

# LABI 2006 Voting Record

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# Overview

"Louisiana has suffered a paralyzing blow to its economic vitality due to the crippling effects of Hurricanes Katrina and Rita. Thousands of businesses have been closed, hundreds of thousands of Louisiana workers are unemployed, and many thousands of our citizens now reside in other states. Not since the Great Flood of 1927 have both the public and private sectors in Louisiana faced such a crucial challenge.

Many governmental commissions and authorities have been created or contemplated, but in the final analysis Louisiana will be led out of the economic turmoil by private sector investment and initiatives. If state government acts quickly to create incentives and remove obstacles to private sector investment, reinvestment and growth, it can be a positive influence on our economic recovery."

— From LABI's Twelve Elements For Economic Recovery and Budget Stability

Soon after the storms, LABI identified 12 key issues affecting business that we felt were urgent. Governor Blanco included many of these issues in her call for the 2005 Special Session last November, including state tax incentives for businesses rebuilding and investing in the disaster areas, protecting federal storm-related tax credits from state income tax, and reducing the sales tax on business utilities. There was minimal opposition to these bills during this session.

This Special Session was followed by another in February, which had as its sole objective reforming the flood protection systems of Greater New Orleans and southeast Louisiana. While the reforms that passed did not go as far as LABI would have liked, they are significantly better than the system they replaced.

Many had hoped that long-overdue systemic reforms might be a positive result of the storms, but it looked much like business as usual at the Capitol during the 2006 Regular Session. Higher education

maintained its expensive inefficiencies, with no consolidation of services nor sufficient personnel reductions in institutions where student populations decreased dramatically as a result of the storms. Employer health plans are still subsidizing indigent care, while tax dollars continue to fund Louisiana's outmoded charity hospital system. In addition, legislation that retroactively alters insurance contracts passed over LABI's opposition - sending a bad message to the rest of the country that contracts are no longer sacrosanct in Louisiana. Legislation offering hope to parents of children stranded in failing schools in New Orleans in the form of a voucher to attend private schools failed to pass.

There was some good news, though. LABI led the effort to save businesses from a crushing \$700 million UC tax increase; successfully fended off attempts by labor – and the Blanco administration - to establish a state minimum wage; and defeated legislation that would have created a new cause of action by disgruntled employees against employers. LABI was instrumental in defeating legislation that would have enabled trial lawyers to skirt recently passed federal class action lawsuit reforms, as well as bills allowing assessors to hire attorneys on contingency fee to "bounty hunt" taxpayers. LABI and other industries joined with the Blanco administration to finally hammer out a solution to the oil field site remediation problem that has limited oil and gas exploration and production in Louisiana.

The Legislature is now three-fourths of the way through the current term. Over the course of a term, many critical votes are cast on legislation important to business people across Louisiana. Throughout the cycle of regular, fiscal, and special sessions, voting records fluctuate - sometimes radically, depending on the issues. Because voting records do fluctuate from session to session, no single session's record should be considered in isolation; the average over the entire term best reflects the level of a legislator's support for a better business climate in this state.

# 2005 Special Session

### **HOUSE VOTES**

### STATE RETIREMENT – INCREASE UAL

HB 17, Hutter – As amended in the Senate, HB 17 would have offered state employees 50 years of age or older having at least 10 years of service an early retirement option. The legislation would have increased the unfunded accrued liability (UAL) of the Louisiana State Employees' Retirement System (LASERS), by over \$80 million.

Louisiana's state retirement systems rely on actuarial analyses to determine a fixed benefit cost for each retiree. Adversely manipulating these benefits adds costs to the entire system. The state has a plan to pay off the UAL in the state pension systems and achieve 100 percent funding by 2029. But, due to investment losses and legislatively added benefit increases, the UAL has ballooned from \$6.1 billion to over \$12 billion. Ultimately, these costs will have to be paid by Louisiana taxpayers.

### **How the House Voted**

A vote to REJECT the Senate amendments was a vote WITH LABI. The amendments were rejected 79-21-5.

### STATE INCOME TAX RELIEF FROM FEDERAL DISASTER TAX CREDITS

HB 24, Hammett – This legislation prevents taxpayers' state income tax from increasing as a result of federal disaster tax relief they may receive. This is accomplished by increasing the state income tax deduction for federal income taxes paid by the amount of federal disaster relief tax credits received by a taxpayer.

For state income tax purposes, taxpayers receive a state income tax deduction for federal income taxes paid. Following the 2005 hurricanes, Congress began to consider various federal disaster tax credits and incentives for those taxpayers impacted by the hurricanes (for example, the federal "Work Opportunity" tax credit for businesses maintaining their employment levels after the hurricanes). Federal tax credits reduce the amount of taxes paid by a taxpayer to the federal government, which similarly reduces the state income tax deduction for federal income taxes paid. In effect, federal disaster tax credits and incentives granted by Congress would have actually increased the state income tax for those impacted taxpayers.

The passage of HB 24, which was in advance of any legislative action by Congress, prevents taxpayers from having to pay higher state income taxes for federal disaster tax credits.

### How the House Voted

A vote FOR final passage was a vote WITH LABI. The bill passed 104-0-1.

### SALES TAX ON MANUFACTURING MACHINERY AND EQUIPMENT - HURRICANE TAX RELIEF

HB 39, Hammett – This legislation exempts from the state sales and use tax manufacturing machinery and equipment purchased to replace items damaged or destroyed by Hurricanes Katrina or Rita. The tax relief is an immediate, 100 percent exclusion from the state sales and use tax and is not subject to the six-year phase-in period currently existing under 2004 Act No.

1 (First Extraordinary Session). This exclusion from the state sales and use tax will remain in effect until June 30, 2007. Thereafter, only the phased-in exclusion under 2004 Act No. 1 (First Extraordinary Session) will apply.

After the 2005 hurricanes, many businesses were struggling to remain operational, with damaged or destroyed facilities and equipment. HB 39 offers to these companies sales and use tax relief in trying to rebuild and stay in business in our state, in hopes of maintaining their workforces and encouraging their employees to return to work in Louisiana.

In the House Ways & Means Committee, Rep. Bryant Hammett amended HB 39 with provisions which limited the tax relief to only that portion of the replacement sales price which was not covered by insurance. In effect, this amendment would have penalized those busineses that had insurance coverage.

On the House floor, Rep. Blade Morrish amended the insurance limitation out of HB 39, thereby restoring the full tax relief benefits of the legislation for all businesses impacted by the hurricanes. Following adoption of the Morrish amendment, HB 39 passed the House.

### **How the House Voted**

A vote FOR the Morrish amendment was a vote WITH LABI. The amendment passed 65-34-6.

A vote FOR final passage was a vote WITH LABI. The bill passed 103-1-1.

### **UTILITY SALES TAXES**

HB 40, Hammett – This bill was the administration's bill to reduce, but not eliminate, the state sales and use tax on natural gas and electricity for non-residential consumption. As originally introduced, HB 40 would have reduced the tax from 3.8 to 3.3 percent. As amended in the Senate, the bill would have also eliminated the tax completely for the forest products industry. However, the House rejected those amendments. HB 40 was finally approved when both houses overwhelmingly agreed to the Conference Committee report, which not only reduced the tax for all business from 3.8 to 3.3 percent, but also capped the "cost

price" of natural gas purchased by paper or wood product manufacturing facilities at \$6.20 per mcf, which would be the maximum amount to which the sales tax would be applied from 7/1/06 through 12/31/08. Finally, it fully exempted purchases of electricity by paper or wood manufacturing facilities from state sales tax.

One of LABI's Twelve Elements for Economic Recovery and Budget Stability was that business and industry must get relief from the high cost of energy. Since 1986, the state has been taxing utility sales, including a tax both on fuel used to make electricity and on the bill for electricity. With voter approval of the Stelly Plan in 2002, households were freed from paying the tax; however, it would continue to be paid by business. The tax that had been a 65 percent business tax grew to a 100 percent business tax. To make matters worse, the price of natural gas began to skyrocket, natural gas directly consumed by business and industry, as well as the natural gas used to generate electricity.

The governor responded to LABI's suggestion that the issue be included in her call for the post-Katrina Special Session. However, the effect of the bill was to only reduce the tax on business from 3.8 to 3.3 percent beginning 1/1/06. The forest products industry will be given additional tax relief. That industry (paper or wood products manufacturing) will be exempt from the total tax on its electricity purchases, and will have its tax on natural gas pegged to a maximum of \$6.20 per mcf from 7/1/06 through 12/31/08.

### **How the House Voted**

A vote FOR the motion to adopt the Conference Committee report was a vote WITH LABI. The motion passed 91-10-4.

### CORPORATE FRANCHISE TAX - HURRICANE TAX RELIEF

HB 41, Hammett – This legislation provides a 100 percent permanent exclusion from the corporate franchise tax for any long-term debt incurred in excess of the borrowed capital on the books of eligible firms immediately prior to August 28, 2005. For purposes of this exclusion, eligible firms are those with either: (i) 50 percent or more of their in-state property and assets situated or

used in the FEMA Individual Assistance Area of Hurricanes Katrina or Rita immediately prior to August 28, 2005; or (ii) 50 percent or more of their in-state revenue derived from such areas immediately prior to August 28, 2005.

After the 2005 hurricanes, many businesses were struggling to remain operational, with damaged or destroyed facilities and equipment, and significant workforce related issues. To remain in business, companies would have to incur unexpected long-term debt, which is still subject to the corporate franchise tax. 2004 Act No. 2 (First Extraordinary Session) is phasing-out the corporate franchise tax over a sixyear period, beginning with taxable periods after January 1, 2006. However, these companies impacted by the hurricanes needed immediate tax relief, and should not be penalized by the corporate franchise tax for unexpectedly having to incur additional debt to survive following the hurricanes.

HB 41 offers to these companies corporate franchise tax relief in trying to rebuild and stay in business in our state, in hopes of maintaining their workforces and encouraging their employees to return to work in Louisiana.

### How the House Voted

A vote FOR final passage was a vote WITH LABI. The bill passed 105-0-0.

### RECOVERY SCHOOL DISTRICT

HB 121, Crane – This bill transfers into the Recovery School District (RSD) all schools located in a school district that have been deemed to be "academically in crisis" if the schools are performing below the state average.

In 2004, legislation was passed to allow the state to take over chronically failed schools and put them into the RSD. Once a school entered the RSD, the Board of Elementary and Secondary Education (BESE) could utilize a number of options to improve student performance at the failed school. For example, BESE could enter into a contract with a university or a nonprofit with a proven track record of success to operate the school. If the school showed and sustained measurable improvement, it could eventually be returned to the local school board.

With the devastation following Hurricane Katrina, it became imperative that the state aggressively intervene in the Orleans Parish school system. Though the circumstances were tragic, the hurricane provided an opportunity for a new school system to be built, in place of one that had chronically failed, was virtually bankrupt and was paralyzed by infighting and local school board politics.

HB 121 took the RSD legislation one step further. The bill authorized an immediate state takeover if a school performance score for a school located in a failed school district falls below the state average. The bill originally would have been applicable statewide, but was amended to apply to Orleans Parish only. The end result is that 107 failing and failed schools were transferred into the RSD, which now provides the best hope for a quality public education in Orleans Parish. By passing this bill, the House put aside politics and put the needs of children ahead of adults.

### **How the House Voted**

A vote FOR final passage was a vote WITH LABI. The bill passed 89-16-0.

### PUBLIC BID LAW

HB 132, Quezaire - This bill allows the Department of Transportation and Development (DOTD) to bypass the original public bid law requirements by empowering DOTD staff to select a single firm to both design and construct DOTD projects, rather than first having the project designed and then awarding the construction contract to the lowest responsible bidder. Under HB 132, any project DOTD selects for designbuild construction must be approved by the Joint House and Senate Transportation Committee. Once a project is approved, a committee of DOTD employees selects the firms that will be allowed to submit proposals, reviews their submissions and selects several finalists. A different committee within DOTD then selects the winning firm.

In 1999, in order to determine if the design-build method is a fair, open, viable and cost-effective way to contract for construction projects, the Legislature authorized the DOTD Secretary to select a project valued at up to \$5 million to employ design-build.

The St. Francisville Mississippi River Bridge TIMED project was later added as a second pilot project. LABI did not oppose this limited experiment with the design-build method. However, neither pilot project had been completed at the time this legislation was being considered, leaving the design-build method still unproven in Louisiana.

LABI has long supported Louisiana's Public Bid Law, which was adopted to protect the public in the awarding of state contracts, believing that the competitive bidding process provides a fair and full opportunity for interested parties to participate in public projects, and it assures that taxpayers obtain the best price for public construction.

#### **How the House Voted**

A vote AGAINST final passage was a vote WITH LABI. The bill passed 66-37-2.

### UNEMPLOYMENT COMPENSATION (UC) TAX SUSPENSION

SB 10, Nevers – This bill suspended a 21 percent state UC tax increase and 14 percent UC benefit reduction scheduled to take effect January 1, 2006. LABI and the Louisiana AFL-CIO co-sponsored SB 10 to relieve employers and claimants from the statutory mandates that would have triggered for 2006 unless this legislation passed.

The Revenue Estimating Conference (REC) is required by law to meet by September 30 every year to adopt a projection of the state UC trust fund balance for September 1 of the following year. That projection determines the amount of wages against which UC taxes must be assessed for the coming year and the level of weekly UC benefits paid to claimants. When the trust fund's balance is projected to fall below certain levels, it triggers higher taxable wages and lower weekly benefits for the next year.

Last September, the REC concluded that the balance at September 1, 2006 would decline to nearly \$500 million. This automatically triggered a taxable wage increase from \$7,000 to \$8,500 per employee for 2006. It also required the maximum weekly benefit amount to drop from \$258 to \$221. SB 10 simply suspended these actions and provided that the 2005 levels would remain in effect for 2006.

LABI believed that the scheduled tax increases and benefit reductions would have done further harm to an economy already reeling from the double-barreled impact of Hurricanes Katrina and Rita. Passage of SB 10 was critical to preventing an unnecessary drag on Louisiana's ailing economy and at no time jeopardized the solvency of the state UC trust fund. LABI had fought hard in past sessions to prevent legislative raids on that fund. As a result, it grew to become one of the largest in the country, enabling it to handle almost a billion dollars in claims last fall without the need for triggering higher taxes and lower benefits.

### **How the House Voted**

A vote FOR final passage was a vote WITH LABI. The bill passed 103-0-2.

### Be A Part Of The Process, Join a Council or Task Force Today!

LABI gains its strength from its members. You are encouraged to actively participate in councils and task forces that study issues, formulate positions and advise LABI on strategy and policy. Positions LABI takes on issues in the Legislature, in Congress and before administrative agencies and the judiciary are initiated by its members.

- Civil Justice Reform Council
- Education & Workforce Development Council
- Employee Relations Council
- Energy Council
- Environmental Quality Council
- Health Care Task Force
- Small Business Council
- Taxation & Finance Council
- Trade, Tourism & Transportation Council
- Unemployment Comp Task Force
- Workers Comp Task Force

To be active in one of these councils or task forces, contact LABI at (225) 928-5388.

# 2005 Special Session

### SENATE VOTES

### UNEMPLOYMENT COMPENSATION (UC) TAX SUSPENSION

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enabling it to handle almost a billion dollars in claims last fall without the need for triggering higher taxes and lower benefits.

### **How the Senate Voted**

A vote FOR final passage was a vote WITH LABI. The bill passed 38-0-1.

### BUDGET STABLILIZATION FUND - LOWERING OF CAP

SB 105, Hines – By statute, SB 105 would have lowered the cap on the constitutionally protected Budget Stabilization Fund ("BSF") (aka Rainy Day Fund) from \$682 million to \$431 million. It was projected that this reduced cap on the fund would have diverted an estimated \$40 million from the BSF to the state general fund for appropriation during FY 2005-2006. The amount available for diversion into the state general fund for appropriation during FY 2006-2007 was estimated to be about \$140 million.

In 1998, the BSF was approved by the electorate and placed into our state's constitution. In general, the BSF provides that, if there is a reduction in state general funds as certified by the Revenue Estimating Conference, then the Legislature may appropriate up to one-third (1/3) of the BSF to eliminate the deficit. During the 2005 First Extraordinary Session, the Legislature appropriated approximately \$150 million from the BSF for this purpose – LABI had no position on this action.

Also during this 2005 First Extraordinary Session, there were numerous bills filed to raid the BSF, such as attempts to withdraw funds directly out of the BSF for disaster relief, or to lower the cap on the

fund, which would have had the effect of "spilling" over these amounts in excess of the cap into the state general fund (which would have then been available for appropriation for any purpose). LABI opposed all of these efforts, as the purpose of the BSF was to help balance the state's budget during periods of revenue shortfalls, and not for the purposes being advanced by these bills.

The debate on the Senate floor centered not only on the policy issues of raiding the BSF, but also on whether the cap on the constitutionally protected BSF could be changed by statute. At question was the number of votes necessary for passage of SB 105 – if a constitutional amendment was needed to change the BSF cap, then the vote for passage of the constitutional amendment would require a two-thirds (2/3) vote. On the other hand, if the cap on the BSF could be changed by statutory law, then the vote on passage of SB 105 would only need a majority vote.

After much debate, the vote on SB 105 was taken, with only a majority vote needed for passage. While SB 105 did finally pass the Senate, it died in the House pending committee referral.

### **How the Senate Voted**

A vote AGAINST final passage was a vote WITH LABI. The bill passed 22-14-3.

### STATE RETIREMENT – INCREASE UAL

HB 17, Hutter – During debate on HB 17, Sen. Butch Gautreaux proposed an amendment that would have given state employees 50 years of age or older having at least 10 years of service an early retirement option. This would have increased the unfunded accrued liability (UAL) of the Louisiana State Employees' Retirement System (LASERS), by over \$80 million.

Louisiana's state retirement systems rely on actuarial analyses to determine a fixed benefit cost for each retiree. Adversely manipulating these benefits adds costs to the entire system. The state has a plan to pay off the UAL in the state pension systems and achieve 100 percent funding by 2029. But, due to investment losses and legislatively added benefit increases, the UAL has ballooned from \$6.1 billion to over \$12 billion. Ultimately, these costs will have to be paid by Louisiana taxpayers.

#### **How the Senate Voted**

A vote AGAINST the amendment was a vote WITH LABI. The amendment was adopted 23-13-3.

### STATE INCOME TAX RELIEF FROM FEDERAL DISASTER TAX CREDITS

HB 24, Hammett – This legislation prevents taxpayers' state income tax from increasing as a result of federal disaster tax relief they may receive. This is accomplished by increasing the state income tax deduction for federal income taxes paid by the amount of federal disaster relief tax credits received by a taxpayer.

For state income tax purposes, taxpayers receive a state income tax deduction for federal income taxes paid. Following the 2005 hurricanes, Congress began to consider various federal disaster tax credits and incentives for those taxpayers impacted by the hurricanes (for example, the federal "Work Opportunity" tax credit for businesses maintaining their employment levels after the hurricanes). Federal tax credits reduce the amount of taxes paid by a taxpayer to the federal government, which similarly reduces the state income tax deduction for federal income taxes paid. In effect, federal disaster tax credits and incentives granted by Congress would have actually increased the state income tax for those impacted taxpayers.

The passage of HB 24, which was in advance of any legislative action by Congress, prevents taxpayers from having to pay higher state income taxes for federal disaster tax credits.

### **How the Senate Voted**

A vote FOR final passage was a vote WITH LABI. The bill passed 34-0-5.

### SALES TAX ON MANUFACTURING MACHINERY AND EQUIPMENT - HURRICANE TAX RELIEF

HB 39, Hammett – This legislation exempts from the state sales and use tax manufacturing machinery and equipment purchased to replace items damaged or destroyed by Hurricanes Katrina or Rita. The tax relief is an immediate, 100 percent exclusion from the state sales and use tax, and is not subject to any phase-in period currently existing under 2004 Act No. 1 (First Extraordinary Session), which is subject to a six-year phase-in period. This exclusion from the state sales and use tax will remain in effect until June 30, 2007. Thereafter, only the phased-in exclusion under 2004 Act No. 1 (First Extraordinary Session) will apply.

After the 2005 hurricanes, many businesses were struggling to remain operational, with damaged or destroyed facilities and equipment. HB 39 offers to these companies sales and use tax relief in trying to rebuild and stay in business in our state, in hopes of maintaining their workforce and encouraging their employees to return to work in Louisiana.

In the House Ways & Means Committee, Rep. Hammett amended HB 39 with provisions which limited the tax relief to only that portion of the replacement sales price which was not covered by insurance. In effect, this amendment would have penalized those busineses who had insurance coverage.

On the House floor, Rep. Morrish amended the insurance limitation out of HB 39, thereby restoring the full tax relief benefits of the legislation for all businesses impacted by the hurricanes. Following adoption of the Morrish amendment, HB 39 passed the House. The Senate passed HB 39 with the full benefits of the bill intact.

#### **How the Senate Voted**

A vote FOR final passage was a vote WITH LABI. The bill passed 35-0-4.

#### **UTILITY SALES TAXES**

HB 40, Hammett – This bill was the administration's bill to reduce, but not eliminate, the state sales and use tax on natural gas and electricity for non-residential consumption. As originally introduced, HB 40 would have reduced the tax from 3.8 to 3.3 percent. As amended in the Senate, the bill would have also eliminated the tax completely for the forest products industry; however, the House rejected those amendments. HB 40 was finally approved

when both houses overwhelmingly agreed to the Conference Committee report which not only reduced the tax for all business from 3.8 to 3.3 percent, but also capped the "cost price" of natural gas purchased by paper or wood product manufacturing facilities at \$6.20 per mcf, which would be the maximum amount to which the sales tax would be applied from 7/1/06 through 12/31/08. Finally, it fully exempted purchases of electricity by paper or wood manufacturing facilities from state sales tax.

One of LABI's Twelve Elements for Economic Recovery and Budget Stability was that business and industry must get relief from the high cost of energy. Since 1986, the state has been taxing utility sales, including a tax both on fuel used to make electricity and on the bill for electricity. With voter approval of the Stelly Plan in 2002, households were freed from paying the tax. However, it would continue to be paid by business. The tax that had been a 65 percent business tax grew to a 100 percent business tax. To make matters worse, the price of natural gas began to skyrocket, natural gas directly consumed by business and industry, as well as the natural gas used to generate electricity.

The governor responded to LABI's suggestion that the issue be included in her call for the post-Katrina Special Session. However, the effect of the bill was to only reduce the tax on business from 3.8 to 3.3 percent beginning 1/1/06. The forest products industry will be given additional tax relief. That industry (paper or wood products manufacturing) will be exempt from the total tax on its electricity purchases, and will have its tax on natural gas pegged to a maximum of \$6.20 per mcf from 7/1/06 through 12/31/08.

### **How the Senate Voted**

A vote FOR the motion to adopt the Conference Committee report was a vote WITH LABI. The motion passed 37-0-2.

### CORPORATE FRANCHISE TAX - HURRICANE TAX RELIEF

HB 41, Hammett – This legislation provides a 100 percent permanent exclusion from the corporate franchise tax for any debt incurred in excess of

the borrowed capital on the books of eligible firms immediately prior to August 28, 2005. For purposes of this exclusion, eligible firms are those with either: (i) 50 percent or more of their instate property and assets situated or used in the FEMA Individual Assistance Area of Hurricanes Katrina or Rita immediately prior to August 28, 2005; or (ii) 50 percent or more of their in-state revenue derived from such areas immediately prior to August 28, 2005.

After the 2005 hurricanes, many businesses were struggling to remain operational, with damaged or destroyed facilities and equipment, and significant workforce related issues. To remain in business, companies would have to incur unexpected long-term debt, which is still subject to the corporate franchise tax. 2004 Act No. 2 (First Extraordinary Session) is phasing-out the corporate franchise tax over a six-year period, beginning with taxable periods after January 1, 2006. However, these companies impacted by the hurricanes needed immediate tax relief, and should not be penalized by the corporate franchise tax for unexpectedly having to borrow to survive following the hurricanes.

HB 41 offers to these companies corporate franchise tax relief in trying to rebuild and stay in business in our state, in hopes of maintaining their workforce and encouraging their employees to return to work in Louisiana.

### **How the Senate Voted**

A vote FOR final passage was a vote WITH LABI. The bill passed 37-0-2.

### RECOVERY SCHOOL DISTRICT

HB 121, Crane – This bill transfers into the Recovery School District (RSD) all schools located in a school district that have been deemed to be "academically in crisis" if the schools are performing below the state average.

In 2004, legislation was passed to allow the state to take over chronically failed schools and put them into the RSD. Once a school entered the RSD, the Board of Elementary and Secondary Education (BESE) could utilize a number of options to improve student performance at the failed school. For

example, BESE could enter into a contract with a university or a nonprofit with a proven track record of success to operate the school. If the school showed and sustained measurable improvement, it could eventually be returned to the local school board.

With the devastation following Hurricane Katrina, it became imperative that the state aggressively intervene in the Orleans Parish school system. Though the circumstances were tragic, the hurricane provided an opportunity for a new school system to be built, in place of one that had chronically failed, was virtually bankrupt and was paralyzed by infighting and local school board politics.

HB 121 took the RSD legislation one step further. The bill authorized an immediate state takeover if a school performance score for a school located in a failed school district falls below the state average. The bill originally would have been applicable statewide, but was amended to apply to Orleans Parish only. The end result is that 107 failing and failed schools were transferred into the RSD and now provide the best hope for a quality public education in Orleans Parish. By passing this bill, the Senate put aside politics and put the needs of children ahead of adults.

### **How the Senate Voted**

A vote FOR final passage was a vote WITH LABI. The bill passed 33-4-2.

#### **PUBLIC BID LAW**

HB 132, Quezaire—This bill allows the Department of Transportation and Development (DOTD) to bypass the original public bid law requirements by empowering DOTD staff to select a single firm to both design and construct DOTD projects, rather than first having the project designed and then awarding the construction contract to the lowest responsible bidder. Under HB 132, any project DOTD selects for design-build construction must be approved by the Joint House and Senate Transportation Committee. Once a project is approved, a committee of DOTD employees selects the firms that will be allowed to submit proposals, reviews their submissions and selects several finalists. A different committee within DOTD then selects the winning firm.

In 1999, in order to determine if the design-build method is a fair, open, viable and cost-effective way to contract for construction projects, the Legislature authorized the DOTD Secretary to select a project valued at up to \$5 million to employ design-build. The St. Francisville Mississippi River Bridge TIMED project was later added as a second pilot project. LABI did not oppose this limited experiment with the design-build method. However, neither pilot project had been completed at the time this legislation was being considered, leaving the design-build method still unproven in Louisiana.

LABI has long supported Louisiana's Public Bid Law, which was adopted to protect the public in the awarding of state contracts, believing that the competitive bidding process provides a fair and full opportunity for interested parties to participate in public projects, and it assures that taxpayers obtain the best price for public construction.

### How the Senate Voted

A vote AGAINST final passage was a vote WITH LABI. The bill passed 23-14-2.

# 2006 Special Session

### **HOUSE VOTES**

### LEVEE BOARD REFORM

SB 8, Boasso – SB 8, as introduced, replaced the previous levee board systems with the Southeast Louisiana Flood Protection Authority (SLFPA), a single board composed of 11 members with professional qualifications nominated by professional organizations and academic institutions, to oversee flood protection for Greater New Orleans and Southeast Louisiana. SB 8 was amended by the Senate to create two professional boards within the SLFPA jurisdiction: one to oversee the flood plain areas bordering Lake Pontchartrain, Lake Maurepas and Lake Borne, and the other to manage flood control in those parts of Jefferson and Orleans Parishes west of the Mississippi River.

It became clear to LABI early after Hurricanes Katrina and Rita hit Louisiana that confidence in state flood control efforts would be a foremost consideration for businesses deciding whether to rebuild and reinvest in the ravaged areas. While there is no failsafe method of protecting southern Louisiana from the forces of nature, businesses and individuals in the affected areas should have more confidence entrusting flood control management to qualified professionals rather than politically appointed levee boards.

### **How the House Voted**

A vote FOR final passage was a vote WITH LABI. The bill passed 98-3-3.

Prior to final passage, Rep. John Alario proposed an amendment that would have delayed for 11 months the implementation of the levee board reforms for those parts of Jefferson and Orleans Parishes west of the Mississippi River.

### **How the House Voted**

A vote AGAINST the amendment was a vote WITH LABI. The amendment failed 34-65-5.

# 2006 Special Session

### SENATE VOTES

### LEVEE BOARD REFORM

SB 8, Boasso – SB 8, as introduced, replaced the previous levee board systems with the Southeast Louisiana Flood Protection Authority (SLFPA), a single board composed of 11 members with professional qualifications nominated by professional organizations and academic institutions, to oversee flood protection for Greater New Orleans and Southeast Louisiana. SB 8 was amended by the Senate to create two professional boards within the SLFPA jurisdiction: one to oversee the flood plain areas bordering Lake Pontchartrain, Lake Maurepas and Lake Borne, and the other to manage flood control in those parts of Jefferson and Orleans Parishes west of the Mississippi River.

It became clear to LABI early after Hurricanes Katrina and Rita hit Louisiana that confidence in state flood control efforts would be a foremost consideration for businesses deciding whether to rebuild and reinvest in the ravaged areas. While there is no failsafe method of protecting southern Louisiana from the forces of nature, businesses and individuals in the affected areas should have more confidence entrusting flood control management to qualified professionals rather than politically appointed levee boards.

### **How the Senate Voted**

A vote FOR final passage was a vote WITH LABI. The bill passed 39-0-0.

# 2006 Regular Session

### HOUSE VOTES

### ALLEGED PAY DISCRIMINATION

HB 144, Hunter – This bill would have exposed employers to lawsuits from disgruntled workers alleging that their pay was less than their co-workers of the opposite sex performing "the same or substantially similar work." Federal and state laws already exist that provide remedies for such discrimination, but this bill would have

established a new cause of action, significantly increasing the number of lawsuits against Louisiana employers.

The bill's proponents promoted it as "equal pay for women" legislation, but this was merely a sales pitch since there are laws currently on the books that permit individuals of either sex who have been subjected to true pay discrimination to obtain

redress. The creation of a new cause of action to allow unhappy employees to sue their employers would only burden the courts and increase the cost of doing business in Louisiana. Were this bill enacted, employers with perfectly sound reasons for their pay differentials could have been dragged into court to prove it, incurring costs of time, effort and legal fees spent in defending themselves.

Enactment of the bill would also have had an adverse impact on Louisiana's economic development. It would have discouraged business investment in the state and prompted some companies to consider relocating to another state. Businesses are very sensitive to laws governing the management of their workforces—especially laws regarding pay scales—because these laws substantially impact their bottom lines. Businesses tend not to locate or remain in states where their employees have more opportunities to sue them.

#### **How the House Voted**

A vote AGAINST final passage was a vote WITH LABI. The bill failed 41-53-11.

### **MINIMUM WAGE**

HB 194, Hunter – This bill would have established a minimum wage law for Louisiana. The bill was amended to restrict it to state government employees. However, this made it superfluous since the state could already set starting salary levels for its employees above the federal minimum wage rate. In fact, the state civil service commission did just that exactly one month after the session ended. The bill's only purpose was to get a law on the books that set a state minimum wage level higher than the federal minimum for the purpose of imposing it on the private sector later.

A minimum wage law for Louisiana would make it one of only three states in the south with such a law (Arkansas and Florida being the other two). Louisiana would then become less competitive with most of its neighbors for business investment. Everything else being equal, businesses will locate in a state without its own minimum wage law before considering one that has such a law. This is because businesses are uncomfortable operating in states where

the government is inclined to set wage rates for employers. If this bill had been enacted, Louisiana's economic development would have diminished at a time when the state is already struggling to recover from the impact of the 2005 hurricanes.

While the bill's proponents promoted it as a way to address poverty, independent studies conducted on this subject have concluded that a minimum wage increase is more likely to exacerbate poverty by reducing employment opportunities. Government can tell employers what they must—at a minimum—pay their workers, but cannot tell them how many workers to employ. Some employers would choose to reduce staff to offset the negative impact of an artificial wage increase. Others would decrease employee benefits. Still others would choose to become more automated.

The reason for these actions is simple. In order to compete with similar businesses that don't have to pay a higher minimum wage, the impacted business must somehow absorb the cost of the increase. Arguments that the cost can be simply passed along to the consumer are naïve. In the face of rising interstate and global competition along with ever-expanding Internet sales, this option is rarely available to businesses anymore.

#### How the House Voted

A vote AGAINST final passage was a vote WITH LABI. The bill passed 66-34-5.

During debate on HB 194, Rep. Cedric Richmond attempted to expand its coverage with an amendment that applied the bill's requirements to private sector employers unless they had 25 or fewer employees. The amendment also exempted employers from paying the new state minimum rate to workers who had worked for them less than a year. The amendment would have placed HB 194 in the same posture as SB 700, which barely passed the Senate. This would have enabled HB 194's author to employ the duplicate bill rule to avoid a committee hearing on SB 700 and thereby expedite its progress through the legislative process.

### **How the House Voted**

A vote AGAINST the amendment was a vote WITH LABI. The amendment failed 35-62-8.

### SCHOOL CHOICE

HB 301, Burns – This legislation would have allowed any child in grades K-12 who attended a public school in Orleans Parish to enter into a lottery to receive a voucher to attend a participating nonpublic school. It was a four-year pilot that would have commenced with the 2006-07 school year.

LABI supports public education, the public school accountability program and the RSD. LABI will continue to fight for educational opportunity for all children within the public school system. However, HB 301 would have given another educational option to parents and students in a long neglected and failing school system. The state's partnering with nonpublic schools with this voucher pilot program could have become an integral part of New Orleans' recovery.

Unfortunately, the House vote was one short for final passage. Hopefully, as the recovery continues, legislators will be willing to explore all available options to help the families in that area who have been through so much in the education arena, even prior to the hurricanes.

### How the House Voted

A vote FOR final passage was a vote WITH LABI. The bill failed 52-45-7, with 53 votes needed for passage.

### TAXPAYER RIGHTS OF APPEAL - PROPERTY TAX

HB 649, Salter – This bill imposes, under limited circumstances, attorney's fees and costs on taxpayers losing an appeal in a subsequent year to contest the same assessment valuation from a prior year when there has been no change affecting the value of the assessed property.

Taxpayers' rights to appeal their assessments in property tax cases should not be restricted. Often, taxpayers hire consultants in an initial year to contest property tax assessments. Thereafter, as the case begins to progress in the courts, taxpayers generally

employ counsel in the subsequent years to contest the assessment and the recurring valuation issue. Particularly in property tax cases, it often takes three to five years to resolve assessments, which means the issues relative to the first tax year will not be settled until the entire matter is concluded.

This bill will require taxpayers to give strong consideration to employing counsel in the initial tax year, so that all relevant issues will be litigated and taxpayers put their best case forward in the first tax year, rather than during the contesting of the assessment in a subsequent tax year. Moreover, there already exists under state law penalties for frivolous appeals, so this legislation was unnecessary.

After passing the House, HB 649 was amended in the Senate Revenue and Fiscal Affairs Committee to remove LABI's opposition to the bill.

### **How the House Voted**

A vote AGAINST final passage was a vote WITH LABI. The bill passed 54-39-11, with 53 votes needed for passage.

### INSURANCE CONTRACTS AND PRESCRIPTION

HB 666, Burns – In gubernatorially declared disasters, no insurance contract could have limited the right of action against the insurer to less than two years. The prescriptive period for tort action arising from such disasters would have been expanded to two years from the current one year.

HB 666 would have added more negatives to an insurance climate in which availability and affordability are already concerns. Sending the message that contracts can be ignored in Louisiana would only harm economic development efforts. The existing one year prescriptive period for tort suits helps bring some sort of predictability to our civil justice system.

### **How the House Voted**

A vote AGAINST final passage was a vote WITH LABI. The bill failed 38-54-12.

### ASSESSORS EMPLOYING CONTINGENCY FEE ATTORNEYS

HB 676, Baldone – This legislation would have established bad tax policy by authorizing assessors to employ attorneys on a contingency fee basis.

Contingency fees in property tax cases create a financial incentive for attorneys to pursue taxpayers at any cost and inappropriately give the assessor's attorney a financial stake in the case's outcome. This bill was unnecessary, as assessors may already employ outside counsel with expertise in property tax cases, and pay them on an hourly fee basis. Additionally, HB 676 would have applied to all residential and commercial property and would have been retroactive to all open tax years.

Since HB 676 had been amended by the Senate, the bill required that the House concur in the Senate amendments, and Rep. Damon Baldone made that motion. However, Rep. William Daniel made a substitute motion to reject the Senate amendments and send the bill to Conference Committee. The Senate passed HB 676, and the bill went to the House for concurrence (conforming amendments were previously added to the bill on the Senate floor when HB 676 was made a duplicate of SB 213). The House rejected the Senate amendments, which sent the bill to a Conference Committee.

### How the House Voted

A vote FOR the motion to reject the Senate amendments was a vote WITH LABI. The motion passed 62-36-7.

Although several Conference Committee reports were issued, none changed the offending parts of HB 676 enough to remove LABI's objection to the bill. The Senate voted to adopt the final Conference Committee report, leaving the House as the last chance to stop the bill in the Legislature. Rep. Daniel objected when Rep. Baldone moved to suspend the House rules to vote on the adoption of the Conference Committee report. The motion to suspend the rules failed, thus finally killing HB 676 for the session.

### **How the House Voted**

A vote AGAINST suspending the rules to hear the Conference Committee report was a vote WITH LABI. The House refused to suspend the rules, 43-48-14, with 70 votes needed for the rules suspension.

### **ETHANOL MANDATE**

HB 685, Thompson – Mandates that, within six months after ethanol production in Louisiana reaches 4.166 million gallons in a one-month period (annualized 50 million gallons), 2 percent of the gasoline sold in the state shall be denatured ethanol produced within the state. The same provisions will apply to bio-diesel after production reaches 833,333 gallons in one month (annualized to 10 million gallons). While a House floor amendment prohibits a mandate at the retail level, the practical effect of HB 685 is still a mandate. LABI continues to support the development of all alternative fuels, particularly those produced in Louisiana; however, LABI opposes mandates on products. Later in the session, SB 454 was amended to prevent HB 685 from becoming effective unless the impact on consumers would be minimized. SB 454 sets up a panel to meet and collect data until it determines that the average wholesale price of a gallon of Louisiana-manufactured ethanol, less the 51-cent federal tax credit, is equal to or below the average wholesale price of a gallon of unleaded gasoline in Louisiana for a period of not less than 60 days. Once this price equivalency has been achieved, the provisions of HB 685 will be allowed to take effect.

The ethanol mandate bill was one of the highest profile bills of the session, a bill that took on a life of its own once the public began stirring about fuel costs. The political volatility of even higher motor fuel prices caused by the mandating of ethanol and bio-diesel caused the Legislature to craft what it believed to be safeguards—to assure that legislators are not accused of raising prices. While LABI's chief objection—the mandate—was not removed from the law, many of our producers and consumers of motor fuels are satisfied that HB 685/Act 313 will be less onerous with the passage of SB 454/Act 656, which will delay implementation until there is an equivalency between gasoline and ethanol prices.

### **How the House Voted**

A vote AGAINST concurrence in the Senate amendments was a vote WITH LABI. The House concurred 53-34-18.

### **PRESCRIPTION**

HB 1302, Burns – HB 1302 gives policyholders filing suit based on damages arising from Hurricanes Katrina and Rita an extra year to file a lawsuit.

Louisiana's one year prescription law for tort suits helps bring some stability to our civil justice system. Individuals and businesses need this certainty. Memories can fade, people can die and documents can be lost. One year is time enough to bring a suit.

#### **How the House Voted**

A vote AGAINST final passage was a vote WITH LABI. The bill passed 61-35-9.

### **SOCIAL CHARGE TAX**

SB 217, Nevers – This bill prevents a UC tax assessment against employers in 2007 to recover nearly \$700 million in benefits paid as a result of unemployment that occurred because of Hurricanes Katrina and Rita.

Two weeks after Hurricane Katrina raked Louisiana's coastline, Governor Blanco issued an executive order declaring that benefits were to be awarded claimants from the impacted parishes regardless of their eligibility. A month later she issued a second such order covering claimants from parishes ravaged by Hurricane Rita. These hurricanes generated a huge volume of unemployment claims. Claims jumped from 9,000 the week preceding Hurricane Katrina to 225,000 the last week of October 2005, when the volume of claims reached its zenith. Benefit payout in that week alone approached \$250 million.

The executive orders prohibited employers from challenging these claims, even in cases where the claimant's job never ceased. The governor recognized that it would be unfair to automatically award benefits regardless of a claimant's eligibility and then charge those benefits to the employer. So, she proclaimed that that "[a]ll such benefits shall be against the social charge rate and not against a specific employer."

Under current law, a special account exists for recouping the cost of benefits not assessed to a specific employer through his experience-rated state UC tax. The cost is instead spread among all

Louisiana businesses through the social charge tax that is part of their quarterly UC tax.

The consequence of the governor's executive orders was significant. The cost of claims arising from those orders was close to \$700 million. By law, the full amount of this cost was to be assessed through the social charge tax in 2007. Obviously, imposition of this massive tax would do serious injury to Louisiana's economy. Furthermore, the size of Louisiana's UC trust fund (\$1.5 billion before the 2005 hurricanes) was sufficient to manage the huge volume of claims and still remain solvent, making the recoupment of the benefits far less critical than was thought when the governor issued her executive orders.

LABI sponsored SB 217 by Sen. Ben Nevers and HB 608 by Rep. Shirley Bowler to make the necessary statutory changes to prevent the assessment of \$700 million in additional social charge taxes. SB 217 ultimately passed and saves Louisiana businesses from a devastating tax increase next year.

### **How the House Voted**

A vote FOR final passage was a vote WITH LABI. The bill passed 100-0-5.

#### **OILFIELD SITE REMEDIATION**

SB 655, Adley – Establishes a judicial and administrative process for the remediation of environmental damage to oil and gas sites. As amended and finally passed, SB 655 allows an aggrieved landowner to either proceed directly to the Office of Conservation for remediation or to file suit for clean up. If litigation is chosen, the court first determines that contamination exists and then determines the responsible parties. The court forwards the case to the Office of Conservation for a remediation plan and a determination of the costs. While the court is not bound to accept Conservation's plan, it must give reasons for selecting a different plan. Funds for clean up are deposited in the court's registry, and the court and Conservation oversee the clean up process. The act does not preclude a landowner from suing for additional damages for other claims.

Despite record high oil and gas prices over the past year, oil and natural gas exploration and production in Louisiana have remained flat, while investment has soared in Texas and Oklahoma. Finally, after a three-year effort, the Legislature addressed the serious issue of legacy lawsuits. With the passage of SB 655, Louisiana now has a judicial and administrative process through which the party responsible for environmental damage will be forced to clean up the landowner's oil and/or gas site. Because of this new process, oil and gas companies will hopefully find predictability in their obligations for site restoration and will once again invest their resources in south Louisiana.

#### **How the House Voted**

A vote FOR final passage was a vote WITH LABI. The bill passed 99-0-6.

### **MINIMUM WAGE**

SB 700, Jones – This legislation would have established a minimum wage law for Louisiana. It required that beginning January 1, 2007 all employers would have to pay workers no less than \$6.15 per hour, except for employers that are local governments or that have no more than 25 employees working for them. In addition, the bill exempted employers from paying the new state minimum rate to workers who had worked for them less than a year.

A minimum wage law for Louisiana would make it one of only three states in the south with such a law (Arkansas and Florida being the other two). Louisiana would then become less competitive with most of its neighbors for business investment. Everything else being equal, businesses will locate in a state without its own minimum wage law before considering one that has such a law. This is because businesses are uncomfortable operating in states where the government is inclined to set wage rates for employers. If this bill had been enacted, Louisiana's economic development would have diminished at a time when the state is already struggling to recover from the impact of the 2005 hurricanes.

While the bill's proponents promoted it as a way to address poverty, independent studies conducted on this subject have concluded that a minimum wage increase is more likely to exacerbate poverty by reducing employment opportunities. Government can

tell employers what they must—at a minimum—pay their workers, but cannot tell them how many workers to employ. Some employers would choose to reduce staff to offset the negative impact of an artificial wage increase. Others would decrease employee benefits. Still others would choose to become more automated.

The reason for these actions is simple. In order to compete with similar businesses that don't have to pay a higher minimum wage, the impacted business must somehow absorb the cost of the increase. Arguments that the cost can be simply passed along to the consumer are naïve. In the face of rising interstate and global competition along with ever-expanding Internet sales, this option is rarely available to businesses anymore.

#### How the House Voted

Rep. Willie Hunter handled the bill on the House floor for Sen. C.D. Jones and chose to return it to the calendar when it came up in regular order because there were a number of representatives missing from the floor at that time, which jeopardized its passage. However, later that day, when Rep. Hunter moved to call the bill from the calendar so that it could be debated, Rep. Jim Tucker objected. A vote AGAINST calling the bill from the calendar was a vote WITH LABI. Needing two-thirds vote of those present and voting, the motion failed 41-54-9, which in effect killed the bill for the session.

#### INSURANCE CONTRACTS

SB 740, Quinn – SB 740 provided that policyholders filing claims as a result of Hurricane Katrina would have had until September 1, 2007, to file for damages. Those filing claims as a result of Hurricane Rita would have had until October 1, 2007.

SB 740 would have added more negatives to an insurance climate in which availability and affordability are already concerns. Sending the message that contracts can be ignored in Louisiana would only harm economic development efforts.

### **How the House Voted**

A vote AGAINST final passage was a vote WITH LABI. The bill failed 28-56-21.

# 2006 Regular Session

### SENATE VOTES

### TRIAL BY JURY

SB 117, Murray – This bill would have raised the jury trial threshold from \$50,000 to \$75,000.

SB 117 would have further deprived an individual of the right to trial by jury. Louisiana already has the highest threshold in the nation. The next highest is Maryland at \$10,000. Thirty-eight states have a zero dollar threshold.

### How the Senate Voted

A vote AGAINST the bill was a vote WITH LABI. The bill failed 8-22-9.

### MANDATORY COLLECTIVE BARGAINING

SB 106, Cravins – This bill would have forced state and local governments to bargain with a union over wages, hours and employment relations, if a majority of workers want that union to represent them.

State and local agencies, including school boards, can already do this if they wish. Teacher union representatives claimed that collective bargaining works well and is preferred by the handful of governing agencies around the state that have such agreements. However, it should be noted that the Louisiana School Boards Association, Louisiana Municipal Association and Louisiana Police Jury Association opposed the bill.

Unions should have to make their case for representation and satisfy those who run the various public entities that it would be beneficial to the interests of their constituents (i.e., the taxpayers) and the recipients of their services to enter into a collective bargaining arrangement. In some cases, unions have convinced a local government to accept

them as the bargaining agent for employees. In others, they have not. The situation is working well and doesn't need to be changed.

Mandatory collective bargaining excludes taxpayers, elected officials and, in the case of schools, parents and students from the decision-making process that impacts the cost and delivery of government services. For example, by restricting public policy decisions regarding salaries and instructional practices to a teachers' union and a school board, the taxpayers who fund our schools and the parents and children dependent upon their services have no say in these critical matters. They are merely presented with the bill for the increased costs after the collective bargaining agreement is reached.

#### **How the Senate Voted**

A vote AGAINST final passage was a vote with LABI. The bill failed 8-26-5.

### SOCIAL CHARGE TAX

SB 217, Nevers – This legislation prevents a UC tax assessment against employers in 2007 to recover nearly \$700 million in benefits paid as a result of unemployment that occurred because of Hurricanes Katrina and Rita.

Two weeks after Hurricane Katrina raked Louisiana's coastline, Governor Blanco issued an executive order declaring that benefits were to be awarded claimants from the impacted parishes regardless of their eligibility. A month later she issued a second such order covering claimants from parishes ravaged by Hurricane Rita. These hurricanes generated a huge volume of unemployment claims. Claims jumped from 9,000 the week preceding Hurricane Katrina to 225,000 the last week of October

2005, when the volume of claims reached its zenith. Benefit payout in that week alone approached \$250 million.

The executive orders prohibited employers from challenging these claims, even in cases where the claimant's job never ceased. The governor recognized that it would be unfair to automatically award benefits regardless of a claimant's eligibility and then charge those benefits to his employer. So, she proclaimed that that "[a]ll such benefits shall be against the social charge rate and not against a specific employer."

Under current law, a special account exists for recouping the cost of benefits not assessed to a specific employer through his experience-rated state UC tax. The cost is instead spread among all Louisiana businesses through the social charge tax that is part of their quarterly UC tax.

The consequence of the governor's executive orders was significant. The cost of claims arising from those orders was close to \$700 million. By law, the full amount of this cost was to be assessed through the social charge tax in 2007. Obviously, imposition of this massive tax would do serious injury to Louisiana's economy. Furthermore, the size of Louisiana's UC trust fund (\$1.5 billion before the 2005 hurricanes) was sufficient to manage the huge volume of claims and still remain solvent, making the recoupment of the benefits far less critical than was thought when the governor issued her executive orders.

LABI sponsored SB 217 by Sen. Ben Nevers and HB 608 by Rep. Shirley Bowler to make the necessary statutory changes to prevent the assessment of \$700 million in additional social charge taxes. SB 217 ultimately passed and saves Louisiana businesses from a devastating tax increase next year.

### **How the Senate Voted**

A vote FOR final passage was a vote WITH LABI. The bill passed 36-0-3.

#### **OILFIELD SITE REMEDIATION**

SB 655, Adley – Establishes a judicial and administrative process for the remediation of environmental damage to oil and gas sites. As amended and finally passed, SB 655 allows an aggrieved

landowner to either proceed directly to the Office of Conservation for remediation or to file suit for clean up. If litigation is chosen, the court first determines that contamination exists and then determines the responsible parties. The court forwards the case to the Office of Conservation for a remediation plan and a determination of the costs. While the court is not bound to accept Conservation's plan, it must give reasons for selecting a different plan. Funds for clean up are deposited in the court's registry, and the court and Conservation oversee the clean up process. The act does not preclude a landowner from suing for additional damages for other claims.

Despite record high oil and gas prices over the past year, oil and natural gas exploration and production in Louisiana have remained flat, while investment has soared in Texas and Oklahoma. Finally, after a three-year effort, the Legislature addressed the serious issue of legacy lawsuits. With the passage of SB 655, Louisiana now has a judicial and administrative process through which the party responsible for environmental damage will be forced to clean up the landowner's oil and/or gas site. Because of this new process, oil and gas companies will hopefully find predictability in their obligations for site restoration and will once again invest their resources in south Louisiana.

### **How the Senate Voted**

A vote FOR final passage was a vote WITH LABI. The bill passed 28-10-1.

During the Senate floor debate, Sen. Butch Gautreaux attempted to amend some of his SB 702 onto SB 655, provisions which would have diminished the authority of Conservation, increased the role of the courts, and allowed for "implied" provisions of contracts (not only "express" provisions) to be adjudicated.

### How the Senate Voted

A vote AGAINST the Gautreaux amendment was a vote WITH LABI. The amendment failed 19-20.

### MINIMUM WAGE

SB 700, Jones – This legislation would have established a minimum wage law for Louisiana. It required that beginning January 1, 2007 all employers would have to pay workers no less than \$6.15 per hour, except for employers that are local governments or that have no more than 25 employees working for them. In addition, the bill exempted employers from paying the new state minimum rate to workers who had worked for them less than a year.

A minimum wage law for Louisiana would make it one of only three states in the south with such a law (Arkansas and Florida being the other two). Louisiana would then become less competitive with most of its neighbors for business investment. Everything else being equal, businesses will locate in a state without its own minimum wage law before considering one that has such a law. This is because businesses are uncomfortable operating in states where the government is inclined to set wage rates for employers. If this bill had been enacted, Louisiana's economic development would have diminished at a time when the state is already struggling to recover from the impact of the 2005 hurricanes.

While the bill's proponents promoted it as a way to address poverty, independent studies conducted on this subject have concluded that a minimum wage increase is more likely to exacerbate poverty by reducing employment opportunities. Government can tell employers what they must—at a minimum—pay their workers, but it cannot tell them how many workers to employ. Some employers would choose to reduce staff to offset the negative impact of an artificial wage increase. Others would decrease employee benefits. Still others would choose to become more automated.

The reason for these actions is simple. In order to compete with similar businesses that don't have to pay a higher minimum wage, the impacted business must somehow absorb the cost of the increase. Arguments that the cost can be simply passed along to the consumer are naïve. In the face of rising interstate and global competition along with ever-expanding Internet sales, this option is rarely available to businesses anymore.

### **How the Senate Voted**

A vote AGAINST final passage was a vote WITH LABI. The bill passed 20-18-1.

### **INSURANCE CONTRACTS**

SB 740, Quinn – SB 740 would have provided that policyholders filing claims as a result of Hurricane Katrina would have had until September 1, 2007, to file for damages, regardless of the terms of their insurance contracts. Those filing claims as a result of Hurricane Rita would have had until October 1, 2007.

SB 740 would have added more negatives to an insurance climate in which availability and affordability are already concerns. Sending the message that contracts can be ignored in Louisiana would only harm economic development efforts.

### How the Senate Voted

A vote AGAINST final passage was a vote WITH LABI. The bill passed 24-8-7.

### **MINIMUM WAGE**

HB 194, Hunter – HB 194 would have established a minimum wage law for Louisiana. The bill was amended to restrict it to state government employees; however, this made it superfluous since the state could already set starting salary levels for its employees above the federal minimum wage rate. In fact, the state civil service commission did just that exactly one month after the session ended. The bill's only purpose was to get a law on the books that set a state minimum wage level higher than the federal minimum for the purpose of imposing it on the private sector later.

A minimum wage law for Louisiana would make it one of only three states in the south with such a law (Arkansas and Florida being the other two). Louisiana would then become less competitive with most of its neighbors for business investment. Everything else being equal, businesses will locate in a state without its own minimum wage law before considering one that has such a law. This is because businesses are uncomfortable operating in states where the government is inclined to set wage rates for employers. If this bill had been enacted, Louisiana's economic development would have diminished at a time when the state is already struggling to recover from the impact of the 2005 hurricanes.

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The reason for these actions is simple. In order to compete with similar businesses that don't have to pay a higher minimum wage, the impacted business must somehow absorb the cost of the increase. Arguments that the cost can be simply passed along to the consumer are naïve. In the face of rising interstate and global competition along with ever-expanding Internet sales, this option is rarely available to businesses anymore.

### **How the Senate Voted**

A vote AGAINST final passage was a vote WITH LABI. The bill failed 16-18-5.

Within a matter of minutes following the vote on final passage, Sen. Jones, who was handling the bill for Rep. Hunter on the Senate floor, brought it up for reconsideration. He thought that the votes would be there to pass it this time. He was mistaken. Though the governor came to the Senate floor during the vote to show her support for the measure and Senate president Don Hines kept the vote open much longer than normal in an attempt to obtain a favorable outcome for the bill, the Senate still refused to pass it. Some senators, who minutes earlier had voted for the bill, chose to vote against it out of disgust with the heavy-handed approach the leadership used to try to pass it.

### **How the Senate Voted**

A vote AGAINST final passage on reconsideration was a vote WITH LABI. The bill failed again 14-19-6.

### ASSESSORS EMPLOYING CONTINGENCY FEE ATTORNEYS

HB 676, Baldone – This legislation would have established bad tax policy by authorizing assessors to employ attorneys on a contingency fee basis.

Contingency fees in property tax cases create a financial incentive for attorneys to pursue taxpayers at any cost and inappropriately give the assessor's attorney a financial stake in the outcome of the case. This bill was unnecessary, as assessors may already employ outside counsel with expertise in property tax cases, and pay them on an hourly fee basis. Additionally, HB 676 would have applied to all residential and commercial property and would have been retroactive to all open tax years.

On the Senate floor, Sen. Robert Barham offered an amendment to: (1) make HB 676 prospective only, thereby removing the retroactivity issue; (2) make the bill inapplicable to voluntary payments under protest; and (3) remove conflicting procedural provisions. The Senate failed to adopt the amendment.

### **How the Senate Voted**

A vote FOR the adoption of the Barham amendment was a vote WITH LABI. The amendment failed 14-19-6

A vote AGAINST final passage was a vote WITH LABI. The bill passed 21-12-6.

After passing the Senate, HB 676 went back to the House for concurrence (conforming amendments had been added to the bill on the Senate floor when HB676 was made a duplicate of SB213). The House rejected the Senate amendments, which sent the bill to conference committee. Although several conference committee reports were issued, none changed the offending parts of HB 676 enough to remove LABI's objection to the bill. The Senate voted to adopt the final conference committee report, leaving the House as the last chance to stop the bill in the Legislature.

#### **How the Senate Voted**

A vote AGAINST adoption of the Conference Committee report was a vote WITH LABI. The Senate adopted the conference committee report 20-15-4.

#### ETHANOL MANDATE

HB 685, Thompson – Mandates that, within six months after ethanol production in Louisiana reaches 4.166 million gallons in a one-month period (annualized 50 million gallons), 2 percent of the gasoline sold in the state shall be denatured ethanol produced within the state. The same provisions will apply to bio-diesel after production reaches 833,333 gallons in one month (annualized to 10 million gallons). While a House floor amendment prohibits a mandate at the retail level, the practical effect of HB 685 is still a mandate. LABI continues to support the development of all alternative fuels, particularly those produced in Louisiana. However, LABI opposes mandates on products. Later in the session, SB 454 was amended to prevent HB 685 from becoming effective unless the impact on consumers would be minimized. SB 454 sets up a panel to meet and collect data until it determines that the average wholesale price of a gallon of Louisiana-manufactured ethanol, less the 51-cent federal tax credit, is equal to or below the average wholesale price of a gallon of unleaded gasoline in Louisiana for a period of not less than 60 days. Once this price equivalency has been achieved, the provisions of HB 685 will be allowed to take effect.

The ethanol mandate bill was one of the highest profile bills of the session, a bill that took on a life of its own once the public began stirring about fuel costs. The political volatility of even higher motor fuel prices caused by the mandating of ethanol and bio-diesel caused the Legislature to craft what it believed to be safeguards—to assure that legislators are not accused of raising prices. While LABI's chief objection—the mandate—was not removed from the law, many of our producers and consumers of motor fuels are satisfied that HB 685/Act 313 will be less onerous with the passage of SB 454/Act 656 which will delay implementation until there is an equivalency between gasoline and ethanol prices.

### How the Senate Voted

A vote AGAINST final passage was a vote WITH LABI. The bill passed 32-4-3.

### TORT PRESCRIPTION

HB 1302, Burns – HB 1302 gives policyholders filing suit based on damages arising from Hurricanes Katrina and Rita an extra year to file a lawsuit.

Louisiana's one year prescription law for tort suits helps bring some stability to our civil justice system. Individuals and businesses need this certainty. Memories can fade, people can die and documents can be lost. One year is enough time to bring a suit.

### How the Senate Voted

A vote AGAINST final passage was a vote WITH LABI. The bill passed 27-6-6.

### **VOTING RECORD CRITERIA**

There are certain rules which apply consistently to LABI voting records and to LABI's use of those records:

- ✓ Only KEY business votes are included in the record. Only bills on which LABI has taken a clear, broad-based position are considered.
- ✓ A vote may be on an amendment or procedural motion, as well as on final passage, if that vote was crucial to the fate of the bill.
- ✓ Because of factors such as committee action or amendments, the inclusion of a vote on a bill in one house doesn't necessarily mean that it will be a record vote in the second house.
- ✓ Votes are often weighted according to their importance to the business community. See voting record chart for specific point values.
- ✓ Each term stands alone. Every legislator has an equal opportunity for a good four-year record, despite historical voting patterns.
- ✓ The annual and cumulative voting average is based upon the number of points actually earned, compared to the number of points that could have been earned over the period.
- ✓ Legislators are not penalized in LABI voting records for absences due to hospitalization or immediate family illness or death, nor for abstentions due to conflicts of interest.
- ✓ The voting record is based on printouts from the House and Senate voting machines and personal privilege corrections recorded in the Official Journal.

### **Legislative Sessions**

	2006							
	2005 Special	2006 Special	2006 Regular					
H O	Increase UAL.  Relief from dits. Final Passage Machinery & Equipment – prish Amendment Machinery & Equipment – pricity Sales Tax.  t ise Tax - Hurricane Tax Relief.  District. Final Passage	Alario Amendment Final Passage ination, Final Passaee	HB 144 Alleged Pay Discrimination. Final Passage HB 194 Minimum Wage. Richmond Amendment HB 194 Minimum Wage. Final Passage HB 301 School Choice. Final Passage HB 649 Taxpayer Rights of Appeal - Property Tax. Final Passage HB 656 Assessors Employing Contingency Fee Attorneys. Reject Senate Amendment HB 676 Assessors Employing Contingency Fee Attorneys. Reject Senate Amendment Suspend Rules S					
S E	HB 17 State Retirement - Increase UAL. Reject Senate Amendments HB 24 State Income Tax Relief from Federal Disaster Tax Credits. Final Passage HB 39 Sales Tax on Mfg. Machinery & Equipment Hurricane Tax Relief. Morrish Amendment HB 49 Sales Tax on Mfg. Machinery & Equipment HB 40 Natural Gas/Electricity Sales Tax. Adopt Conference Report HB 41 Corporate Franchise Tax - Hurricane Tax R Final Passage HB 121 Recovery School District. Final Passage HB 132 Public Bid Law. Final Passage	SB 8 Levee Board Reform. Alario Amendment SB 8 Levee Board Reform. Final Passage HB 144 Alleged Pay Discrimination, Final Pass	HB 144 Alleged Pay Discrimination. Final Passage HB 194 Minimum Wage. Richmond Amendment HB 194 Minimum Wage. Final Passage HB 649 Taxpayer Rights of Appeal - Property Tax Final Passage HB 666 Insurance Contracts/Prescription. Final P HB 676 Assessors Employing Contingency Fee Att Reject Senate Amendment HB 676 Assessors Employing Contingency Fee Att Reject Senate Amendment HB 676 Assessors Employing Contingency Fee Att B 676 Assess					
Alario Alexander Ansardi Arnold Badon Baldone Barrow Baudoin Baylor Beard Bowler Bruce Bruneau Burns Burrell Carter, K. Carzeyoux Chandler Cravins Crowe Curtis Damico Daniel Dartez DeWitt Doerge Dovrsey Downs Durand Erdey Fannin Farrar Faucheux Frith Gallot Geymann Glover Gray Greene Guillory, M. Hammett Harris Heaton Hebert Hill Honey Hopkins Hunter Hutter Jackson Jefferson	1	1	$\begin{array}{cccccccccccccccccccccccccccccccccccc$					

## Legislative Sessions

	2005 Special	2006 Speci		l 2006 Regular													
H O U S E	HB 17 State Retirement - Increase UAL. Reject Senate Amendments HB 24 State Income Tax Relief from Federal Disaster Tax Credits, Final Passage HB 39 Sales Tax on Mfg. Machinery & Equipment - Hurricane Tax Relief. Morrish Amendment HB 39 Sales Tax on Mfg. Machinery & Equipment - Hurricane Tax Relief. Final Passage Hurricane Tax Relief. Final Passage Adopt Conference Report HB 40 Natural Gax/Electricity Sales Tax. HB 41 Corporate Franchise Tax - Hurricane Tax Relief. Final Passage	HB 132 Public Bid Law. Final Passage SB 10 UC Tax Suspension. Final Passage SB 8 Levee Board Reform. Alario Amendment SB 8 Levee Board Reform. Final Passage	8 Levee Board Reform. 144 Alleged Pay Discrin 194 Minimum Wage. R. 194 Minimum Wage. Fi	operty Tax. on. Final Pa ncy Fee Atto ncy Fee Atto ge IPassage lendar sage	a- Was absent when LABI needed a "yes" vote.  a° Was absent when LABI needed a "no" vote.												
Johns Katz Kennard Kenney Kleckley LaBruzzo LaFleur LaFonta Lambert Lancaster Marchand Martiny McDonald McVea Montgomery Morrell Morrish Odinet Pierre Pinac Pitre Powell, M. Powell, T. Quezaire Richmond Ritchie Robideaux Romero Salter Scalise Schneider Smiley Smith, Jack Smith, Jane Smith, John St. Germain Strain Thompson Toomy Townsend Trahan Triche Tucker Waddell Walker Walsworth White Winston	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	0 0 1 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1	1   1   1   2   0   0   0   1   1   2   1   2   1   2   1   2   1   2   1   2   2	$\begin{array}{c} 1  a^{\circ}  1  \frac{1}{4}  1  \frac{1}{2}  \frac{1}{2}  \frac{1}{2}  0  \frac{1}{2}  \frac{1}{2}  \frac{1}{2}  \frac{1}{2}  \frac{1}{2}  \frac{1}{2}  \frac{1}{2}  \frac{1}{2} \\ 0  0  \frac{1}{4}  1  1  \frac{1}{2}  95  8. \\ 0  0  \frac{1}{4}  1  1  a^{\circ}  a^{\circ}  a^{\circ}  a^{\circ}  a^{\circ}  a^{\circ}  a^{\circ}  \frac{1}{2}  \frac{1}{2}  \frac{1}{2}  \frac{1}{2}  \frac{1}{2}  \frac{1}{2}  \frac{1}{2}  95  8. \\ 0  0  1  0  \frac{1}{2}  0  \frac{1}{2}  0  \frac{1}{2}  \frac{1}{2}  \frac{1}{2}  \frac{1}{2}  \frac{1}{2}  \frac{1}{2}  0  75  6. \\ 1  0  1  0  \frac{1}{2}  a^{\circ}  0  \frac{1}{2}  \frac$	15   100												
With LABI Voted Against LABI Absent	79 104 65 103 91 105 89 21 0 34 1 10 0 16 5 1 6 1 4 0 0	37 103 65 98 66 0 34 3 2 2 5 3			l With LABI l Against LABI nt												

# HOUSE

Party	Representatives	2004-2006 Cumulative Voting %	Party	Representatives	2004 - 2006 Cumulative Voting %
(D)	C	00	(D)	TT 1.	71
(R)	Crane	99	(D)	Hopkins	71
(R)	Smiley	99	(D)	Montgomery	71
(R)	Beard	96	(D)	Smith, Gary	71
(I)	Robideaux White	96 96	(R)	Hutter Ritchie	70 68
(R)	Alexander	96 95	(D) (D)	LaFleur	67
(R) (R)	Johns	95 95	(D)	Thompson	67
(R) (R)	Katz	95 95	(D)	Alario	66
(R) (R)	Walsworth	95 95	(D)	Cazayoux	66
(R)	Greene	94	(D)	Farrar	66
(R)	Kleckley	92	(D)	Cravins	65
(R)	Morrish	92	(D)	Glover	65
(R)	Powell, M.	92	(D)	Walker	65
(R)	Scalise	92	(R)	Wooton	62
(R)	Schneider	92	(D)	Romero	61
(R)	Tucker	91	(D)	Pinac	60
(R)	Daniel	90	(D)	Dartez	59
(D)	Fannin	90	(D)	Ansardi	58
(R)	Geymann	90	(D)	Hill	58
(R)	Waddell	89	(D)	Smith, Jack	58
(R)	Dove	88	(D)	Bruce	57
(D)	Faucheux	88	(D)	Pierre	57
(R)	Erdey	87	(D)	Salter	56
(R)	LaBruzzo	87	(D)	Odinet	55
(R)	Trahan	87	(D)	Barrow	54
(R)	Winston	87	(D)	Arnold	53
(R)	Bowler	86	(D)	Carter, R.	53
(R)	Strain	86	(D)	DeWitt	52
(R)	Bruneau	84	(D)	Badon	51
(R)	Downs	84	(D)	Hebert	51
(R)	Kennard	84	(D)	Baudoin	50
(R)	Lambert	84	(D)	Guillory, E.	49
(R)	Pitre	84	(D)	Jackson	49
(R)	Powell, T.	84	(D)	Heaton	47
(D)	Frith	83	(D)	Gallot	44
(R)	Lancaster	83	(D)	Hammett	44 44
(R)	Burns Smith Jone	82	(D)	Quezaire	44 42
(R)	Smith, Jane Crowe	82 80	(D)	Townsend	42 40
(R)	McDonald	80 80	(D)	Burrell	40
(D) (D)	Smith, John	80 78	(D) (D)	Carter, K. Honey	40 39
(D)	Chandler	78 77	(D)	Dorsey	36
(R)	McVea	77	(D)	Richmond	34
(D)	Baldone	76	(D)	Baylor	33
(D)	Damico	75	(D)	Curtis	33
(D)	Kenney	75 75	(D)	Hunter	33
(R)	Martiny	75 75	(D)	Gray	32
(R)	Toomy	75 75	(D)	Harris	30
(D)	Durand	73 74	(D)	Marchand	29
(D)	Guillory, M.	73	(D)	Jefferson	28
(D)	St. Germain	73	(D)	Morrell	27
(D)	Doerge	72	(D)	LaFonta	22
(D)	Triche	72	. ,		

### Legislative Sessions

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	2006 2005 Special Special 2006 Regular																													
S E N A T E	10 UC Tax Suspension. Final Passage	105 Budget Stabiliza	7 1	HB 24 State Income Tax Relief from Federal Disaster Tax Credits. Final Passage	HB 39 Sales Tax on Mfg. Machinery & Equipment - Hurricane Tax Relief. Final Passage	HB 40 Natural Gas/Electricity Sales Tax. Adopt Conference Report	HB 41 Corporate Franchise Tax - Hurricane Tax Relief. Final Passage	HB 121 Recovery School District. Final Passage	HB 132 Public Bid Law. Final Passage	SB 8 Levee Board Reform. Final Passage	SB 106 Mandatory Collective Bargaining. Final Passage	SB 117 Jury Trial Threshold. Final Passage	SB 217 UC Social Charge Tax. Final Passage	SB 520 Collective Bargaining. Final Passage	SB 655 Oilfield Site Remediation. Gautreaux Amendment	SB 655 Oilfield Site Remediation. Final Passage	SB 700 Minimum Wage. Final Passage	SB 740 Insurance Contracts. Final Passage	HB 194 Minimum Wage. Final Passage	HB 194 Minimum Wage. Reconsideration	HB 676 Assessors Employing Contingency Fee Attorneys. Barham Amendment	HB 676 Assessors Employing Contingency Fee Attorneys. Final Passage	HB 676 Assessors Employing Contingency Fee Attorneys. Adopt Conference Report	HB 685 Ethanol Mandate. Final Passage	HB 1302 Tort Prescription. Final Passage	Cumulative Voting Record 2004-2006	Percentage 2006 & p.	LA "ye Wa LA	BI nes" vo	sent when eeded a
Adley Amedee Bajoie Barham Boasso Broome Cain Chaisson Cheek Cravins Dardenne Duplessis Dupre Ellington Fields Fontenot Gautreaux, B. Gautreaux, N. Heitmeier Hines Hollis Jackson Jones Kostelka Lentini Malone Marionneaux McPherson Michot Mount Murray Nevers Quinn Romero Schedler Shepherd Smith Theunissen Ullo	<u> </u>	0 0 0 0 1 1 1 0 0 0 0 0 0 1 1 1 1 0 0 0 1 1 1 1 a o 0 1 1 0 0 0 1 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 1 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0	<u>-</u>	-  4 -  4 -  4 -  4 -  4 -  4 -  4 -  4	12 12 3 12 12 12 12 12 12 12 12 12 12 12 12 12	-4     -4     -4     -4     -1	$\frac{1}{2} \frac{1}{2} \frac{1}$	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	────────────────────────────────────	1 1 1 0 1 1 1 1 0 1 1 1 1 1 0 0 1 1 1 1	$\begin{array}{cccccccccccccccccccccccccccccccccccc$		$\begin{array}{cccccccccccccccccccccccccccccccccccc$	1 0 1 1 1 1 0 0 1 1 0 0 0 1 1 1 0 0 0 1 1 1 0 0 0 0 1 1 1 1 0 0 0 0 1 1 1 1 0 0 0 0 1 1 1 1 0 0 0 0 1 1 1 1 0 0 0 0 0 1 1 1 1 0	$\frac{1}{2} \ 0 \ \frac{1}{2} \ \frac{1}{2} \ \frac{1}{2} \ \frac{1}{2} \ \frac{1}{2} \ 0 \ 0 \ \frac{1}{2} \ 0 \ \frac{1}{2} \ \frac{1}{2} \ \frac{1}{2} \ \frac{1}{2} \ \frac{1}{2} \ 0 \ 0 \ \frac{1}{2} \ $	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	14 0 0 0 14 14 0 0 0 0 0 0 0 0 0 0 0 0 0	1 0 0 0 1 1 0 0 1 1 0 0 0 1 1 0 0 0 1 1 0 0 0 1 1 1 0 0 1 1 1 0 0 0 1 1 1 0 0 0 1	1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	88 60 28 97 88 41 50 63 64 44 89 68 59 71 31 77 47 47 50 35 75 30 33 83 64 89 40 91 91 91 91 91 91 91 91 91 91 91 91 91	74 40 74 81	100 75 50 100 100 50 25 100 50 75 100 75 100 50 100 50 100 50 100 50 100 50 100 50 100 10	63 27 100 94 48 51 69 68 57 95 81 66 73 30 69 53 51 49 36 83 35 43 86 83 57 69 69 69 69 69 69 69 69 69 69 69 69 69	Adley Amedee Bajoie Barham Boasso Broome Cain Chaisson Cheek Cravins Dardenne Duplessis Dupre Ellington Fields Fontenot Gautreaux, B. Gautreaux, N. Heitmeier Hines Hollis Jackson Jones Kostelka Lentini Malone Marionneaux McPherson Michot Mount Murray Nevers Quinn Romero Schedler Shepherd Smith Theunissen Ullo
Voted With LABI Voted Against LABI Absent			13 23 3	34 0 5	35 0 4	37 0 2	37 0 2	33 4 2	14 23 2	39 0 0	26 8 5	22 8 9	36 0 3	17 21 1		28 10 1	18 20 1	8 24 7	18 16 5	19 14 6	14 19 6	12 21 6	15 20 4	4 32 3	6 27 6		ed A	ith L		ВІ

# SENATE

Party	Senators	2004 - 2006 Cumulative Voting %
(R)	Barham	97
(R)	Michot	91
(R)	Dardenne	89
(R)	Malone	89
(D)	Adley	88
(R)	Boasso	88
(R)	Quinn	86
(D)	Smith	86
(R)	Theunissen	84
(R)	Kostelka	83
(R)	Romero	80
(R)	Fontenot	77
(R)	Schedler	77
(R)	Hollis	75
(D)	Ellington	71
(D)	Ullo	71
(D)	Mount	69
(D)	Duplessis	68
(R)	Cheek	64
(R)	Lentini	64
(D)	Chaisson	63
(D)	Amedee	60
(D)	Dupre	59
(D)	Nevers	54
(R)	Cain	50
(D)	Heitmeier	50
(D)	Gautreaux, B.	47
(D)	Gautreaux, N.	47
(D)	Cravins	44
(D)	Shepherd	44
(D)	Broome	41
(D)	McPherson	40
(D)	Marionneaux	39
(D)	Hines	35
(D)	Murray	35
(D)	Jones	33
(D)	Fields	31
(D)	Jackson	30
(D)	Bajoie	28