

Finally, it is simply bad tax policy to restrict taxpayers ability to obtain refunds of their illegally collected taxes. It incentivizes governments to legislate unconstitutional taxes or misinterpret laws in order to collect revenues they know they won’t have to pay back because taxpayers have no reasonable recourse for recovery of their money. It is incumbent upon the Legislature to restore taxpayer rights and to ensure timely refunds of taxes illegally collected from Louisiana taxpayers.

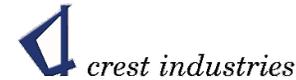
WE WOULD LIKE TO THANK OUR FREE ENTERPRISE PROGRAM INVESTORS FOR THEIR CONTINUED SUPPORT OF ADVANCING FREE ENTERPRISE IN LOUISIANA.



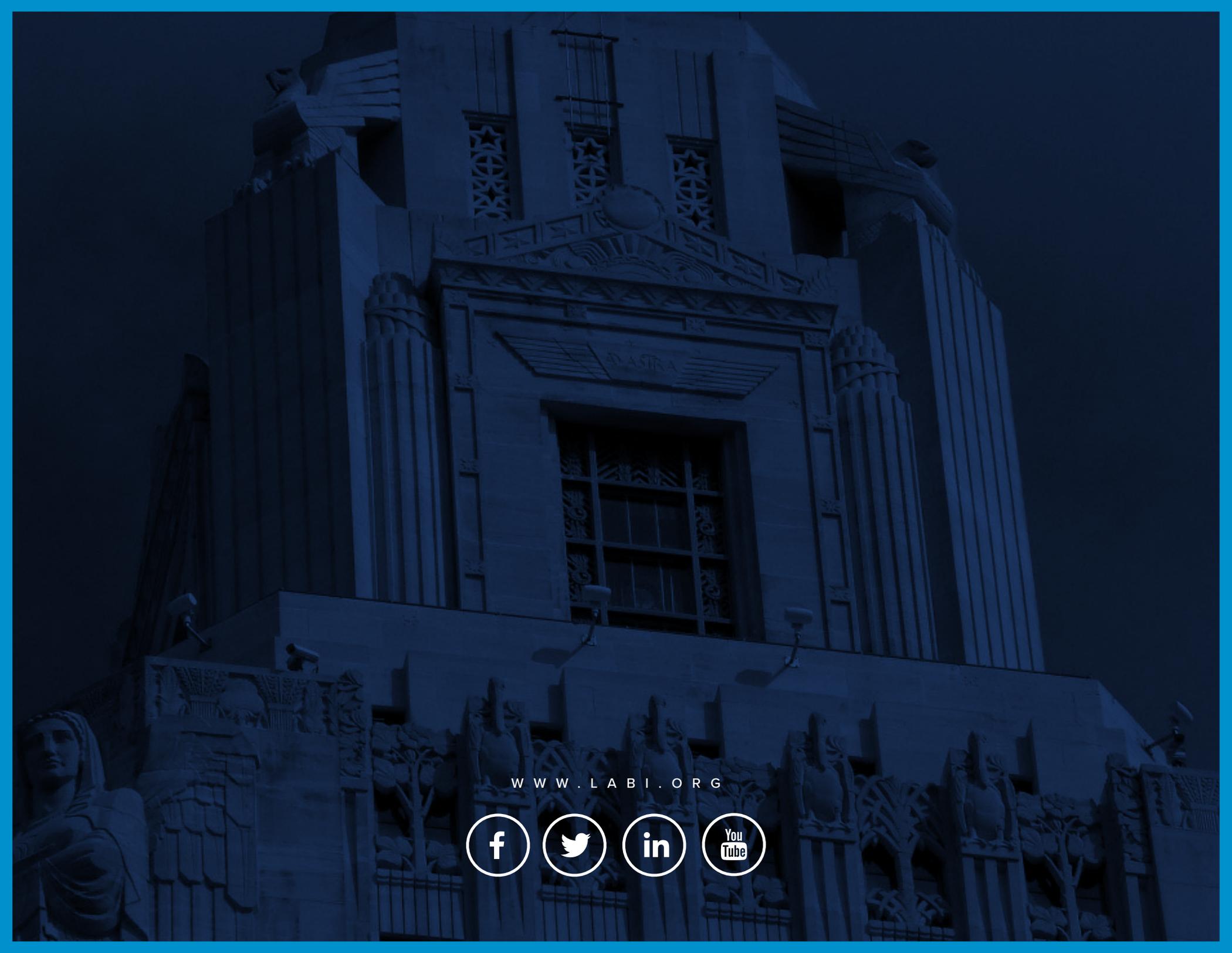
# FREE ENTERPRISE PROGRAM

POWERED BY **LABI**

**About the Free Enterprise Program:** The program funds strategic initiatives to expand LABI's policy, research, outreach and lobbying arsenal to ensure that Louisiana continues to have a powerful, unified voice focused on creating the business climate needed to attract investment, generate job growth, and improve the quality of life for Louisiana residents. The Free Enterprise Program is in addition to members dues and is an opportunity to proactively advance free enterprise in Louisiana, make a significant statement about participation in the state's future and demonstrate exceptional commitment to LABI's mission.



For more information: [www.labi.org/free-enterprise-program](http://www.labi.org/free-enterprise-program)  
 Contact: Elena Lacour at 225.215.6647 or [elenal@labi.org](mailto:elenal@labi.org)



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