



2023

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# PROGRAM OF WORK

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**LABI**

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# Your voice at the Capitol.

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The Louisiana Association of Business and Industry (LABI) was organized in 1975 to represent Louisiana businesses. LABI is proud to be Louisiana's official state chapter for the U.S. Chamber of Commerce and the National Association of Manufacturers. LABI's primary goal is to foster a climate for economic growth by championing the principles of the free enterprise system and representing the general interest of the business community through active involvement in the political, legislative, judicial, and regulatory processes.

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The 2023 program was developed to outline issues that most affect the economy and consequently employers across the state. This annual Program of Work guides advocacy efforts throughout the year.

Start Reading 

# LABI'S 2023 PRIORITIES: A NEW PATH FOR LOUISIANA'S FUTURE

The 2023 Legislative Session will be the beginning of a momentous year of opportunity for Louisiana. A fall election cycle that is driven by term-limits up and down the ballot—including Governor, Legislative leadership and many other open seats due to current office holders pursuing other positions—will present a clear opportunity for voters to choose a new path for Louisiana's future.

It will be the mission of LABI throughout the year to ensure the principles of free enterprise are driving most decisions for voters. That begins with policy efforts during the Legislative Session and through the LA23 strategic planning process, as well as campaign efforts including candidate bootcamps, interviews and endorsements through our regional PACs. All will be connected in 2023 and will help set the tone for the next governing cycle.

*LABI sets the standard for advocacy, providing policymakers with the information and perspective necessary to advance sound public policy that supports robust economic growth. Our strength comes from our members. Representing more than 2,000 Louisiana employers, we are the only association that represents businesses of all sizes from a statewide, multi-industry perspective.*

# PRINCIPAL GOAL

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Specific to the upcoming Legislative fiscal session, LABI will stay focused on efforts to address the concerns of Louisiana business owners and tackle problems that are hurting job creators. Those concerns include but are not limited to:

- The ongoing worker shortage crippling Louisiana's business community
- A failing public education system that does not adequately prepare Louisiana students to enter the workforce
- Rising inflation and other economic woes that are putting an undue burden on Main Street and hindering business growth
- Decades-old infrastructure gridlocks that continue to hamper supply chains
- An antiquated and burdensome tax code that makes Louisiana less competitive with our southern neighbors
- Rising crime that is spreading across many communities



# COUNCIL LEADERSHIP

LABI is pleased to have an excellent team of experienced policy experts who work diligently to advance our mission of providing a voice on behalf of the business community of Louisiana. Please contact them if you have any specific questions about the 2023 Program of Work.

## Civil Justice Reform



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# COUNCIL LEADERSHIP

(Continued)

LABI is pleased to have an excellent team of experienced policy experts who work diligently to advance our mission of providing a voice on behalf of the business community of Louisiana. Please contact them if you have any specific questions about the 2023 Program of Work.

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# CIVIL JUSTICE REFORM

Louisiana's liability exposure is a major concern to individuals, government, professionals and businesses, both large and small. We know for Louisiana's economy to improve, it is necessary that its civil justice system improves. We will defend the meaningful reform made in 2020 and continue to fight to further improve Louisiana's judicial system.

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# STATE

## Major Issues: Government-Sponsored Litigation

**LABI Position:** Oppose efforts by governmental entities to use litigation to harass businesses when engaged in lawful activities. Support legislation that curbs lawsuits by governmental entities, independently or with others, particularly entrepreneurial outside counsel, which exploit laws to punish businesses acting lawfully.

**Asbestos Bankruptcy Transparency:** Support legislation that would require plaintiffs to file with and disclose recovery from asbestos bankruptcy trusts to prevent double recoveries for the same injury and protect defendants' rights.

**Bifurcation of Trials:** Support legislation to eliminate the requirement that all parties to a civil suit consent to the separate determination of liability and damages.

**Multi-Party Litigation Reform:** Support appropriate class action, mass joinder and multi-district litigation legislation.

**Civil Justice Reform:** Support legislation to improve the fairness and predictability of the civil justice system in Louisiana. Defend the reforms previously enacted to improve Louisiana laws with emphasis on Louisiana's policy against awarding punitive damages unless authorized by statute, joint and several liability, as well as other reforms, including, but not limited to the limitations placed on products liability and strict liability actions, and the availability of motions for summary judgment. Reforms in the '90s were based on the premise that those at fault should only be held responsible for the harm they caused. Additionally, the retroactive application of liability against Louisiana entities and individuals is unacceptable, and directly contravenes the Louisiana Civil Code.

**Contingency Fee:** Oppose legislation that would authorize state and local governments to enter into contingency fee contracts or to employ outside counsel to be paid by the defendants or the state from the proceeds of awards and/or settlements. Support additional legislative oversight.

**COVID-19 Liability Protection:** Defend the 2020 legislation enacted to prevent liability exposure due to the pandemic.

## Major Issues: Judicial Transparency

**LABI Position:** Support transparency, ethics and efficiency in the budgeting and operations of Louisiana's courts. The principle of judicial independence as a separate branch of government is an important and historic American tenet, but independence and accountability can be promoted simultaneously. We should expect the same level of accountability and transparency within the judicial branch as we do from the executive and legislative arms of state government.

## Major Issues: Judicial Reform

**LABI Position:** Support programs and legislation to foster judicial excellence, including, but not limited to, consolidating districts and court functions, modernizing our judgeships to reflect the current needs of the state and its population, and creating a centralized electronic filing system for court documents.

## Current Issues:

**Abrogation of Contracts:** Oppose legislation permitting abrogation of existing contracts.

**Appeal Bond Caps:** Support legislation setting reasonable limits on suspensive appeal bonds.

## Current Issues :

**Deceptive Drug Lawsuit Advertisements:** Support legislation to help bring an end to misleading lawsuit advertisements run by plaintiffs' lawyers and non-attorney advertising firms seeking potential plaintiffs for lawsuits.

**Direct Action:** Support legislation to reform or repeal Louisiana's unique direct-action statute, which permits a plaintiff to sue an insurer for coverage directly and to outlaw presentation of evidence of liability insurance to the jury in a direct action.

**Discovery:** Support legislation limiting "fishing expeditions" for extraneous information in lawsuits and to ensure protections against abusive discovery, including electronic discovery.

**Double Recovery:** Support legislation to eliminate double recovery of damages and to defend 2020 reforms that brought down the excess cost of recoverable medical expenses as well as support further efforts to limit the recovery of medical expenses to the amount actually paid or to be paid.

**Judicial Activism:** Support legislation that will prohibit the judicial creation and/or recognition of a new cause of action for damages. Oppose legislation creating new causes of action in Louisiana.

**Jury Trial Threshold:** Defend a citizen's right to a civil jury trial by protecting the 2020 reform lowering the monetary threshold of \$10,000, and support the requirement that all elements of an award, including attorney fees, penalties, costs and interest, be included in the existing, or any, lower judicial threshold.

**Lawsuit Lending:** Support legislation that would provide for reasonable consumer protections in consumer lawsuit loan transactions, including a limit on the maximum loan finance charges allowed in consumer lawsuit loan transactions. Oppose any legislation or other actions which would weaken such consumer protections.

**Legacy Lawsuit Reform:** Support legislation that sets forth appropriate damages in lawsuits related to oil field remediation.

**Disclosure of Litigation Financing Arrangements:** Support legislation that requires plaintiffs to disclose contractual arrangements with third-party financing companies in an effort to temper the trend in utilizing third-party financing companies to float a plaintiff's medical and/or litigation-related expenses.

**Offer of Judgment:** Support legislation to encourage settlements within a reasonable range and to discourage plaintiffs from overvaluing their cases. Because of the wording of the Code of Civil Procedure article that deals with this subject, if the plaintiff does not win a "judgment" (in others words if the defendant wins) then the offer of judgment is not applicable. This language should be changed so that if the defendant is granted a favorable judgment after the offer of judgment is rejected, the defendant is entitled to costs and attorney's fees.

**Piercing the Corporate Veil:** Support legislation that prohibits the application of the single business enterprise theory to extend liability beyond a separate entity.

**Prescription:** Oppose efforts to lengthen the time frame in which lawsuits can be filed. Support legislation to re-establish, expand and strengthen prescription and other traditional defenses.

**Product Liability:** Support legislation that affords reasonable protection to manufacturers and sellers of legal products. Ensure that manufacturers are not unfairly exposed to liability for products they neither made nor sold.

**Professional Liability:** Support legislation to reform professional liability. Support health care provider and insurer efforts to refine and improve the medical professional liability system, while opposing judicial attempts and unilateral legislative attempts to remove or raise the medical malpractice cap.

## Current Issues:

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**Property and Casualty Insurance:** Support measures that improve the availability and affordability of private insurance in a competitive market, and oppose measures that hinder the stability of a private insurance industry. Oppose any erosion to positive laws that have been enacted.

**Subsequent Purchaser:** Oppose legislation which would create a right of action to assert claims for environmental damages that were caused or sustained prior to acquisition by a purchaser of the property.

**Substance Exposure Liability:** Support appropriate legislation that ensures that liability based on exposure to allegedly injurious or hazardous substances including, but not limited to, asbestos, mold and silica, is supported by reliable scientific evidence, and that monetary awards for exposure compensate only to the extent of injuries actually sustained. Support appropriate legislation that would establish medical criteria that separate the sick from those who are not and compensate only those who are sick. This legislation would guarantee that those who are healthy have their day in court if, and when, they become ill. Support legislation to require a plaintiff to provide information substantiating the claim against a specific defendant at the time of pleading.

**Venue:** Support legislation that sets forth appropriate venue rules in lawsuits, including class action, multi-party, and toxic tort cases.

## Ongoing Policy:

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**Contractual Transfer of Tort Liability:** Educate LABI members about liability issues and insurance coverage problems associated with contractual transfer of tort liability. Study possible solutions to problems created by contractual transfer of tort liability.

**Expert Testimony:** Work with appropriate branches of government to resolve problems arising from the admissibility of certain opinion testimony by witnesses presented as experts, and support legislative efforts that require disclosure to the parties and fact finder of the medical experts' historical rate of medical procedures recommended versus medical procedures actually performed.

**Interpretation of Laws:** Support efforts to clarify the standard of review of interpretive laws which seek to clarify legislative intent to preserve the separation of powers and support efforts to interpret existing laws consistent with the legislative intent.

**Liability Insurance:** Support legislation to reduce liability costs.

**Personal Responsibility:** Support legislation to encourage the use of safety devices by allowing introduction of evidence of their non-use/misuse to establish comparative fault.

**Pre-judgment Interest:** Support efforts to reform pre-judgment interest.

**Tort Defense:** Oppose legislation expanding exposure of individuals, professionals and businesses to new causes of action or unreasonable or excessive judicial awards.



# FEDERAL

## Current Issues:

**Abrogation of Contracts:** Oppose legislation or rule-making efforts permitting abrogation of existing contracts or an entity's ability to enter into such contractual agreements.

**Asbestos Bankruptcy Transparency:** Support legislation that would require plaintiffs to file with and disclose recovery from asbestos bankruptcy trusts to prevent double recoveries for the same injury and protect defendants' rights.

**Catastrophe Response:** Support legislation to address regionally or nationally appropriate responses to catastrophes.

**Class Action Lawsuits:** Support federal class action reform. Oppose efforts to weaken existing reforms.

**Disaster Insurance:** Support the Policyholders Disaster Protection Act, which would allow insurance companies to set aside pre-tax dollars in a disaster reserve account.

**Expansion of Liability:** Oppose federal rules, regulations and executive orders expanding liability.

**Federal Lawsuits:** Support efforts by Congress to address frivolous lawsuits.

**Filing of Lawsuits:** Oppose efforts to lengthen the statute of limitations for the filing of lawsuits. Support legislation to re-establish, expand and strengthen limitation of actions.

**Government-Sponsored Lawsuits:** Support efforts to stem the tide of government-sponsored litigation.

**Pleadings Requirements:** Support efforts requiring plaintiffs to streamline their original pleadings in order to narrow lawsuit issues and facilitate early dismissal of improper lawsuits.

**Telephone Consumer Protection Act:** Support efforts to ensure a limited definition of facsimile machine to its original and traditional definition.

**Tort Defense:** Oppose legislation that expands exposure of individuals, professionals and businesses to new causes of action or unreasonable or excessive judicial awards.

**Tort Offense:** Support appropriate tort legislation that would protect domestic entities from unreasonable or excessive judicial awards and extend jurisdiction to foreign entities that cause harm.

**Substance Exposure Liability:** Support appropriate legislation that would establish medical criteria that separate the sick from those who are not and compensate only those who are sick. This legislation would guarantee those who are healthy have their day in court if, and when, they become ill. Support appropriate legislation that ensures that liability based on exposure to allegedly injurious or hazardous substances including, but not limited to, asbestos, mold and silica, is supported by reliable scientific evidence, and that monetary awards for exposure compensate only to the extent of injuries actually sustained.

# Contact

Lauren Hadden serves as Director of the Civil Justice Reform Council. In this capacity, she handles liability and tort reform issues, as well as property and casualty insurance-related matters.

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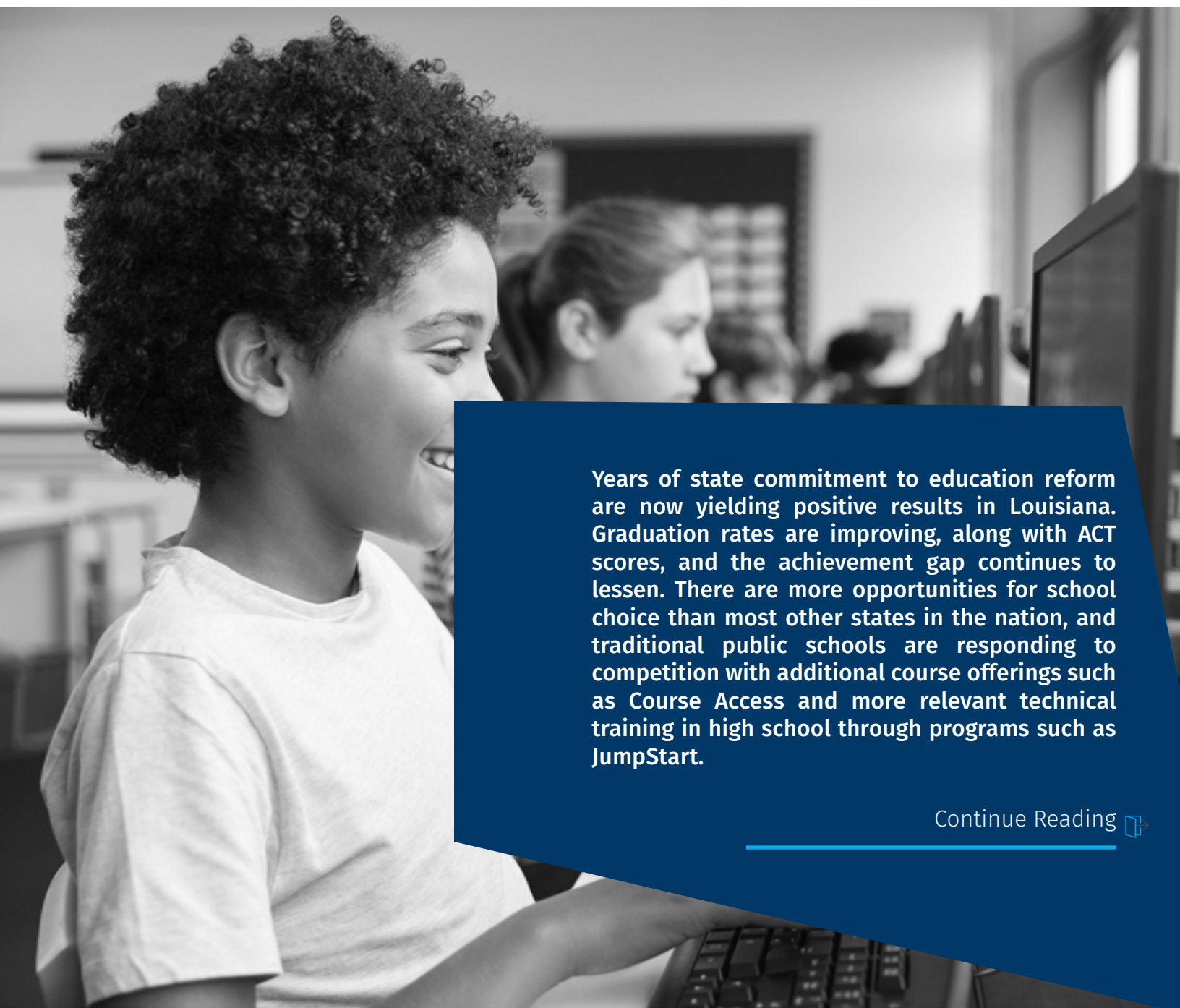
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# EDUCATION & WORKFORCE DEVELOPMENT



Years of state commitment to education reform are now yielding positive results in Louisiana. Graduation rates are improving, along with ACT scores, and the achievement gap continues to lessen. There are more opportunities for school choice than most other states in the nation, and traditional public schools are responding to competition with additional course offerings such as Course Access and more relevant technical training in high school through programs such as JumpStart.

Continue Reading 



## Major Issue: Workforce Development

**Issue:** Louisiana's unemployment crisis is not due to a lack of available jobs, but is largely the result of the shortage of qualified workers who are drug-free and possess both the soft and technical skills required in our rapidly changing economy. In particular, the state continues to have a sizeable "middle skills" gap where available jobs require more than a high school diploma but less than a four-year degree.

**LABI Position:** Support the transformation of Louisiana's workforce development system to encourage partnerships across early childhood education programs, K-12 schools, higher education, and employers to create and fill high-demand, high-wage jobs. Encourage the coordinated and streamlined utilization of public funds and programs — federal, state and local — toward data-driven workforce development goals. Support programs in high school that offer dual enrollment, college credit, industry-based certifications, and skills training, including work-based learning opportunities. Advocate for targeted training and recruitment of skilled trades for men and women to combat the workforce shortage in critical sectors such as health care, construction, IT and manufacturing. Support initiatives to bring adult learners back into the workforce, including rational and effective re-entry programs and policies for ex-offenders. Overall, the voice and perspective of Louisiana employers must be included in all efforts from top-to-bottom in workforce development.

**Reasoning:** Louisiana has an urgent need for a skilled workforce that requires strong partnerships across the private and public sectors.

**Career and Technical Education:** Support legislation and policies to expand and improve the delivery of skills training in partnership with Louisiana employers, community colleges and K-12 schools. LABI supports improvements to the JumpStart program to incentivize training and certification for students in fields with high-demand, high-wage jobs.

**Post-Secondary Alignment:** LABI will encourage the continued development of a post-secondary education system (adult education, technical colleges, community colleges and university systems) that will be efficiently coordinated to provide shared resources and facilities, non-duplicated offerings and articulation agreements. This system should be tailored in each region of the state to address the proper mix of special workforce training programs, vocational and technical training, industry-based certifications, two-year associate degrees and advanced degrees, and to provide a rapid response to changes in business. Development and direction of these systems should include input from the business community and include systems designed to measure the progress of each educational component, holding accountable those responsible for the success of their students. LABI encourages the state to adopt and fully implement higher admission standards for four-year universities, discontinue low-enrollment or duplicative programs, and improve articulation and transfer agreements from two-year to four-year schools.

## Major Issue: Public School K-12 Accountability System

**Issue:** It is critically important that the Louisiana business community continue to protect, support, and strengthen the K-12 public school accountability program from ongoing attacks from the educational bureaucracy.

**LABI Position:** Protect, support, and strengthen the K-12 accountability program. Stop efforts to eliminate or suspend accountability components such as a rigorous curriculum, statewide testing, or the assignment of letter grades to schools.

**Reasoning:** The foundation of a strong public-school system must include academically rigorous curriculum, tests to measure progress, and a plan to improve schools and districts with low student achievement.

**Post-Secondary Governance:** Support the creation of a single board for post-secondary education to manage and oversee the state's four-year post-secondary education institutions as well as separate LCTCS board to govern the state's community and technical college system, recognizing the unique mission of two-year institutions and their significant role in workforce development. Support recommendations to better define the role, scope and mission of each higher education institution, restructure governance to maximize efficiency, and reorganize campuses to support their missions and align them to regional economic development priorities where relevant.

Geographical proximity, enrollment, graduation rates, students' performance on professional examinations, job placement and retention, duplication of programs and accreditation difficulties are starting points for consideration. Shared facilities, faculty, administrative systems and services, and supplies for technical training (secondary, technical college and four-year universities) should be part of the effort to consolidate and improve efficiency.

**Post-Secondary Funding:** Support tuition and fee autonomy. Implement performance-based funding in the state formula for higher education. Seek to maximize federal funding to creatively support students to complete their degrees and credentials.

**Post-Secondary Reform:** LABI recognizes the economic imperative to improve retention rates on college campuses and graduate many more students every year in both two and four-year institutions. LABI supports removing barriers to smooth the path for adults to re-enter college as well as campus-level innovations such as mentoring, mapping and stacking credentials, decreasing the time-to-degree, putting textbooks online, and reforming remedial coursework.

## Current Issues:

**Adult Education:** Support legislation and policy to reorganize and improve the high school equivalency diploma, to provide "soft skills" or "employability" training, and to identify adults who can be recruited into post-secondary training and enter the workforce.

**Charter Schools:** Support the expansion of quality charter schools.

**Classroom Funding:** Re-examine the state's school finance funding formula, the MFP, to determine how to get more money into the classroom, ensure that tax dollars follow the student, and determine the actual cost of delivering quality educational services.

**Conflicts of Interest:** Support legislation that would prohibit employees of local school systems from serving on BESE.

**Education Flexibility:** Support flexibility in education delivery models and learning modalities. In today's fluid environment, it is important to acknowledge the need for educational flexibility in order to best meet a child's learning needs inside and outside the classroom.

**Freedom to Work:** Over time, a number of state entities have created artificial barriers to work in the form of occupational licensing. Unless a license is necessary for public health and safety, individuals should be "free to work." LABI supports efforts to review occupational licensing and remove costly and time-consuming barriers when possible.

## Current Issues:

**High School Redesign/Dropouts:** Support efforts to reduce Louisiana's public school dropout rate and draw recent dropouts back into school or training, including the creation and expansion of courses that emphasize technical training.

**High Standards:** Support high standards and rigorous curriculum in mathematics, science, and English Language Arts ("ELA"). Support "Mastery" as the minimum student proficiency level in assessments (as opposed to the current "Basic"), which would put Louisiana students on par with students in other states for comparative purposes. Oppose "hold harmless" policies, curving of school letter grades, or other attempts to artificially inflate performance statistics.

**Local School Board Reform:** Act 1 of the 2012 legislative session included local school board reforms, namely prohibiting school board members from making personnel decisions. Support additional legislation and policy that would encourage the focus of local school boards to be on improving failing schools and raising student academic achievement. Examine bureaucratic impediments to reform at the local school board level and support legislation that would require local school boards to be more accountable for the academic achievement of the students in their districts.

**Paycheck Protection:** Support legislation to reform or eliminate taxpayer-funded bodies (such as local school districts) from collecting membership dues or other monies for organizations that engage in political activities (such as teacher unions) through automatic payroll deduction.

**School Choice:** Support expanded school choice for students. Other avenues to increase choice, such as education savings accounts, tax credits or deductions for tuition to attend nonpublic schools, should also be supported.

**School Leadership:** Support efforts to identify and recruit outstanding individuals with records of success into school leadership positions, especially principals and superintendents. Support alternative certification paths for principals that allow and encourage professionals and leaders in fields outside of education to consider becoming principals.

**Teacher Quality:** Support efforts to improve teacher quality, including policy changes to improve teacher preparation, in Louisiana. The classroom teacher is the single most important factor in and influence on students' educational success, and LABI will work to strengthen the state's professional teaching corps.

**Teacher Tenure:** Support legislation to repeal tenure for new teachers. Oppose legislation that would expand tenure, sabbatical and extended leave benefits for all school employees, including post-secondary institutions. Oppose any legislation that would repeal or damage Act 1 of 2012.

**TOPS:** Support efforts to strengthen the academic requirements to receive the merit-based Tuition Opportunity Program for Students scholarship and oppose efforts to weaken current requirements. Support the substitution of ACT WorkKeys assessments (silver or higher level attainment) as an alternative eligibility requirement to the ACT score for TOPS-Tech scholarships, and support other TOPS-Tech revisions that contribute to building a trained, ready workforce.

**8(g):** Support the integrity of the 8(g) fund and oppose any attempts to use those funds to supplant general fund revenues for education.



## Ongoing Policy:

**Early Childhood Education:** Support high-quality childcare and early childhood learning. LABI will continue to advocate for students, taxpayers and employers to connect a more skilled workforce with high-wage, high-demand jobs in a 21st century economy and will support high-quality daycare and early childhood learning.

**Collective Bargaining:** Oppose legislation mandating collective bargaining and/or binding arbitration by any public body.

**Parent / Teacher / Citizen Empowerment:** Support efforts to provide parents, citizens and educators with factual information about education issues at all levels and teach them how to get involved and make the education system work for them and their children.

**School Discipline:** Support efforts to address the issue of school discipline and work to identify solutions to classroom management problems while keeping disruptive students in learning environments. Support efforts to create effective alternative schools for students who do not perform well in traditional school settings.



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# EMPLOYEE RELATIONS

The Employee Relations Council will support efforts to make Louisiana's workers' compensation (WC) system more balanced and less costly. It will also remain diligent in protecting the solvency of the state's unemployment compensation (UC) trust fund to prevent employer UC tax increases. In most other respects, Louisiana's employment laws are generally viewed as employer friendly when compared to other states. Unfortunately, each session, bills are filed to expose employers to lawsuits from their employees and/or restrict employers' ability to manage their workers efficiently and productively. This year will likely see less of this sort of legislation, since there is a limit on the number of bills of a general nature that may be filed. LABI will once again be ready to defend against such legislative intrusion in the workplace.

[Continue Reading](#) 



# STATE

*Each session, numerous bills are filed to expose employers to lawsuits from their employees and/or restrict their ability to manage their workers efficiently and productively. This year's session is largely dedicated to fiscal matters, but legislators can file anti-employer legislation, and LABI will once again be ready to defend against them. The Employee Relations Council will also support efforts to make Louisiana's workers' compensation (WC) system more balanced and less costly.*

## Major Issue: Workers' Compensation

**LABI Position:** Support legislation to strengthen Louisiana's WC law, and oppose legislation that would expand WC coverage and increase costs to employers. Support legislation that makes Louisiana's WC system not only balanced and equitable but also one which is competitive with other states and encourages a quicker return to work for injured employees. To this end, LABI will:

- Work to pass and implement a competitive pharmacy formulary that is based on medical evidence, and is designed to provide necessary medication to injured workers in a timely manner to prevent unnecessary drug prescribing and dispensing;
- Support legislation to provide for quality and appropriate medical treatment and ancillary services, including legislation to defend and enhance the proper utilization of the Medical Treatment Schedule and to apply correct limitations and standards for the appeal process connected with review of medical director's decisions;
- Defend the exclusive remedy and statutory employer provisions of the WC law;
- Promote prosecution of the crime of WC fraud and protect employers' ability to defeat fraudulent claims;
- Advise the employer community of judicial and administrative decisions that destroy the effectiveness of legislated reforms in WC;

- Support efforts to create an efficient and less costly WC market by encouraging continued growth and increased competition within the voluntary market;

- Amend, as needed, the WC confidentiality rules or laws to provide reasonable provisions governing both the protection and release of WC information and employers' access to information regarding current and past claims; and

- Support legislation equalizing all WC indemnity benefits to a percentage of after-tax income.

## Major Issue: Unemployment Compensation (UC)

**LABI Position:** Support any legislative actions necessary and appropriate to safeguard the solvency of the state UC trust fund so as to prevent employer UC tax increases. Support legislation to fine-tune the UC law in Louisiana and eliminate employee and employer abuses. Oppose legislation that would expand UC coverage.

## Current Issues:

**Employer Liability:** Support legislation to limit employer liability doctrines, and oppose legislation that would expand employer liability. Support legislation to repair judicially imposed employer liability doctrines established contrary to legislative intent.

**Labor Relations:** Support legislation to prohibit state and local government interference with employers' rights and protections as provided under existing federal laws governing labor/management relations. Oppose any state legislation designed to weaken employers' protections under existing federal laws governing labor/management relations.

**Employment Compensation:** Support legislation to protect employers' right to establish employment compensation as they deem appropriate and oppose any erosion of existing rights.

**Mandated Employee Benefits:** Oppose any statutory intrusion into the area of employee/employer relationships, including but not limited to mandated benefits. Oppose any creation or expansion of government-mandated benefits under employer health plans except when there is a documented, actuarially positive cost/benefit for such mandates. Support state legislation that minimizes any adverse impact of federal health care mandates.

**Incumbent Worker Training Program (IWTP):** Oppose legislation that would continue funding for the IWTP below the dollar amounts and trust fund trigger points in current law, and enhance business access and greater flexibility in the use of monies for worker training, particularly for small businesses.

**Government Contracting:** Oppose any unreasonable administrative or legislative action pertaining to labor or employment law that would deny businesses the right to contract with government.

**Collective Bargaining:** Oppose legislation requiring collective bargaining and/or binding arbitration by any public body.

**Right-to-Work:** Do everything necessary to maintain Louisiana as a Right-to-Work state, including opposing "agency shop" legislation, which would force non-union employees to pay dues to a union just like its members.

**Prevailing Wage:** Oppose any attempts by the Legislature to re-enact a prevailing wage law, which would result in the state or local governments – and by extension, taxpayers – paying more for goods and services than is paid by businesses in the private sector.

**Employment-at-Will:** Support legislation to ensure employment-at-will as a right of all Louisiana employers.

**Second Injury Fund:** Continue to assess the viability of the Second Injury Fund and support legislation to establish an equitable assessment method for its funding.

**Drug-Free Workplace:** Support legislation and promote administrative policies that make it easier for employers to maintain a drug-free workplace in Louisiana.

**Forum Selection:** Support legislation to protect and enhance the freedom to contract with respect to forum selection in the employment relationship.

**Employee Leasing:** Support legislation to ensure that professional employer organizations/employee-leasing firms do not insulate their clients from their WC and/or UC experience rating, and oppose any erosion of existing statutory protections.

**Independent Contractors:** Protect the statutory criteria established for determining a worker's independent contractor status and support the implementation of "fresh start" and "safe harbor" provisions for employers who self-report incidents of employee misclassification.

# FEDERAL

**Equal Employment Opportunity:** Support equal employment opportunity by coordinating existing state and federal anti-discrimination laws, but oppose any legislation that would expand upon existing remedies and protections. Support the repeal of any laws that prohibit or limit employer rights.

**Workforce Development:** Support efforts to continuously improve Louisiana's workforce development system to become market-driven and employer connected by delegating to local Workforce Investment Boards (WIBs) decision making and administration relative to training and employment programs while reserving oversight and funding responsibilities to a state commission. Support improved alignment of workforce development across K-12 education, higher education and relevant state boards and agencies, including Louisiana Economic Development and the Louisiana Workforce Commission.

**Minimum Wage:** Oppose legislation establishing a state minimum wage.

**Labor Relations:** Support legislation that protects workers and employers from the adverse impacts of alterations or expansions to existing federal laws or regulations governing labor/management relations, especially any changes to weaken the equity of the current government-supervised secret ballot election procedure or replace it with a "card check" system subject to abuse.

**Wage Records:** Support full implementation of Act 822 of the 2012 regular session, allowing electronic access to wage records.

**Noncompetition Agreements:** Oppose any erosion of the statutes that protect businesses from unfair competition by allowing them to enter into noncompetition agreements with their employees, and support appropriate legislation to fine-tune such statutes as necessary.

**National Labor Relations Act (NLRA):** Continue to support efforts to remove the requirement that unions represent nonmembers in a bargaining unit. Support amendments to the NLRA that would permit both union and nonunion employees to share decision-making responsibility with management. Oppose the provisions of the so-called PRO Act legislation, which seeks to do away with the balance in labor/management relationships currently assured under the NLRA and oppose attempts to include any of its components in other legislation. Oppose efforts that would prohibit construction industry double breasting or allow *common situs* picketing. Support efforts to restrict liberalization promoted by the National Labor Relations Board and the courts.

**Employer Liability:** Support legislation to limit employer liability doctrines, and oppose legislation that would expand employer liability.

**Right-to-Work:** Oppose legislation to repeal or weaken Section 14B of the Taft-Hartley Act, which authorizes state Right-to-Work laws.

**Advice Exemption:** Oppose efforts by the U.S. Department of Labor to significantly restrict by regulation the "advice exemption" under the Labor-Management Reporting and Disclosure Act of 1959.

**Government Contracting:** Oppose any unreasonable administrative or legislative action pertaining to labor or employment law that would deny businesses the right to contract with government.

**Occupational Safety and Health Administration (OSHA):** Oppose any proposed rule or law that weakens an employer's right to maintain a drug free workplace, or which requires employers to meet an unreasonable and costly ergonomic or other OSHA safety standard established without scientific validation of its value.

**Mandated Employee Benefits:** Oppose legislation that would increase costs to employers resulting from governmentally mandated benefits, including health care plans and expansion of the Family and Medical Leave Act.

**Immigrant Labor:** Support legislation that ensures an adequate number of guest immigrant workers to meet the needs of Louisiana's seasonal and worker shortage industries. Support federal immigration reform that improves Louisiana businesses' access to the immigrant workforce needed to remain competitive by (1) expanding existing high-skilled and lesser-skilled work visa (H-1B, H-2B, and H-2A) programs while eliminating unworkable bureaucratic encumbrances and excessive costs, and (2) developing a reliable, integrated employment verification system with safe harbors for employers hiring in good faith.

**Comparable Worth:** Oppose attempts to impose "comparable worth" in the workplace, including an expansion of the existing federal "equal pay" provisions.

**Unemployment Compensation(UC):** Oppose legislation that would liberalize UC benefits and/or increase employers' federal UC tax costs. Support legislation to lower federal UC taxes by giving states the authority to collect and appropriate Federal Unemployment Tax Act (FUTA) revenues to operate their employment security agencies. Support legislation to allow small business owners to forgo paying UC taxes on themselves by electing to be excluded from unemployment benefits.

**Workers' Compensation:** Support legislation to simplify the Medicare Secondary Payer Act with regard to settlements of WC claims. Oppose any legislative attempt to federalize state WC acts.

**Federal Minimum Wage:** Oppose any increase in the federal minimum wage.

**Overtime Pay:** Oppose legislation and/or rules/regulations that would unreasonably increase an employers' responsibility for payment of overtime obligations.

**Employee Training:** Support federal workforce development legislation that enhances the effectiveness of the state workforce development statutes.

**Striker Replacement:** Oppose legislation that would prohibit an employer from hiring permanent replacement workers for employees who walk off the job.

**Federal Intervention in Benefit Plans:** Oppose legislation and regulations that restrict employers or place further burdens on employers sponsoring benefit plans, including cafeteria plans.

**Davis-Bacon Act:** Support repeal of the Davis-Bacon Act, which is a federal type of prevailing wage law that results in the federal government – and by extension, taxpayers – paying more for goods and services than is paid by businesses in the private sector.

**Federal Employee Wage Garnishment:** Support legislation to allow garnishment of federal employees' wages.

**Drug-Free Workplace:** Support legislation to promote a drug-free workplace. Oppose legislation, rules or standards that inhibit an employer's right to drug test and to maintain a drug-free workplace.

**Mandatory Vaccination:** Oppose federal efforts to impose mandates of employee vaccinations or disease testing, or any requirement that employers cover costs from such mandates, including the cost of testing. Employers must be free to determine and decide what is appropriate for their individual operations and employees in such matters.



# Contact

Jim Patterson serves as Director of the Employee Relations Council. In this capacity, his responsibilities include labor issues, such as workers' and unemployment compensation.

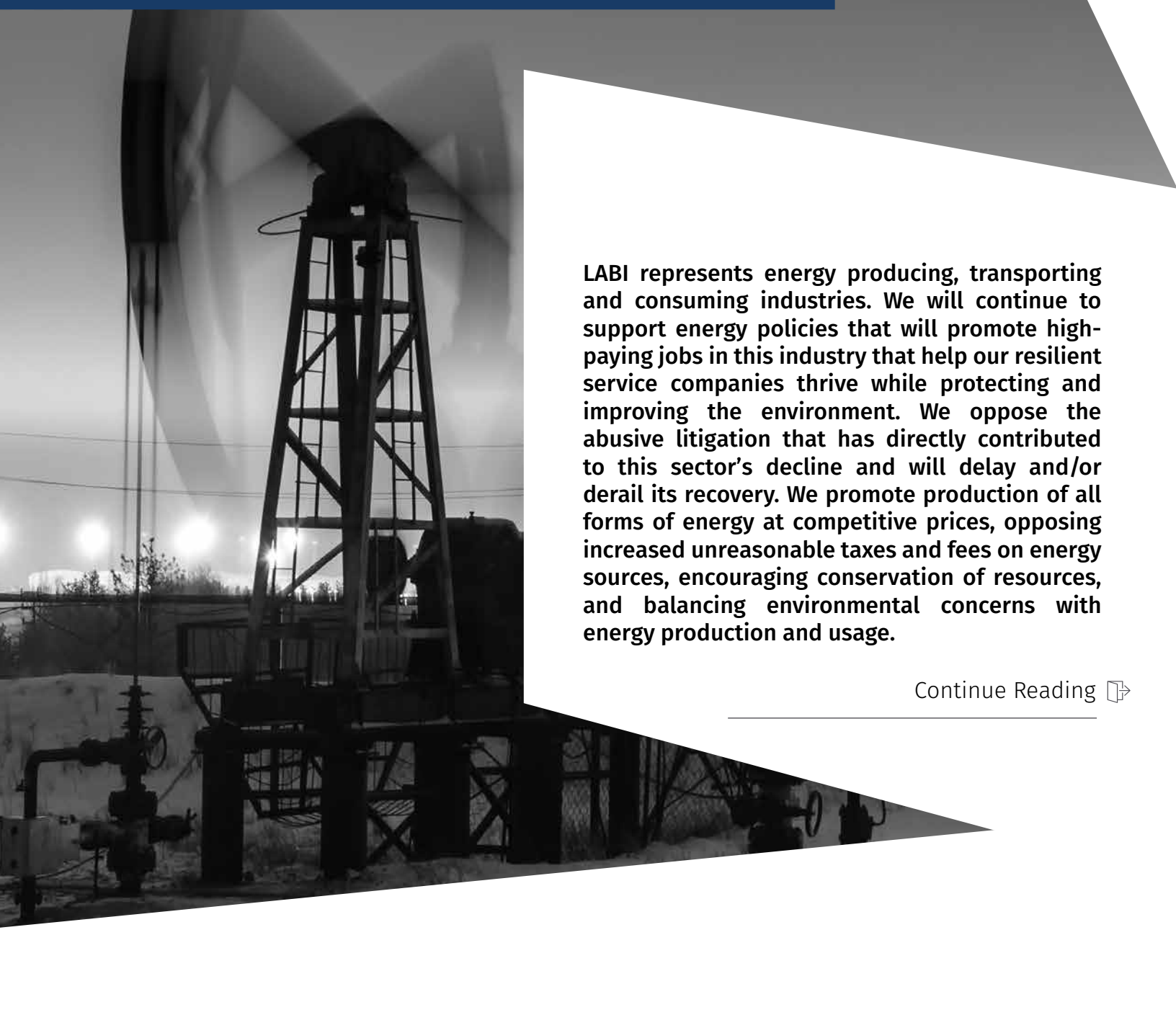
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# ENERGY & ENVIRONMENTAL QUALITY



LABI represents energy producing, transporting and consuming industries. We will continue to support energy policies that will promote high-paying jobs in this industry that help our resilient service companies thrive while protecting and improving the environment. We oppose the abusive litigation that has directly contributed to this sector's decline and will delay and/or derail its recovery. We promote production of all forms of energy at competitive prices, opposing increased unreasonable taxes and fees on energy sources, encouraging conservation of resources, and balancing environmental concerns with energy production and usage.

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# STATE

## General Policies:

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### **General Environmental Legislation and Regulations:**

Support environmental legislation and regulations that balance environmental concerns with economic realities and are workable, practical, equitable and consistent.

**Consistent Enforcement:** Support fair and consistent enforcement of Louisiana environmental laws and regulations, but oppose using unrelated measures, such as environmental justice actions and/or restricting the availability of tax exemption programs, as penalties for environmental violations.

**Administration Liaison:** Work closely with the administration to assure that regulatory agencies and legislative committees dealing with the environment understand the importance of fostering a climate conducive to economic development while protecting the environment through the use of sound science.

**Management of Waste:** Support legislation and regulations that allow business, industry and local governing authorities to take advantage of all environmentally sound waste management technologies, including but not limited to reuse, recycling and waste exchanges. LABI supports regulatory programs that encourage free enterprise and a competitive business climate and opposes excessively complex regulations that discourage the beneficial use of sound technologies and by-products.

**Water Policy:** Support a fair, flexible, and scientifically based statewide water use policy that considers the needs of all water users. Monitor the development of state and federal water conservation programs to ensure that all water users – industrial, residential and commercial – are assured adequate access to usable water sources.

**Landowner Rights:** Support legislation requiring that governing bodies deal openly with landowners and adequately compensate property owners for loss of use or devaluation of their property caused by environmental regulations, laws or policy. Oppose regulations that prohibit any lawful use of, or condemnation of, private property unless based on adequately demonstrated public need.

**Litter:** Support and encourage all reasonable efforts to eliminate litter in Louisiana, including anti-litter public campaigns.

**Refining Capacity:** Encourage expansion of Louisiana's oil refining capacity by removing any state-imposed barriers to construction of new or expanded refining facilities.

**Oil and Gas Development:** Support legislation that offers incentives and a workable regulatory climate that stimulates oil and gas exploration and production in Louisiana. Support streamlining of exploration, production and transportation permitting and a reduction of regulatory burdens. Support primacy of state regulation over the siting, zoning, permitting, regulation of hydraulic fracturing, and other aspects of oil and natural gas operations and exploration. Oppose legislation and/or regulations that would impose additional restrictions on mineral leasing, drilling permit acquisition, or other onerous requirements that act as a disincentive to exploration, production and transportation of natural gas and oil unless and until valid, scientific studies document significant adverse impacts on the environment and risk assessments are attached.

**Liquefied Natural Gas:** Support legislation and/or regulations that promote the development of LNG terminals both onshore and offshore Louisiana.

**Fuel Mandates:** Oppose legislation that mandates the use or limits the supply of any specific fuel for gasoline, diesel or electricity generation.

**Electric Vehicle Infrastructure:** Support the development of a market driven universal, statewide electric vehicle charging network that is strategically funded and will improve the quantity, quality and variety of electric vehicle charging amenities and business and consumer services available in the state.

## Litigation:

**Government-sponsored Litigation:** The onslaught of government-sponsored lawsuits creates a damaging precedent of regulation through litigation. Oppose efforts by governmental entities to use litigation to harass businesses when engaged in lawful activities. All civil law enforcement statutes are jeopardized when the state uses regulations to extort money rather than ensure compliance.

**Lawsuit Climate:** Support any appropriate modifications to existing laws concerning oil and gas legacy lawsuits, coastal lawsuits, and environmental lawsuits along with proposed changes to mineral lease obligations that bring fairness to industry and the public alike, and promote rather than quash, industry growth, employment, and long-term tax revenues without compromising reasonable protection of human health and the environment. Strongly defend any legislative advances made to existing law.

**Contingency Fees:** Oppose legislation that would authorize state or local government to enter into contingency fee contracts or to employ outside counsel to be paid by the defendants or the state from the proceeds of awards and/or settlements. Support additional legislative oversight.

**Subsequent Purchaser:** Oppose legislation which creates a right of action to assert claims for environmental damages that were caused or sustained prior to acquisition by a purchaser of the property.

**Liability:** Oppose any expansion of punitive damages, criminal penalties or “bad actor” provisions in environmental law or regulations.

**Abrogation of Contracts:** Oppose legislation which would abrogate existing contracts between parties.

## Taxation:

**Energy Taxation:** Oppose suspension of tax exemptions granted to producers and consumers of energy products and sources. Oppose increased or new taxes or fees on oil, natural gas and other hydrocarbons, such as: a processing, transportation, or refinery tax; a sales tax on business utilities; a change in the calculation of the natural gas or other energy franchise taxes which increase costs. An increased severance tax or suspension of severance tax exemptions; a sales tax on natural gas transportation, a coastal wetlands environmental levy, a “first use” tax; or a property tax on minerals in place or a reservoir tax. Lastly, a change in the industrial tax exemption program (ITEP), which reduces its benefit.

**Definition of Energy Sources:** Support legislation that clarifies the definition of “energy sources” to assure that all are excluded from state sales and use tax.

**Local Energy Taxation:** Oppose legislation which eliminates the constitutional ban on local taxation of all motor fuels.

**Lease Use/Plant-Use Gas:** Support legislation affirming the historical treatment of natural gas used at the lease and at gas processing plants as not being subject to sales or use taxes.

**By-Products:** Maintain the non-taxable status of by-products and intermediate materials.

**Mineral Taxes:** Support legislation and/or regulations that will establish the fair market value for oil, natural gas, and oil and natural gas equipment for taxation purposes.

**Assessment Practices/Electric Utilities:** Oppose redistribution of tax proceeds to parishes other than the parish where the electric utility plant is located.



## Standards and Regulatory Barriers:

**Environmental Audits/DEQ:** Support legislation to eliminate or reduce the number of conditions a company must meet to obtain protections for self-auditing, and make the policy clear, meaningful and useful to businesses conducting environmental self-audits.

**Coal Combustion Residuals:** Support efforts for LDEQ to adopt coal combustion residual state permit program.

**Green Building Standards:** Oppose measures mandating standards which do not demonstrate measurable or proven energy savings or which detrimentally impact Louisiana industries.

**LDH Chlorination Rules:** Support efforts, including legislation, to establish reasonable, scientifically-based chlorination rules as mandated by LDH for industrial facilities, particularly as over-chlorination resulting from LDH's current mandate level can create disinfectant byproducts, such as trihalomethanes.

**Disposal Bans:** Oppose legislation or regulations which prohibit landfill disposal of any waste stream and which does not include a comprehensive plan to ensure that the infrastructure and arrangements will be in place when the ban takes effect. Such plan shall ensure that the banned materials will, in fact, be recycled in a cost-efficient manner to the manufacturer, generator and the recycler of the waste stream.

**Clean Air:** Support efforts to make Louisiana's air quality programs equivalent to and no more restrictive than the federal Clean Air Act. Support legislation and rules that equitably distribute the responsibility for meeting air quality requirements among all emission sources. Support DEQ efforts to promote federal acceptance of reasonable state air quality programs. Strongly encourage DEQ to promptly update the State Implementation Plan (SIP) to incorporate EPA's favorable changes to federal rules, and support additional regulatory reform. Oppose efforts to mandate inappropriate, costly, and inconsistent monitoring programs, including fence line monitoring.

**National Air Toxic Assessments:** Support transparent and open NATA process and peer review of risk-based conclusions.

**Oilfield Wastes:** Oppose legislation that unilaterally reclassifies oilfield wastes as hazardous or any other inappropriate, unjustified classification. Encourage the development of scientifically appropriate, reasonable testing regulations that accurately demonstrate the non-hazardous nature most oilfield wastes. Evaluate and support appropriate disposal and treatment options for exploration and production wastes for facilities regulated by DEQ and DNR.

**Renewable Energy Standards:** Oppose mandates that impose renewable fuels portfolio standards requiring electricity providers to obtain a minimum percentage of their power from renewable energy resources by a certain date.

## Utilities:

**Energy Market Competition:** Support a fair and fully competitive retail electricity market that allows all consumers the right to choose their supplier of electricity. The move to competition should:

- Provide for the transition to competition for all consumers;
- Require the continued regulation of the transmission and distribution of electricity;
- Provide incentives that will encourage the expansion and upgrade of electricity transmission facilities;
- Promote reliability of electric service for all consumers;
- Require the equitable sharing of net verifiable stranded costs that cannot be mitigated;
- Protect consumers from unwarranted shifts in tax burdens; and
- Provide for the prompt amendment or repeal of statutory constraints to open access.

**Fuel Diversity:** Encourage fuel-use diversity, whenever economically feasible, in order to reduce Louisiana's dependence on a single fuel for electricity generation.

**Gas Market Competition:** Support a fair and fully competitive retail natural gas, liquefied natural gas, and liquefied petroleum gas market that allows all consumers the right to choose their supplier of natural gas.

**Alternative Energy and Feedstock Development:** Support legislation that promotes use of alternative energy sources but does not unduly favor one energy form over another.

**Cost of Service:** Oppose legislation that shifts the cost of electricity service from one class of consumer to another. Oppose legislation or regulations that force consumers to absorb the costs of providing service to customers of another utility company in another service territory. Oppose imposition of taxes or fees to subsidize energy assistance programs within the Public Service Commission.

**Electricity Transmission:** Encourage the Louisiana Public Service Commission to require that all repairs to the electricity transmission and distribution system, to the greatest extent possible, incorporate upgrades sufficient to meet federal goals of re-tooling the nation's transmission system. Support legislation that would grant tax incentives for upgrading the state's electric transmission and distribution grid. Promote improved transmission, evaluate cost-effective storm hardening, and seek access to lower cost generation for all consumers.

**Utility Exemption from Louisiana Monopoly Law:** Support legislation to exempt from the provisions regulating monopolies the electric and gas utility companies which are subject to the jurisdiction of the LPSC, the City Council of the City of New Orleans, the Federal Energy Regulatory Commission, or any other public utility regulatory body with ratemaking or other general regulatory authority over an electric or gas utility company.

## Agency & Regulatory Management:

**Exclusive Jurisdiction of State Agencies:** Support legislation to ensure that all interests within the state are treated equally with respect to matters of environmental permitting and regulation by promoting exclusive authority of state agencies to issue environmental permits and adopt and enforce environmental regulations, including the Coastal Management Program. Such legislation should expressly preclude the ability of political subdivisions to interfere with the authority of state agencies through adoption of local ordinances that go beyond traditional land use planning and zoning so as to hinder or frustrate the ability of state agencies to make decisions regarding environmental permitting and regulation.

**Moratoria and Regulatory Programs:** Oppose regulations and legislation that seek to impose moratoria or de facto moratoria on the exploration and/or production of natural resources, as well as the capturing and/or transportation of natural resource byproducts.

**Administrative Procedures:** Ensure that the Division of Administrative Law be maintained. Further, require DEQ adherence to the Administrative Procedure Act (APA) to ensure due process, fairness and accuracy in the promulgation and implementation of regulations and policies. The APA should guide the conduct of administrative procedures relative to actions and decisions by the department.

**Emergency Response:** Support legislation to give the appropriate governmental entities principal jurisdiction over emergency response action. Support DEQ's flexibility in assisting regulated facilities and generators to react and respond in the event of an emergency.

**Disaster Recovery:** Work with local, state and federal officials and regulatory agencies to remove obstacles to economic recovery in areas damaged by natural disasters.

### **Consistency, Validity and Consolidation of Regulations:**

Encourage state and local agencies to streamline and simplify compliance with environmental programs by revising laws, regulations, standards, enforcement procedures, fees and penalties to be consistent with federal requirements. Consolidate, merge or eliminate duplicative or overlapping regulatory programs and reporting to reduce the costly regulatory burden on industry. Base regulations on valid science, rather than upon unsupportable allegations or claims. LABI supports DEQ's efforts to coordinate federal and state environmental programs and recognizes DEQ's primacy in federally delegated programs.

**Permits:** Streamline the permitting process. Encourage the development and use of general permits for similar groups of facilities. Encourage DEQ to eliminate the backlog of pending permits and to issue permits timely.

- Support the expansion and continued implementation of DEQ's regulatory permit program.
- Support legislation and/or regulation which minimizes uncertainty and provides clear guidance to DEQ and regulated entities relative to information, such as compliance with the "IT decision" (*Save Ourselves, Inc. v Louisiana Environmental Control Commission*, 452 So.2d 1152 (La. 1984)), which is required for issuance of permits and, upon compliance, ensures the issuance of permits.
- Oppose efforts, especially taxpayer-funded efforts to stop or inhibit economic development by those claiming to be fighting for environmental justice but who are opposed to any industrial growth.
- Support and encourage the timely granting of permits that are valid for the life of the facility, especially solid waste facilities.
- Oppose measures that would jeopardize the integrity of a permit during its term.
- Encourage informal dialogue between DEQ and the regulated community about permitting and enforcement matters. Allow permittees to review an early draft of their permit for accuracy and completeness. Encourage DEQ to accept submittal of permit applications and other information by electronic means (e-data submittal).

**Small Business:** Support efforts to minimize the regulatory burden on small business, and support and participate in activities to assist small business with environmental compliance.

**Interagency Consistency:** Encourage an ongoing dialogue among state agencies to ensure interagency regulatory consistency.

**Consumer Advocacy:** Oppose legislation that would establish new programs within new or existing agencies or departments that require public funding for representation or intervention in regulatory proceedings.

**Oilfield Wastes:** Support the current jurisdiction of the Department of Natural Resources and the Department of Environmental Quality and oppose changing the jurisdiction thereof to the Attorney General or to any other department or agency.

## **Fees and Funding:**

**Agency Funding:** Support adequate funding of the Louisiana Department of Environmental Quality (DEQ), through and including state general fund dollars, which reflect its regulatory mandate and the services rendered to governing authorities and the general populace. Stable, consistent funding, with strict guidelines for expenditures, outside contracts, grants and contributions must be implemented to maintain needed services and ensure accountability.

**Agency Fees:** Support a streamlined DEQ fee structure that accurately reflects the cost of the service provided, does not exceed that cost, funds only the specific program for which the fees are collected, and with rates distributed fairly between industry and local governing authorities. LABI will support new or increased fees only if DEQ can justify the need for the additional revenue, assures the fees will be used only for the services for which they are intended, and provides evidence of increased efficiency measures. Work with DEQ to create a consolidated and itemized fee invoicing system.

## Reporting:

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**Reporting Requirements:** Work with DEQ and the Louisiana State Police to provide alternative means of communication or a temporary suspension of penalties for reporting violations when normal means of communication have been disrupted.

**Environmental Compliance Records:** Support accurate facility compliance records by encouraging clear, concise differentiation by DEQ between an issued and/or pending order and a resolved and recorded legal enforcement action. Encourage DEQ to include in the official compliance record only settled or resolved enforcement actions. Support and promote prompt resolution of problematic enforcement issues and encourage DEQ and the assistant secretary to address these issues within a reasonable period of time.

**Emergency Reporting:** Support efforts to implement statutes requiring DEQ and the Department of Public Safety to create a statewide uniform emergency reporting and notification system. Lists of reportable chemicals and quantities must be identical, with penalties prohibited for substances not on the DEQ list.

**Access to Information:** Support implementation of state law regarding freedom of information to assure it adequately serves the needs of the general public and the private sector, while protecting the confidentiality of sensitive information where appropriate. Support the implementation of Act 636 of 2004 that authorizes DEQ to restrict access to certain security sensitive information for the purpose of preventing its distribution or dissemination via the Internet.

**Right-to-Know:** Support making Louisiana's Right-to-Know program consistent with the Superfund Amendment and Reauthorization Act (SARA), Title III.

## Pipelines:

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**Intrastate and Interstate Pipelines:** Participate actively with governmental entities and leaders to ensure the viability and integrity of the state's intrastate pipeline systems and those interstate pipeline systems that operate and serve customers in Louisiana.

**Assessment Practices/Pipelines:** Support equitable assessment practices for pipelines classified as public service properties.

**Expropriation:** Support the existing Louisiana statutes and constitutional guarantees for the orderly expropriation of property and for the compensation for those properties expropriated for energy-related transmission or product transportation.

## Storage:

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**Solution Mining and Hydrocarbon Storage:** In an effort to stabilize market prices of natural gas and other hydrocarbons for all consumers and to encourage the storage of CO<sub>2</sub>, support legislation to encourage development of salt domes and other storage facilities in the state of Louisiana. Support reasonable regulations for the safe permitting and operation of solution mining wells and hydrocarbon storage.

**Injection Wells:** Support the retention of the responsibility for Class I and Class II injection wells related to oil and gas exploration and production within the Department of Natural Resources.



# FEDERAL

## Ongoing Policy:

**Moratoria, Federal Leasing, and Regulatory Programs:** Oppose regulations and legislation which impose moratoria or de facto moratoria on oil and gas exploration and production in the Gulf of Mexico. Continue to support legislation that seeks to establish aggressive Outer Continental Shelf (OCS) and Arctic National Wildlife Refuge leasing programs for oil and gas development. Bring attention to Department of Interior's five-year leasing program and Louisiana's need for expanding drilling areas in the Gulf of Mexico and lowering royalty rates to help boost Louisiana's Economy. Revenues from such production should be shared with states that permit such activities. Oppose any efforts to restrict, pause or delay leasing on federal and OCS lands. All potential reserves must be explored and added to the nation's production, and a balanced program between environmental and economic concerns must be achieved, rather than withdrawing properties based on unwarranted environmental pressures.

**Energy Taxation:** Support federal taxation policies that preserve domestic energy security by stimulating exploration and production. Such incentives assist energy-intensive industries, which often face high energy costs and foreign competition, as well as the energy-producing industry. Also, oppose additional gasoline and special fuels taxes as a source of revenues for non-highway purposes.

**Pipeline Infrastructure:** Support federal permitting of infrastructure projects that facilitate the transportation of resources to Louisiana consumers and other end-users.

**U.S. Climate Change Policy:** LABI specifically opposes any cap and trade legislation or the imposition of any carbon tax.

**Clean Power Plan Rule - CCA 111(d):** Oppose EPA's Clean Power Plan Rule. Continue to work with DEQ to develop practical emissions standards that do not create a negative financial or regulatory impact to Louisiana's businesses and energy consumers.

**Hydraulic Fracturing:** Oppose federal regulation of hydraulic fracturing.

**Revenue Sharing:** Support efforts to assure a fair and equitable distribution of revenues from offshore oil and gas production.

**Renewable Energy Standards:** Oppose mandates which impose renewable fuels portfolio standards that require electricity providers to obtain a minimum percentage of their power from renewable energy resources by a certain date.

**Refining Capacity:** Fast track provisions of the Federal Energy Bill that enable construction of additional oil refining capacity in Louisiana at the earliest date.

**Fuel Mix/Reduce Dependence on a Single Fuel for Generation:** Fast track provisions of the Federal Energy Bill that allow for expansion of nuclear electricity generating facilities in Louisiana, as well as development of additional clean-coal technology for generation in the state when economically feasible.

**Electricity Transmission:** Fast track provisions of the Federal Energy Bill which will upgrade the electric transmission and distribution grid which provides power to Louisiana; assure that the system will accommodate electricity loads from independent generators and other alternate sources of power.

**National Energy Infrastructure Zone:** To assure a reliable and affordable supply of electricity to all customers, encourage implementation of the provisions of law which allow the Secretary of Energy to restore the energy infrastructure system in the event that the system is compromised in an incident or event.

## Ongoing Policy:

**Royalty Valuation:** Support improvements in the method by which the federal government values and collects oil and gas royalties from leases on federal property. Those improvements should be designed to create a more efficient system that adds fairness, certainty and simplicity to the royalty valuation process while preserving the lease terms agreed upon by the producer and the federal government.

**Oilfield Wastes:** Oppose legislation that unilaterally reclassifies oilfield wastes as hazardous or any other inappropriate classification. LABI supports the EPA's current definition of hazardous wastes related to oil and gas exploration and production activities.

**Risk Assessment:** Support legislation that will attach cost-to-risk assessments to the process by which rules are promulgated.

**Wetlands:** Support clear, consistent U.S. Army Corps of Engineers implementation of wetlands regulations. Encourage the development of regulations and policies that exempt nonviable wetlands from regulation. Support the development of mitigation banking policies and regulations that maintain economic competitiveness in an impacted watershed. Support the timely issuance of permits. Oppose efforts to amend the Clean Water Act to remove "navigable" from the definition of jurisdictional waters of the United States. Additionally, oppose any regulatory efforts by the Department of the Interior that would impede or curtail oil and gas exploration and production in the wetlands.

**Waters of the U.S. Rule:** Support efforts to roll back the EPA and U.S. Army Corps of Engineers expanded definition of "waters" and adjacent land areas under federal control, as it would needlessly make the routine operations of industrial facilities newly subject to permitting and lengthy environmental reviews.

**Competition:** Support a fair and fully competitive retail electricity market that allows all consumers the right to choose their supplier of electricity. Oppose regulations and legislation which would have the effect of retroactive ratemaking.

**Natural Gas and Crude Oil:** Support legislation to remove all governmental barriers to competitive pricing, accessibility and exporting to all onshore and offshore production, transportation and use of natural gas and crude oil.

**Renewable Fuel Mandates:** Support repeal of renewable fuel standard mandates.

**Alternative Energy and Feedstock Development:** Assist in the development of a program that will promote use of alternative energy sources but does not unduly favor one energy form over another.

**Nuclear Fuel:** Support legislation which would ensure the long-term viability of nuclear power for electricity generation, assure safe storage of spent nuclear fuel, and require safe transportation of nuclear products.

## Current Issues:

**General Environmental Legislation:** Support federal environmental legislation that balances environmental concerns with economic realities and is workable, practical, equitable and consistent.

**Cost-Benefit Analysis:** Support legislation that will require cost-benefit assessments to be included in the process by which rules are promulgated.

**Permits:** Support and encourage the timely granting of permits that are valid for the life of the facility.

**Toxic Substances Control Act:** Support reforms to the federal Toxic Substances Control Act (TSCA) that protect the public health and the environment, and that support our nation's ability to continue leading the world in developing innovative new products that benefit us all while preserving the high-quality, high-paying American jobs that are created when American companies invent, manufacture and sell American products.

**Emergency Resources:** Petition Louisiana's congressional delegation to provide sufficient resources to the Louisiana Department of Environmental Quality (DEQ) and the state to address environmental matters arising from hurricanes, natural disasters and any other state emergency.

**Emergency Regulatory Flexibility:** Support and encourage DEQ's and EPA's flexibility in assisting regulated facilities and generators to react and respond in the event of an emergency.

**Ozone Transport and Attainment:** Oppose interstate ozone transport strategies that cannot be supported by a scientifically valid cause-and-effect relationship. Encourage the EPA to complete re-designation of all parishes that are meeting and will continue to meet the air quality standard for ozone.

**NAAQS Attainment:** Support efforts to prevent tightening of National Ambient Air Quality Standards (NAAQS) and allow for extensions of the attainment year for non-attainment areas. Encourage EPA to issue guidance regarding baseline year emissions to allow credit for emission reductions, averaging of emissions from years other than the non-attainment year, and exemptions. Support the retention of the current scientifically based standard that has been accepted by EPA as being protective of human health and the environment.

**Climate Change Treaties:** Oppose Senate ratification and presidential approval of any national or international legislative proposal or treaty on climate change, unless developing countries are included in its requirements, which must be based on valid, peer-reviewed science, and the U.S. is not disproportionately affected by mandated greenhouse gas emissions reductions or other provisions.

**EPA Overfiling:** Oppose the EPA's filing of separate enforcement actions after an agreement has been reached between the state and a regulated entity under a federally delegated program. The regulated community should be able to achieve finality when it resolves an environmental dispute with DEQ (or any other state agency) in a program that has been "delegated" to the state of Louisiana by the EPA. LABI will work to eliminate EPA "overfiling," as this practice places the regulated community in a double-jeopardy type situation.

**Economic Development:** Oppose efforts, especially taxpayer-funded efforts to stop or inhibit economic development by those claiming to be fighting for environmental justice but who are opposed to any industrial growth.

**Rule Flexibility:** Support legislation and regulations that provide for regulatory flexibility in return for improved environmental performance.

**Clean Air Regulations:** Support the implementation of Clean Air Act regulations that are reasonable, cost-effective and workable. Support efforts to prevent tightening of National Ambient Air Quality Standards (NAAQS). Support additional reforms to the New Source Review (NSR) rules by EPA. Oppose revisions of "Maximum Achievable Control Technology" (MACT) standards which are not based on sound science and technically feasible standards. Oppose setting New Source Performance Standards (NSPS) that are not based upon clearly demonstrated technology.

**Superfund:** Support comprehensive reforms to the existing Superfund program by prioritizing and speeding up cleanup, repealing retroactive liability, setting reasonable cleanup standards based on sound science, and opposing the imposition of new taxes.

**Landowner Rights:** Support legislation to require the governing body to deal openly with the landowner and to adequately compensate property owners for loss of use or devaluation of their property caused by environmental regulations, laws or policy. Oppose the regulation of any use or condemnation of private property unless based on adequately demonstrated public need.

**Environmental Audits/EPA:** Encourage the EPA to amend its policy on self-policing to make the "protections" legally binding; eliminate or reduce the number of conditions a company must meet to obtain these protections; and make the Policy clear, meaningful and useful to businesses conducting environmental self-audits.

**Waste Bans:** Support resolution at the federal level of interstate waste shipment and disposal issues.

# Contact

Lauren Hadden serves as Director of the Energy and Environmental Quality Council. In this capacity, her responsibilities include all issues impacting environmental quality focusing specifically on environmental audits, reporting requirements, clean air, coastal zone and permits.

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# HEALTH CARE

LABI encourages a cost-effective, competitive health care market as an incentive to economic growth, while assuring that consumers in Louisiana continue to receive high-quality, accessible and affordable health care. LABI opposes the adoption of a single-payer, government-run health care system and takes an active role in public policy that would affect health care costs and outcomes, an employer's right to contract, or an employer's flexibility to determine and provide employee benefits.

Recognizing the importance of the health care industry to Louisiana's economic development, LABI supports creative initiatives to grow a qualified allied health workforce and strong in-state capacity for medical research.

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# STATE

## Current Issues:

**Health Care Delivery:** Support the continued development of sustainable approaches to health care delivery and financing that:

- Acknowledges individual responsibility to improve health status;
- Actively manages care to be efficient, affordable, high quality, and accessible – the right care, at the right price, in the right setting, without adversely affecting the private health insurance market;
- Is based on accurate information and data that are electronically accessible, including systems to enable consumer comparison of health care cost and quality information;
- Allows employers and their agents, as well as government bodies, to negotiate contracts for lower cost plans that reward quality and improved health;
- Promotes a value-based model of health care delivery that rewards performance (quality, cost, access), including managed care programs and other measures that enhance quality and contain health care costs;
- Reduces the rate of increases in health care costs without cost shifting or price controls;
- Do not shift payment responsibility from the state to employers or providers; and
- Focuses on well-being and improvements in health status; provides for employee education, health and wellness promotion; and encourages appropriate public and private wellness programs to prevent, reduce, and manage chronic diseases which lead to substantial direct and indirect costs including increased emergency room visits and hospital admissions and readmissions.

**Managed Care:** Support the continued development of cost effective managed care that assures quality and access to appropriate medical services. Support efforts to allow for contracting for lower cost plans and oppose attempts to exclusively contract for services when appropriate. Oppose regulatory efforts to impose unnecessary restrictions on utilization review. Oppose attempts to circumvent appropriate managed care cost containment strategies or controls.

**Alleviate Shortages:** Support efforts to alleviate shortages of primary care physicians, nurses and other allied health care professionals as appropriate through, but not limited to, scholarships, increase graduate medical education, training and continuing education. Support and urge the legislature to reduce the regulatory burden and prioritize investments, including the annual funding of dedicated funds, which are designed to meet the current and growing demands for nursing and allied health professionals.

**Provider Taxes or Premium Taxes:** Support legislative efforts to reduce local taxation on providers and health care plans. Oppose taxes, fees or assessments on health plans or health care providers that do not directly increase funding to the health plan or provider industry and therefore may increase the cost of employer-sponsored health care benefits. Support efforts to design protected fees or taxes that will enhance Medicaid funding to the industry group thereby reducing cost-shifting to consumers and employers.

**Regulation of Private Organizations:** Oppose burdensome regulation of private health care organizations that are not necessary to protect consumers and that increase administrative costs ultimately borne by patients and health plan members. Monitor the state's efforts to implement changes required by federal law and oppose efforts that make those requirements more costly or burdensome on businesses. Oppose governmentally mandated price controls for private sector medical products, health care provider services, and health insurance, including interventions such as price setting. Oppose state imposition of restrictive licensing, regulations, or similar requirements that raise the cost of care. Oppose legislation or rule-making that imposes burdensome bureaucratic regulations with no cost savings to employers, consumers or the state.

**Premium Tax Credit:** Support efforts to preserve premium tax credits for insurers investing in qualified Louisiana investments and assessments paid to the guaranty associations.

**Professional & Civil Liability:** Support efforts to promote the affordability and availability of professional liability insurance for health care providers that is reasonably balanced with the adequacy of recovery by patients injured due to negligence. Support mediation as an alternative to legal action to resolve disputes. Support and protect the Medical Malpractice Act, and oppose judicial and legislative attempts to weaken the Act or raise its cap. Oppose legislation that would create civil liability for employers and their health plans.

**Technology and Innovation:** Support and encourage the use of technology and innovation to deliver effective health care services.

**Cost Shifting:** Oppose changes to state health care programs that would shift payment responsibility from the state to employers, providers or insurers.

**Fraud:** Encourage and support efforts to hold providers and employees accountable for the misappropriation of funds by using fraudulent practices in their provision of services.

**Immunizations:** Oppose legislation that seeks to eliminate, alter or undermine the annual administration of vaccines requires for all students entering elementary school in accordance with the Louisiana Department of Health's approved schedule. Oppose legislation that prohibits employers from requiring vaccinations as a condition of employment.

## Ongoing Policy:

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**Mandated Benefits:** Oppose new or expanded governmentally mandated benefits under employer health plans, unless it is demonstrated to employers through an objective, actuarial study to be a cost-effective mandate. Oppose new or expanded governmentally mandated payments by health plans for the benefit of a limited population or specific providers, unless it is demonstrated to employers through an objective, actuarial study to be a cost-effective mandate. Support state legislation that minimizes any adverse impact of federal health care mandates. Support legislation to provide employers with a tax credit for every mandated health care benefit they are required to provide.

**Public/Private Partnerships:** Support public/private partnerships in lieu of higher state taxes to restructure and improve the indigent health care system in Louisiana. Support meaningful restructuring of Louisiana's health care delivery system, stressing solutions that provide efficiency while providing quality care, improved health care outcomes and appropriate funding to limit cost shifting. Support the use of existing public funds to empower the uninsured to access private insurance coverage.

**Health Care Anti-Competitive Activity:** Oppose legislation that would increase employer health care costs by allowing any health care organization to participate in any anti-competitive activity.

**Indigent Care Funding:** Support the concept of allowing dollars to follow the patients.

**Employer Incentives:** Support efforts to provide incentives for employers to offer affordable health care benefits.

**Alternatives in Health Care:** Support a cost-effective alternative to health care delivery which provides better access to care with an emphasis on primary and preventative care.

# FEDERAL

## Current Issues:

**Regulation of Private Organizations:** Oppose burdensome regulation of private health care organizations that are not necessary to protect consumers and that increase administrative costs ultimately borne by patients and health plan members. Monitor the state's efforts to implement changes required by federal law and oppose efforts that make those requirements more costly or burdensome on businesses. Oppose governmentally mandated price controls for private sector medical products, health care provider services, and health insurance, including interventions such as price setting. Oppose state imposition of restrictive licensing, regulations, or similar requirements that raise the cost of care. Oppose legislation or rule-making that imposes burdensome bureaucratic regulations with no cost savings to employers, consumers or the state.

**Professional and Civil Liability:** Support legislation that limits the professional liability of health care providers, provided that federal law does not preempt stricter state law. Oppose legislation that would create civil liability for employers and their health plans.

**National Health Care:** Oppose the adoption of a single-payer, government-run health care system. Support the suspension or repeal of the components of the Patient Protection and Affordable Care Act (PPACA) that raise costs for employers and consumers, including the health insurance tax, the medical device tax, and the Cadillac tax. Oppose implementing regulations that would increase employer taxes, or other requirements that may increase costs to businesses. Support legislative and other efforts fostering market-driven insurance and community-based health care reform, emphasizing expanded, secure access to cost-effective, quality care. Support cost-savings provisions in federal legislation to reduce excessive liability exposure of health care providers. Oppose any new government-created insurance or any other provision that may jeopardize employer-sponsored health plans.

**ERISA:** Support continued federal preemption of state insurance laws and regulations as provided through the Employee Retirement Income Security Act of 1974 (ERISA).

**Rights of Choice:** Support legislation that will maintain the right of the employer and the employee to choose their own health care carriers and plans.

**Referral Practice Review:** Review federal studies of the effectiveness of health care delivery through a competitive health care market. Support study recommendations that prohibit inappropriate referral practices.

**Managed Care:** Oppose restrictions in managed care that would reduce its effectiveness and increase employers' costs.

**Free Enterprise:** Support a fair and fully competitive health care market that does not restrict free enterprise approaches to health care solutions for both health care providers and patients.

**Technology and Innovation:** Support and encourage effective use of technology and innovation to deliver health care services and incentive programs for implementation.

**Workforce:** Support federal policy and initiatives to grow a qualified allied health workforce.

# Contact

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# SMALL BUSINESS

Louisiana's small businesses play a vital role in Louisiana's economy. The growth of our state's economy greatly depends on maintaining a healthy industrial base coupled with a thriving small business community. More than 75% of LABI's membership is comprised of small businesses with less than 100 employees, so the organization recognizes the profound importance of small businesses and the jobs they create. LABI also recognizes their concerns over the growing risk of liability associated with routine business operations as well as governmentally imposed costs and regulations.

[Continue Reading](#) 

# STATE

## Major Issue: Tax Policy/Taxpayer Fairness

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Support measures to correct the imbalance in the tax burden borne by business and to encourage industrial and business investment in Louisiana. Such measures should include: (1) eliminating inconsistencies in the administration of the state and local tax systems by centralizing the collection of sales taxes; (2) shifting the financing and delivery of many governmental services from the state level to the local level; and (3) enacting business tax measures that encourage the retention or relocation of jobs and business to this state. LABI supports efforts to ensure that small businesses are treated fairly in the tax collection process and the distribution of the burden of taxes that fund state and local government. LABI opposes measures to increase the homestead exemption, which would further shift the property tax burden to business.

Businesses in Louisiana pay a disproportionately higher share of taxes as compared to other states. In order for Louisiana to be able to compete with other states, stronger efforts must be made to develop a fairer and more balanced tax system. More needs to be done to level the playing field and reduce the tax burden borne by business, especially small businesses. There must be a properly balanced property tax structure so that small businesses do not end up paying a higher share of property taxes.

## Major Issue: Reduce Health Care Burdens

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LABI will support efforts to help employers offer or maintain employer-based health care coverage and oppose anything that would increase employers' health care costs.

Most employers recognize that after salaries or personnel compensation, health insurance coverage is the most important benefit they can offer to their employees. However, due to the ever-rising cost of health care, providing this benefit has been difficult if not impossible for small employers.

Unfortunately, many employers are being forced to drop coverage because they simply can't afford it. Small businesses are finding it difficult to contain costs when commercial insurance costs are steadily rising, unnecessary government intrusions limit employer choices, and the imposition of new business taxes or fees are a constant threat. Therefore, more needs to be done to contain health care costs so as to make health insurance more affordable for small businesses and to give them more choices in the type of coverage needed for their companies.

## Major Issue: Increase Availability and Affordability of Commercial Lines of Insurance

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LABI will support efforts to reduce the cost of commercial insurance for small businesses, especially in the areas of workers compensation, liability and cybersecurity. The cost of doing business in Louisiana is constantly on the rise. Unfortunately, businesses are forced to expend resources defending suits that lack merit or fighting fraudulent claims rather than focusing on the bottom line. Rising commercial insurance costs are a major concern for all businesses. Notwithstanding the high cost of commercial insurance, many business owners struggle to find commercial coverage because many insurance companies are not willing to write policies in Louisiana. Therefore, the following must be done to help keep commercial insurance costs under control:

- Make every effort to preserve reforms enacted in the liability area.
- Oppose efforts to impose any tort remedy in workers compensation cases.
- Support appropriate efforts to protect businesses from non-meritorious lawsuits.
- Support the enforcement of the Louisiana unified building code to enable a viable, affordable and competitive private insurance market to exist.

## Major Issue: Education & Workforce Development

**Industry Training/Workforce Development:** Promote cooperative efforts between business owners, education institutions and the Louisiana Workforce Commission to ensure that workforce training programs are easily available to small businesses in Louisiana, are updated regularly and are customized to meet the needs of small business owners.

**Worker Training:** Study and develop legislation that would allow businesses – in particular, small businesses – better access and greater flexibility in the use of monies for worker training.

**Education:** Continue to support efforts to improve the quality of education at all levels in Louisiana by making the best possible use of tax dollars spent on education, to try new or more effective methods of education, and to demand better accountability, which will improve the quality of the workforce and economic prosperity in the state.

**Freedom to Work:** Over time, a number of state entities have created artificial barriers to work in the form of occupational licensing. Unless a license is necessary for public health and safety, individuals should be "free to work." LABI supports efforts to review occupational licensing and remove costly and time-consuming barriers when possible.

## Current Issues:

**Government Contracts:** Support an appeals process for small businesses that are discriminated against in federal, state and local government contract bids.

**Government Competition:** Restrict efforts by government to provide goods and services in competition with private businesses.

**Department of Economic Development:** Support additional emphasis by economic development entities to provide assistance to Louisiana's small businesses. Support the consideration and distinguishment of small businesses in the decision-making process of economic development entities.

**Public Bid Law:** Oppose any efforts to circumvent or make exceptions to the public bid law and support legislation to strengthen its enforcement.

**Expropriation:** Support legislation that would provide appropriate treatment of private property owners regarding expropriation for "public purpose."

## Taxes & Fees:

**Special Funds – Legislatively Dedicated Self-Imposed Fees:** Oppose raiding of legislatively dedicated funds that were created and funded by industry fees paid to accomplish specific regulatory or other purposes.

**Business Activity Tax:** Oppose legislation that would impose additional or new taxes on business through a business activity, gross receipts, value-added, or any other similar taxing scheme, thus decreasing our ability to attract and retain jobs and investment in this state.

**Energy Taxation:** Oppose increased or new taxes or fees on energy sources.

**Inventory Tax:** Support retention of Louisiana's inventory tax credit and explore ways to eliminate the tax completely without increasing the business tax burden.

**Inheritance Tax and Gift Taxes:** Protect and maintain the repeal of the inheritance tax and gift tax as enacted by 2007 Act No. 371 and 2008 Act No. 822 respectively.

**Franchise Tax:** In 2016, the Legislature voted to greatly expand the franchise tax to include all types of businesses, specifically LLCs. LABI opposed the expansion of this "pay-to-play" tax that unduly harms small businesses and places an added layer of taxation on capital investment. LABI seeks the permanent repeal of the uncompetitive franchise tax.

**Business Tax Burden:** Oppose the elimination, reduction or modification of any tax exemptions, deductions, exclusions or credits, including the inventory tax credit. Oppose the imposition or increase of any taxes or fees, including those on energy or energy resources, which would increase the imbalance in the tax/financial burden borne by business in Louisiana. Support efforts to limit or reverse judicial expansion of the business tax burden.

**Cost of Service:** Oppose legislation that would shift the cost of electricity service from one class of consumer to another. Oppose imposition of taxes or fees to subsidize energy assistance programs within the Public Service Commission.

**Fees:** Support legislation to limit or reduce the amount of fees assessed on small businesses.

**Property Tax Millages:** Support legislation to limit or restrict the rolling forward of property tax millages following a mandatory millage roll-back.

**Regulatory/Licensing Burden:** Support the reduction of the regulatory burden on all businesses, especially small businesses, by reducing wasteful regulatory and/or licensing burdens on workers and small businesses. Support efforts to ensure regulations and licensing are necessary and justified by sufficient public interest and not protectionism.

## Civil Justice:

**Non-meritorious Suits:** Support appropriate legislation to discourage the filing of non-meritorious lawsuits and to curb abusive solicitation and litigation tactics.

**Abrogation of Contracts:** Oppose legislation permitting abrogation of existing contracts.

## Employee Relations:

**Wage Discrimination:** LABI supports the current state and federal laws on the books that address wage discrimination. LABI opposes legislation that expands lawsuits, including but not limited to, comparable worth and removing legal defenses.

**Workers' Compensation:** Support legislation to reduce workers compensation (WC) costs by overturning liberal court decisions, addressing factors responsible for escalating medical costs, and opposing the imposition of any tort remedy in WC cases. Continue to participate in the Louisiana Workers' Compensation Corporation, particularly in its capacity as WC insurer of last resort in Louisiana.

## Ongoing Policy:

**Government Prompt Payment:** Support prompt payment legislation that would require state and local governments to pay their bills within 30 days and to be subject to interest, fines and penalties.

**Preference Laws:** Oppose bid preference laws. Support current reciprocal laws for states that deny or restrict opportunities for competition by Louisiana businesses.

**Government Efficiency:** Support efforts to operate state government in a more efficient, cost-effective and fiscally responsible manner, including privatizing state government services where feasible, and encourage the utilization of technology.

**Small Business Financing:** Support legislation providing incentives for commercial financial institutions to extend credit to small businesses. Oppose any legislation that would duplicate regulatory practices and unnecessarily impose additional state authority to oversee financial transactions.

**Prison Enterprises:** Oppose expansion of prison enterprises or inmate labor and services not used solely in correctional facilities, and support legislation requiring a public certification process, including economic impact studies, prior to the establishment of such programs.

**Consumer Advocacy:** Oppose legislation that would establish new programs within new or existing agencies or departments that require public funding for representation or intervention in regulatory proceedings.



## Health Insurance:

**Mandated Benefits/Mandated Coverage:** Oppose new or expanded governmentally mandated benefits in group health plans, except those benefits that are effective in controlling health care costs. Oppose new or expanded governmentally mandated payments by health plans for the benefit of a limited population or specific providers, except when there is a documented, actuarially positive benefit for such mandates. Oppose governmentally mandated employer-provided or employer-paid health insurance.

**Mandate Offset Credit:** Support legislation to provide employers with a tax credit for every mandated health care benefit they are required to provide.

## Civil Justice:

**Tort Reform:** Oppose liberalization of Louisiana's tort laws with specific emphasis on preserving reforms enacted in the following areas: strict liability, joint and several liability, punitive damages, product liability, class actions and government liability.

**Double Recovery:** Support legislation to eliminate double recovery of damages.

## Employee Relations:

**Labor Relations:** Support legislation to prohibit state or local government interference with employers' rights and protections as provided under existing federal laws governing labor/management relations. Oppose any state legislation designed to weaken employers' protections under existing federal laws governing labor/management relations.

**Right-to-Work/Agency Shop:** Do everything necessary to maintain Louisiana as a Right-to-Work state, including opposing repeal through any "agency shop" legislation.

**Project Labor Agreements:** Protect the ban on project labor agreements on publicly funded projects.

# FEDERAL

**Business Tax Burden:** Oppose any increase in the federal tax burden on business or business owners, and support federal tax reform to lower the business tax rate and simplify the tax code.

**Unemployment Compensation (UC):** Support legislation to allow small business owners to forgo paying UC taxes on only themselves by choosing not to be eligible for unemployment benefits.

**OSHA:** Support efforts to reform the Occupational Safety and Health Administration (OSHA) provisions that have an adverse impact on small business. Oppose any proposed rule or law which requires employers to meet an unreasonable and costly ergonomic or other OSHA safety standard established without scientific validation of its value.

**Retirement Systems:** Support consolidation of all federal retirement systems and eliminate all special retirement systems.

**Social Security:** Support legislation that would require all employees, including federal, state, and local employees, to pay into the Social Security System.

**The Americans With Disabilities Act:** Oppose liberalization of the Americans With Disabilities Act (ADA). Support revisions to the ADA that would help curb the excess litigation that negatively impacts businesses and the economy.

**Government Contracts:** Support an appeals process for small businesses that are discriminated against in federal, state and local government contract bids.

**Government Competition:** Restrict efforts by government to provide goods and services in competition with private businesses.



**Regulatory Burden:** Support the reduction of the regulatory burden on all businesses, especially small businesses. Support legislation to streamline and simplify the permitting process for wetlands.

**Unfunded Federal Mandates:** Oppose unfunded federal mandates on state and local governments or businesses, including an increase in the minimum wage.

**Small Business Financing:** Support legislation providing incentives for commercial financial institutions to extend credit to small businesses, including SBA and USDA guarantee programs. Oppose any legislation that would duplicate regulatory practices and unnecessarily create an additional federal agency to oversee financial transactions.

**U.S. Climate Change Policy:** LABI specifically opposes any cap and trade legislation or the imposition of any carbon tax.

**National Labor Relations Act (NLRA):** Continue to support legislation that would remove the requirement that unions represent non-members in a bargaining unit. Oppose legislation that would expand or alter the NLRA to facilitate union organizing, especially any bills to replace the current government-supervised secret ballot election procedure with a “card check” system subject to abuse. Oppose legislation that would prohibit construction industry double breasting or allow *common situs* picketing. Support legislation to restrict liberalization promoted by the National Labor Relations Board and the courts.

**Mandated Employee Benefits:** Oppose legislation that would increase costs to employers resulting from governmentally mandated benefits, including health care plans and expansion of the Family and Medical Leave Act (FMLA).

**National Health Care Reform:** Support repeal of the Patient Protection and Affordable Care Act (PPACA) and oppose implementing regulations that would increase employer taxes, or other requirements that may increase costs to businesses. Analyze and review the current law and proposals being considered in Congress. Support legislative and other efforts fostering market-driven insurance and community-based health care reform. Those efforts should emphasize expanded, secure access to cost-effective, quality care. Support cost-savings provisions in federal legislation to reduce excessive liability exposure of health care providers. Support state legislation that minimizes any adverse impact of federal health care mandates. Oppose any new federal/single payer system, other government-created insurance, or any other provision that may jeopardize employer-sponsored health plans.

**Immigrant and Foreign Workers:** Support federal immigration reform that ensures an adequate number of workers are available to meet the needs of Louisiana’s small businesses in seasonal industries, as well as those facing worker shortages, by (1) expanding existing foreign worker visa (H-1B, H-2B, and H-2A) programs while eliminating unworkable bureaucratic encumbrances and excessive costs, and (2) developing a reliable, integrated employment verification system with safe harbors for employers hiring in good faith.

# Contact

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# GOVERNMENTAL REFORM

**LABI encourages the enactment and enforcement of state laws and policies that are honest, fair, transparent and responsible, allowing all citizens to participate in electoral and governmental processes.**

Continue Reading 

## Major Issues:

### Constitutional Convention

**LABI Position:** If a convention is called, delegates should be independently elected. If some delegates are appointed, the business community should be well represented, given the thousands of workers they employ and their significance to the state's economy and prosperity. The public should have significant time and opportunity to engage in the Convention - both the process and deliberations.

### Fiscal Transparency

**LABI Position:** Support efforts to increase the transparency of state and local government operations and enhance public online access to information.

### Government Efficiency

**LABI Position:** In an effort to reduce waste, fraud, and abuse, support efforts to operate state government in a more efficient, cost-effective and fiscally responsible manner, including privatizing state government services where feasible, and the utilization of technology.

## Current Issues:

**Boards and Commissions:** Support legislation that would require public or quasi-public boards and commissions to adhere to the same legal requirements and accountability standards as other public bodies. Also, support legislation to limit the number of terms a person can serve on certain boards and commissions. Support legislation to promote experience and expertise by allowing individuals to serve on boards and commissions and to recuse themselves when an issue arises involving a conflict of interest.

**Civil Service:** Support legislation to reform civil service to achieve maximum efficiency in state government.

**Elections:** Support legislation to reduce the number of election dates to maximize voter turnout.

### Ethics:

- Support the retention of an appropriate board or boards governing ethics for elected officials, public employees and lobbyists, and support the enforcement of existing laws. Monitor the activity and decisions of this board, particularly regarding their effects on the business community and the election process.

- Strengthen enforcement of Louisiana's ethics law regarding campaign finance, lobbyist disclosure and implementation and enforcement of the Code of Ethics as it relates to public employees and elected officials. Support storing ethics data in a form that is easily exportable for public consumption.

- Support retention of a strong campaign finance disclosure law, including provisions to require full disclosure of all campaign contributions. Support the current rights of citizens and corporations to contribute to political campaigns, both individually and as legally constituted committees.

- Support retention of a strong lobbyist disclosure law.

- Actively oppose any unjustified weakening of the current ethics law.

**Government Appointments:** Support efforts to change appointed governmental positions and certain elected positions to professional positions.

**Investigative Independence:** Support efforts to ensure that the Ethics Board and Inspector General have the independence and focus to investigate and enforce substantive ethics laws against conflicts, abuse and corruption in state government.

**Little Hatch Act:** Support "Little Hatch Act" provisions in the state constitution that prohibit state and local classified civil service employees from participating in certain partisan political activities while so employed.

## Ongoing Policy:

**Public Access to Legislators:** Oppose any efforts to limit and/or restrict public access to legislators and/or House and Senate chambers.

**Public Meetings/Public Records:** Oppose efforts to weaken the Open Meetings Law, the Public Records Law, the Election Code, the Public Bid Law and the Local Government Budgeting Act; and protect the rights of individuals and organizations to full and open participation in governmental processes. Support extending the period to which a recorded public meeting is archived for public access and legislative intent.

**Retirement Systems:** Support consolidation and reform of state retirement systems, including elimination of early retirement after 20 years of service regardless of age for future state employees. Oppose any expansion of benefits or coverage to help ensure fiscally responsible funding and actuarial soundness of Louisiana's public retirement systems. Support legislation that would raise the retirement age and/or increase the years of service needed for new state employees to retire. Support the use of surplus funds to pay down the unfunded accrued liability of the state retirement systems.

**State Contracts:** Support strengthening existing law that prohibits awarding state contracts for goods and services to any public official or his/her immediate family.

**Term Limits:** Support legislation to limit the terms of all statewide elected officials and the judicial branch. Continue to support the existing law that limits the number of terms a person can serve in the Louisiana Senate and House of Representatives.

**Initiative:** Maintain Louisiana's current referendum system, which requires that voters approve all changes to Louisiana's constitution.

**Judicial Reform:** Support programs and legislation to foster judicial excellence, including, but not limited to, consolidating districts and court functions.

**Office of the Inspector General:** Support efforts to protect the existence of the Office of Inspector General in state law.



# Contact

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# TAXATION & FINANCE

LABI will actively work for the enactment of fiscal policies that promote a stronger state economy, with a focus on private sector job creation. Businesses in Louisiana pay a disproportionate share of the tax burden as compared with other states. Added to this are the administrative headaches and their costs that confront and frustrate Louisiana employers attempting to comply with state and local tax laws and their requirements. This places our state at a significant disadvantage when competing for business investment and the jobs it creates. This year's legislative session will be largely fiscal in nature. LABI will, to the extent possible, promote constructive reforms that ensure our state's economic development while securing sufficient revenues for appropriate government services at both the state and local levels.

[Continue Reading](#) 

# STATE

## Major Issue: Jobs and Economic Development

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**LABI Position:** Restore advances in economic development by supporting measures that encourage industrial and business investment, and that create and retain jobs in our state, including those that limit or reverse expansion of the business tax burden. Support the availability of fair and equitable tax incentives for economic development, including those for job retention, job creation, and facility modernization. Support business tax measures that encourage the retention or relocation of jobs and businesses to this state. Oppose efforts to weaken Louisiana's existing economic development incentives. Support elimination of the tax penalties resulting from having a commercial domicile in the state of Louisiana. Continue to educate the public, the media and public officials regarding: (a) Louisiana's tax structure, (b) the imbalance in the tax burden borne by business, (c) the benefits of a competitive, properly balanced and predictable tax system, and (d) needed fiscal and spending reform.

## Major Issue: Budget Reform

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**LABI Position:** Support long-term reforms to the structure of the state budget that require government to annually review all spending, prioritize services and rein in budget growth. Support changes to restore voter confidence in state government, including:

- Managing budget deficits without new or increased taxes or fees, including long-term reform of costly government programs;
- Gradually shifting the primary responsibility of funding local services to local governments;
- Operating state government in a more efficient, cost-effective and fiscally responsible manner, including privatizing state government services where feasible; and
- Achieving cost savings through the elimination or consolidation of programs and/or agencies that would not have a detrimental impact on the delivery of needed services.

## Major Issue: Industrial Tax Exemption

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**LABI Position:** Pursue efforts to ensure a competitive and viable industrial property tax exemption program, including opposing efforts to tie the exemption to considerations not directly related to industrial development. Support establishment of a "one-stop shop," either at the state or local level, for handling applications for the industrial property tax exemption.

## Current Issues:

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**Business Tax Burden:** Support a competitive business tax environment for Louisiana's industries that are subject to substantial interstate competition. Oppose the imposition or increase of any taxes or fees that would expand the imbalance in the tax/economic burden borne by business in Louisiana. Oppose legislation and tax policies that would increase the tax compliance burden on business, including expanding requirements for withholding at the source.

**Vote Requirement for Tax Relief:** Oppose restrictions on the ability of the Legislature to lower taxes or grant tax relief.

**Tax Elections:** Support a reduction in the excessive number of local tax election dates to afford taxpayers a reasonable opportunity to evaluate the merits of tax proposals.

**Tax Administration:** Support measures to eliminate abuse of authority by state and local tax collectors. Support measures restricting the imposition on taxpayers of attorney fees and audit costs of state and local governments in tax cases. Support measures that would prohibit state and local governmental agencies and taxing authorities from entering into contingency fee or other contracts with, or from employing outside counsel, auditors, or consultants to be paid by the taxpayer or whose compensation is dependent on the outcome of the audit, award, or settlement in tax cases. Support legislation to limit the use of summary procedure, and to provide standards to correct assessments that are based on error of fact or law. Oppose state tax administration that employs audit methodologies relying upon faulty assumptions and premises that tend to result in unrealistic, over-reaching, and substantial additional tax assessments.

**Sunset Exemptions:** Support the continuation of the statutory business tax incentives, exemptions and exclusions as they are scheduled to expire.

**Constitutional Convention:** If a convention is called, delegates should be independently elected. If some delegates are appointed, the business community should be well represented, given the thousands of workers they employ and their significance to the state's economy and prosperity. The public should have significant time and opportunity to engage in the Convention - both the process and deliberations.

## Income Taxation

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**Net Operating Losses:** Support full restoration and utilization of the net operating loss deduction. Oppose any further weakening of this deduction.

**Franchise Tax:** Support the elimination of the corporate franchise tax. Protect the exclusion of long-term debt from the corporate franchise tax base. Promote the sourcing of sales for corporate income and franchise tax purposes to be based on the ultimate physical delivery of the product to the purchaser in the state of Louisiana.

**Combined Reporting (Unitary Tax):** Oppose efforts to impose mandatory combined reporting for corporate income tax purposes, as the imposition of this reporting method would have a detrimental impact on economic development in the state.

**Business Activity Tax:** Oppose legislation that would impose additional or new taxes on business through a business activity, gross receipts, value-added, or any other similar taxing scheme, thus decreasing Louisiana's ability to attract and retain jobs and investment.

## Property Taxation

**Inventory Tax Credit:** Support repeal of the local inventory tax with a gradual transition to offset the loss of this revenue stream until a local mechanism is established for the replacement of such state funding. Oppose efforts to repeal or restrict the inventory tax credit program so long as the local inventory tax exists.

**Property Tax Assessments:** Support legislation to promote uniformity and to simplify the procedures for property owners contesting their property tax assessments. Oppose efforts to undermine the Louisiana Tax Commission's constitutional authority to oversee assessments, including change orders, omitted property assessments and supplemental assessments. Support legislation to clarify existing law concerning assessment procedures, including change orders, omitted property assessments and supplemental assessments. Support appropriate and necessary reforms to the property tax system. Support legislation and changes in the Louisiana Tax Commission rules and regulations to improve the accuracy and fairness of the methods and procedures used in the assessment and valuation process. Oppose efforts by assessors to tax component parts of motor vehicles. Support the current use value system for determining the assessed value of property that is classified as agriculture, timberlands, horticulture and marshlands.

**Property Tax Millages:** Support legislation to limit or restrict the rolling forward of property tax millages following a mandatory millage roll-back.

**Property Tax/Homestead Exemption:** Oppose measures to increase the homestead exemption, which would further shift the property tax burden to business. Louisiana businesses continue to pay a disproportionate share of the tax burden as compared with other states.

## Sales and Use Taxation

**Statewide Centralized Collection:** Support measures to promote consistency in the administration of the state and local sales tax systems, including measures to promote statewide centralized collection and administration of local sales taxes.

**Manufacturing Machinery and Equipment:** Oppose any elimination or reduction of the state sales, use, and rental tax exclusion for manufacturing machinery and equipment, and encourage the exclusion at the local level. Oppose efforts to restrict the application of the manufacturing machinery and equipment sales tax exclusion for repairs, maintenance and refurbishment of machinery and equipment, including tangible personal property used in the repair, maintenance and refurbishment of machinery and equipment.

**Sales Taxes:** Oppose measures to levy or authorize additional statewide sales taxes, or to levy or authorize local sales taxes without voter approval. Support legislation that affirms the longstanding practice that certain articles of tangible personal property, which are delivered into a local taxing jurisdiction but earmarked for ultimate use in another jurisdiction, be subject to local sales and/or use tax only in the jurisdiction where the goods are ultimately used.

**Exclusions:** Protect the distinction between sales and use tax exemptions and exclusions.

**Direct Pay Permits:** Support measures to expand the availability of sales and use tax direct pay permits at state and local levels to all businesses.

**Manufacturing Taxation:** Protect the historic interpretation of the sales and use tax exclusion for raw materials purchased for further processing. Support the exclusion from sales and use tax of all property associated with the manufacturing of property for sale, including all utilities, raw materials, catalysts, process chemicals, and other consumable items. Oppose legislation and tax policies that would result in the taxation of by-products and/or intermediate materials for sales and use tax purposes.



**Sales Tax on Repairs:** Support the elimination of local sales and use tax on repairs to property that will be shipped out of state. Oppose efforts to expand local sales and use tax to labor used in repairs. Support elimination of state and local sales and use tax for repairs and services performed out of state.

**Recodification of Provisions:** Support legislation to reorganize and recodify the state and local sales and use tax statutes to make them more understandable to taxpayers, while ensuring that no changes are made that would worsen Louisiana's already challenging business tax climate.

## Natural Resources Taxation

**Oil and Gas Taxation:** Oil and gas production and processing are critical to Louisiana's economy, and LABI will:

- Oppose the imposition of any oil and gas taxes and fees, including but not limited to an oil and gas processing tax, a hydrocarbon transportation or refinery tax or fee on minerals, a first-use tax, or a coastal wetlands environmental levy;
- Oppose legislation and tax policies that would undermine the current protection of oil, gas and associated mineral rights from the imposition of property and other taxes;
- Support legislation and tax policies that affirm the historic treatment of natural gas used at the lease and at gas processing plants as not subject to sales and use tax; and
- Support legislation and tax policies that establish appropriate appraisal methodologies for determining the fair market value of all property subject to property tax, including taxable subsurface oil and gas equipment.

**Salt Cavern Assessments:** Oppose efforts by assessors to assess salt caverns until uniform valid valuation methodologies are adopted by the Louisiana Tax Commission. Oppose efforts by assessors to assess salt caverns as other than land.

## Budgetary Issues:

**Special Funds:** Oppose raiding of legislatively dedicated funds that were created and are funded by industry fees paid to accomplish specific regulatory and other purposes. Industry fees for regulatory services or other purposes should not be diverted to support the general operations of state government. If self-generated revenues exceed the cost of a regulatory or other program, the Legislature should reduce the fees accordingly and/or reduce the scale of such regulatory or other program.

**Constitutionally Dedicated Expenditures:** Oppose efforts to redirect trust fund dollars generated by fees from industry to expenses other than those to which they are constitutionally dedicated.

**Expenditure Limit:** Lower the limit on state government spending to relate to the current budget. Continue to support a reasonable formula for the determination of the expenditure limit. Once an expenditure limit has been established for any fiscal year, oppose efforts by the Legislature to increase that limit, unless such increase is appropriating monies from the constitutionally restricted surplus, and the instrument for appropriating such surplus clearly states that the temporary increase in the spending cap will not affect the computation of the expenditure limit for the following fiscal year.



## Ongoing Policy:

**Fiscal Transparency:** Support efforts to increase the transparency of state and local government operations and enhance public online access to information.

**Budget Stabilization Fund:** Maintain and protect the concept and integrity of the fund, and the current constitutional restrictions on distributions from the fund. Oppose efforts to use the fund as security or collateral for increasing state debt.

**Taxpayer Protection and Fairness:** Protect and maintain enactments addressing taxpayer protection and fairness issues relative to local sales tax contract auditors, attorney's fees charged by tax collectors, and arbitrary local sales tax assessments. Oppose any retroactive state and local legislation.

**Inheritance Tax and Gift Taxes:** Protect and maintain the repeal of the inheritance tax and gift tax.

**Refund Procedures:** Support taxpayers' fundamental right to a prompt refund of taxes not due to a taxing authority.

**"Fiscal Only" Legislative Sessions:** Support the continuation of a system of alternating fiscal/non-fiscal legislative sessions.

**Statewide Taxing Districts:** Oppose measures to create a statewide taxing district, whose boundaries are coterminous with the state, which has the authority to levy sales, use, or any similar tax for any purpose.

**Fees for Services:** Support legislation codifying present jurisprudence, which provides that the imposition or assessment of charges or fees, by or for the benefit of the state or any board, department, or agency of the state, should not either: (1) have raising revenue as its primary purpose, or (2) clearly and materially exceed the cost of regulation or conferring special benefits upon those assessed (*Audubon Insurance, et al v. Bernard, et al*) (La. 1983).

**Advance Collection of Sales Tax:** Support the elimination of the advance sales tax collection program.

**Mineral Property Taxes:** Support legislation and/or regulations that will establish the fair market value for oil, natural gas, and oil and natural gas equipment for taxation purposes.

**Property Tax – Public Service Property:** Support a reduction in the ad valorem tax on property acquired by public service entities after deregulation of those companies has been implemented. Any revised system of public service property taxation should not result in a shifting of the property tax burden from regulated to non-regulated businesses.

**Retirement Systems:** Support consolidation and reform of state retirement systems, including elimination of early retirement after 20 years of service regardless of age for future state employees. Oppose any expansion of benefits or coverage to help ensure fiscally responsible funding and actuarial soundness of Louisiana's public retirement systems. Support legislation that would raise the retirement age and/or increase the years of service needed for new state employees to retire. Support the use of surplus funds to pay down the unfunded accrued liability of the state retirement systems.

**Hazardous Waste Tax:** Oppose new or increased taxes on the generation, transportation, storage, disposal, incineration, recycling, injection or treatment of hazardous waste or any permitted emission.

**Annexation:** Support legislation to require municipalities to notify affected property owners before annexing any property.

**Highway Priority Program:** Support the use of objective criteria, including fostering economic development, to prioritize funding for state highway construction projects. Oppose allowing the Legislature to add or substitute projects in the final construction program.

**Prevailing Wage:** Oppose any attempts by the Legislature to re-enact a prevailing wage law, which would result in the state or local governments – and by extension, taxpayers – paying more for goods and services than is paid by businesses in the private sector.

# FEDERAL

## Current Issues:

**Carbon Tax:** Oppose legislation and regulations that would impose a direct or indirect carbon tax.

**Business Tax Burden:** Oppose any increase in the federal tax burden on business or business owners, including repeal of any of the 2017 tax reforms, and support legislation to expand the 2017 federal tax reforms and make them permanent.

**Economic Stimulation:** Support legislation that would stimulate the economy by allowing taxpayers to keep more of their own money for investment in the private sector.

**Spending Reduction:** Since the financing of large government deficits each year consumes much of the capital that would otherwise be available for business investment needed to improve productivity and create jobs, support programmatic review and serious consideration of reasonable, specific spending cuts. LABI supports program-specific reductions as a preferred alternative to an across-the-board spending freeze.

**Taxation of Health Insurance/Employee Benefits:** Support repeal of the Patient Protection and Affordable Care Act (PPACA), and oppose implementing regulations that would increase employer taxes. Oppose legislation that would impose a direct or indirect tax on health insurance, as well as oppose the elimination of tax exclusions and deferrals on health, pension and disability benefits. LABI recognizes that such elimination could help close the budget deficit in the short term; however, the long-term effects on Social Security, Medicare and other government social programs may be greater than those systems can sustain.

**Accounting Methodology:** Support Last-In/First-Out (LIFO) as a federally approved tax accounting method.

**Sales Taxes on Interstate Sales Transactions:** Support efforts to authorize state and local governments to require the collection of sales taxes on interstate, catalog, mail order or Internet-type sales transactions.

**Capital Gains:** Support the capital gains carried interest provision as defined in federal law.

**Constitutional Spending Restraint:** As a further safeguard that interest payments on deficit spending will not drain capital from investment purposes, support efforts to enact a constitutional amendment to require a balanced budget. Total expenditures should not exceed actual (versus anticipated) revenues.

**Federal Budget:** LABI supports restraints on federal off-budget spending.

**IRS Abuses:** Support legislation furthering the rights of taxpayers in dealing with the Internal Revenue Service (IRS), limiting the regulatory authority of the Treasury Department and the Internal Revenue Service (IRS), and increasing their accountability for unreasonable and arbitrary conduct in the issuance of regulations or the collection of taxes. Oppose the IRS ruling regarding Section 965 liabilities since it effectively establishes a new penalty against taxpayers who overpay their taxes and would override the statutory right Congress explicitly gave taxpayers to elect to defer their tax liabilities under Section 965 - eight years for C corporation shareholders and indefinitely for S corporation shareholders.

**Taxes/Fees on Virgin Materials:** Oppose legislation to impose a tax or fee on the use of virgin materials.

**Estate Tax:** Support the elimination of the federal estate tax, while retaining the current step-up in adjusted basis at death that allows heirs an estate's full fair market value to offset capital gain.

# Contact

Jim Patterson serves as Director of the Taxation and Finance Council. In this capacity, his responsibilities include tax and fiscal matters that impact Louisiana's businesses and economic development.

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# TECHNOLOGY

Technology constantly changes the way we live, work, and socialize. Innovations and technological advancements stimulate our economy, improve workplace training programs and make it easier for businesses to deliver goods and services to the ever-expanding marketplace.

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The relationship between technology developers and the businesses that rely on their products to operate is vital. It is important for businesses to partner with academic research and development institutions to help speed up the commercialization of budding technologies so these advancements can be brought to the marketplace more quickly. It is also important to recognize and safeguard against the cybersecurity threats which jeopardize both the assets and growth of Louisiana businesses.

The council will actively support technology policies that improve the strength and competitiveness of Louisiana businesses and industries in the global marketplace.

# STATE

## Major Issue: Fiscal Transparency

**LABI Position:** Support efforts to increase the transparency of state and local government operations and enhance public online access to information.

## Major Issue: Government Efficiency

**LABI Position:** Support efforts to operate state government in a more efficient, cost-effective and fiscally responsible manner, including privatizing state government services where feasible, and the utilization of technology.

## Major Issue: Internet Regulation

**Internet Regulation:** Oppose legislation and regulations that impose costly and unnecessary obligations on companies that make use of the internet in their business model.

## Current Issues:

**Broadband:** Support policies that encourage private investments in Louisiana from technology companies. Investing in advanced technology infrastructure is necessary to support new innovations and the explosion of technology usage. Extending broadband services to more Louisianans will create jobs, lead to the development of new, innovative products and fuel economic growth. It will connect Louisiana citizens to educational and employment opportunities and open the door to better, less expensive health care. Louisiana should be technologically neutral and support an all-of-the-above approach to connecting more Louisianans. Oppose legislation which would seek to regulate the internet or broadband as a utility.

**Education:** Because the pace of technology continually increases, our teaching methods must adapt to this ever-changing environment. Support expanding electronic distance learning systems that give equal access to all students.

**Gig Economy:** The gig economy has proven to be a lifeline to many during tough economic times. Oppose proposals to reclassify independent contractors as employees as they will hurt both workers and businesses.

**Patent Enforcement:** A strong patent system is needed to support emerging technologies and innovative ideas. Continue to safeguard the patent process to help protect intellectual property rights. Also, support efforts to deter bad faith patent enforcement.

## Current Issues:

**Research and Development Incentives:** Support the expansion of incentives designed to aid our state's research and development industries.

**Sales Tax Exemption for Research & Development:** Support sales tax exemptions for the cost of material and equipment purchased for the purpose of research and development.

**Innovative Technologies:** Oppose unreasonable policies which would make Louisiana less welcoming to innovative companies, including legislation to prohibit innovators from conducting live testing of new products or services in a controlled environment.

**Tax Incentives:** Support the availability of fair and equitable tax incentives for economic development, including those for job retention, job creation, and facility modernization. Support business tax measures that encourage the retention or relocation of jobs and businesses to this state. Oppose efforts to weaken Louisiana's existing economic development incentives.

**Technology Transfer:** Create a statewide technology transfer network which transcends geographic and political boundaries to develop commercially viable technologies from our state's universities and colleges.

**Worker Training:** Study and develop legislation that would allow businesses, small businesses in particular, greater access and flexibility in the use of monies for worker training specific to technology.

## Ongoing Policy:

**Cybersecurity Issues:** Support continued research, innovation and collaboration between government, educational institutions and the business community to foster a secure infrastructure environment for commercial, consumer and intellectual property protection and public safety. Support education of the business community of cybersecurity threats and best practices to mitigate these threats.

**Technology Contracts:** To increase business participation and competition for state government technology contracts and initiatives, LABI supports efforts to make technology-related requests for proposals easily available online to the technology community at large.

# FEDERAL

## Current Issues

**Civil Liability:** Oppose legislation that would create new causes of action related to patent protections and privacy.

**Cybersecurity Issues:** Support continued research, innovation and collaboration between government, educational institutions and the business community to foster a secure infrastructure environment for commercial, consumer and intellectual property protection and public safety. Support education of the business community of cybersecurity threats and best practices to mitigate these threats.

**Internet Regulation:** Oppose legislation and regulations that impose costly and unnecessary obligations on companies that make use of the Internet in their business model.

**Patent Reform:** A strong patent system is needed to support emerging technologies and innovative ideas. Continue to safeguard the patent process to help protect intellectual property rights. Also, support efforts to deter bad faith patent enforcement.

**Spam:** Unsolicited bulk commercial e-mail, often referred to as “spam,” undermines consumer confidence in e-commerce. The business community supports federal laws that prohibit the proliferation of pornographic, fraudulent and misleading spam and supports federal laws that force Internet solicitors to comply with user “opt-out” preferences.

**Content Moderation:** Oppose any state effort to address content moderation which would make Louisiana an outlier and lead to Louisiana businesses being deprived of digital platforms. Encourage Congress to update Section 230 of the Communications Decency Act to include protections for commercial and political speech by digital platform users while continuing to protect digital platform providers from frivolous lawsuits regarding content moderation.

**Telecommunications:** Only with competitive technologies can the U.S. participate fully in the global economy. Without them, U.S. companies may be forced to move jobs overseas. Unfortunately, the nation’s laws and regulations have failed to keep pace with advances in technology, stifled new investment, and hindered the deployment of new technologies.

- Federal telecommunications laws and regulations must be updated to foster innovation, expand consumer choice, spur investment, create jobs, enhance efficiency, and increase productivity.
- Telecommunications markets should be driven by consumer demand, advances in technology, and competition between telecommunications companies, while encouraging public safety, consumer protection and other public interest goals.
- Government should not burden consumers with discriminatory or excessive telecommunications taxes, nor should obsolete regulations limit Americans’ access to innovative services and choices.
- Consumer choice, public/private partnerships and private-sector investment should drive the deployment of high-speed Internet access into our communities.
- Government should look to put as much spectrum in the private sector as possible to speed connecting Americans to high-speed mobile internet. At the same time, they should oppose calls to nationalize telecommunications networks.

**Workforce:** Support federal immigration reform that improves Louisiana businesses’ access to the immigrant workforce needed to remain competitive by expanding existing high-skilled work visa H-1B programs while eliminating unworkable bureaucratic encumbrances and excessive costs.

# Contact

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# TRADE, TRANSPORTATION & TOURISM

LABI recognizes the direct correlation between a thriving business community and investing in a safe and sustainable transportation system. A modernized infrastructure system across all modes of transportation is paramount in fueling Louisiana's economy, and LABI is focused on common sense policies and reforms geared to increase statewide productivity, enhance businesses' ability to move their products across the nation, and remain globally relevant.

LABI encourages the enactment and enforcement of state and federal laws and policies that promote long-term solutions to Louisiana's transportation needs, free flow of national and international trade, and the state's unique tourism attractions.

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# STATE

## Major Issue: Economic Expansion

**LABI Position:** Support criteria that increase the level of economic activity for businesses in Louisiana. Support strategic planning proposals that prepare the state's infrastructure for rapid economic and industrial growth.

## Major Issue: Highway Priority Program

**LABI Position:** Support the use of objective criteria, including fostering economic development, to prioritize funding for state highway construction projects. Oppose allowing the Legislature to add or substitute projects in the final construction program.

## Major Issue: Transportation Trust Fund

**LABI Position:** Support the integrity, adequacy and solvency of the Transportation Trust Fund (TTF). Encourage responsible and practical proposals that optimize the utilization of the monies dedicated to the TTF.

## Current Issues:

**Air Transportation:** Support the development of adequate air transportation facilities in Louisiana, including international air service.

**Commercial Transportation:** Oppose legislation that would unreasonably discriminate against or unduly burden free flow of commercial transportation, and support legislation to streamline or enhance the efficiency relative to administrative regulations.

**Ports:** Actively support the development and improvement of port facilities and/or services that enhance economic activities in Louisiana. Encourage initiatives that support global competitiveness of the state's businesses.

**Port Priority Program:** Actively support the Port Priority Program in its endeavor to adequately fund port facilities in Louisiana relative to appropriate project priorities.

**Trade:** Support efforts that promote national and international trade opportunities for Louisiana businesses. Oppose legislation that restricts free trade.



## Ongoing Policy:

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**Business Fees:** Oppose fees and fee increases that exceed the cost of funding the programs for which they are assessed that would have a negative impact on trade, tourism or transportation.

**Business Tax Burden:** Oppose tax increases that would have a negative impact on trade, tourism or transportation.

**Disaster Recovery:** Work with local, state, and federal officials and regulatory agencies to enhance the economic recovery of trade, tourism, and transportation industries damaged by natural disasters.

**Flood Protection:** Support regional flood protection oversight by boards nominated by and comprised of professionals.

**Free Enterprise:** Oppose any government restrictions that would make Louisiana businesses less competitive relative to businesses in other states.

**International Tourism:** Support continuation of tax-free shopping as an incentive to attract international tourists.

**River Pilotage:** Continue to promote and support the regulatory structure for pilotage with the overall objective of establishing safe, reliable, and cost-effective pilot service.

**State Beautification:** Support and encourage all reasonable efforts to eliminate litter in Louisiana, including anti-litter public campaigns and better enforcement of existing litter laws. Support and encourage state beautification efforts.

**Tourism Promotion Funding:** Support adequate revenues for the promotion of Louisiana's unique tourism attractions, heritage and cuisine.

# FEDERAL

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**Business Fees:** Oppose fees and fee increases that exceed the cost of funding the programs for which they are assessed that would have a negative impact on trade, tourism or transportation.

**Business Tax Burden:** Oppose tax increases that would have a negative impact on trade, tourism or transportation.

**Federal Trade:** Continue to encourage Congress to support Free Trade Agreements (FTAs) focused on leveling the playing field for American manufacturers, exporters and businesses, especially in Louisiana.

**Highway Trust Fund:** Support Congressional authorization for Louisiana and other states to obligate all the states' federal highway apportionments and allocations each fiscal year. Support legislation to obligate a minimum of 100% of federal transportation taxes and fees back to Louisiana. Oppose the rescission of un-obligated apportionments.

**Homeland Security:** Support the development of fair, effective and equitable methods of allocating homeland security program initiatives and costs.

**International Trade:** Support federal initiatives to enhance the global competitiveness of Louisiana businesses.

**Rail Competitiveness Act:** Support federal legislation and policies to promote competition among railroads.

**Waterway Maintenance:** Support adequate funding for navigable state waterway maintenance.

# Contact

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