



2013 Session Wrap-Up

INTRODUCTION

2013 Session Ends: Problems And Conflicts Continue

Perhaps the kindest thing that can be said about the 2013 Regular Session of the Legislature is that it didn't result in the need for a follow-up special session. After confrontation, consternation, confusion, and odd-couple coalitions festered for 60 days, the session (mercifully for many) came to an end on June 6.

Much of the potential energy of the session evaporated on the opening day when Governor Jindal announced he was “parking” his controversial “tax swap” proposal. The shape-shifting plan originally would have swapped removal of income taxes for a large increase in sales taxes. When that proved unpopular, the proposal shifted to remove the personal income tax with a huge increase in business taxes. That trial balloon floated for about 10 days until the governor waved a white flag in his opening address to the Legislature.

With the tax swap dead, the focus shifted to the budget—and acrimony ruled. A coalition of Democrats and Republican “fiscal hawks” in the House fashioned a budget plan that originally relied on over \$300 million in tax increases—primarily on businesses—to replace some of the one-time revenues in the governor's budget. The tax increase proposal went nowhere and was replaced primarily by a \$200 million tax amnesty proposal and \$100 million in cuts. The Senate removed most of the cuts and added over \$100 million in new revenue certified by the Revenue Estimating Conference. A House/Senate Conference Committee massaged the two proposals into a final budget that passed both chambers almost unanimously. Whether the budget will pass the ultimate test of preventing yet another round of mid-year budget cuts is still very much in doubt.

The other major issue area of the session was a continuation of the war between education reformers and the education establishment. Many bills to undo the major education reforms enacted last year were filed, but by the end of the session all of the major reforms—including those challenged in the courts—remained intact. Expect the education wars to continue into the 2014 session—along with more budget difficulties going forward.

Dan Juneau, President
Louisiana Association of Business and Industry

Key to Bill Disposition

Died	No deciding vote was cast.
Killed	Defeated by vote or procedural move.
Not Moved	Author never made attempt to move bill.
Withdrawn	Author removed bill from files of the respective body at any stage in the process.
Act	A law or statute passed as a bill by both houses of the Legislature and signed by the governor, or allowed to become law without his signature, or approved by both houses after a gubernatorial veto.
HB - SB	House or Senate Bill - a proposal to amend, delete or add to existing law. Must pass both houses.
HCR - SCR	House or Senate Concurrent Resolution. Must be adopted by both houses. A suspension resolution is the only concurrent resolution which has the effect of law.
HR - SR	House or Senate Resolution. Voted on only in the house in which introduced. Does not have the force of law.
HSR - SSR	House or Senate Study Resolution. Voted on only in the house in which introduced. Does not have the force of law.
Effective Date	Varies with each Act. Most bills passed during the Regular Session are effective August 1, 2013, unless the bill specifically provides otherwise. Consult your attorney for specific application.

Note: Bill text and history may be found on the legislative Web site at www.legis.la.gov.

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CIVIL JUSTICE REFORM

2013 being a year in which the emphasis is supposed to be on fiscal matters, there were no expectations for sweeping tort reform. However, upon seeing more than one bill filed dealing with the right to a jury trial, there were some expectations that at least a small step forward would be made in that area. Unfortunately, any hopes of progress were dashed on the last day of the session when the issue was sacrificed in a conference committee.

The only positive reform came in the area of class actions suits, often unnecessarily brought and exorbitantly expensive to defend. A bill designed to help defendants save both time and money received no votes against it.

Supported by LABI

Trial by Jury

HB 321, Huval and HB 589, Abramson – Would have allowed more Louisiana citizens the right to a trial by jury in certain civil cases by making that process faster and more efficient.

HB 321 would have allowed an expedited jury trial if agreed to by all parties. The trial would have been before a six-member jury, with each side allowed three hours to make its case. As amended in House committee, an expedited jury trial would have been allowed, upon the consent of all parties, whether or not the cause of action exceeded \$50,000. *(Passed House; died in Senate committee.)*

HB 589 began as a 15-page comprehensive revision to the Code of Civil Procedure and was finally sent to the governor's desk as a four-page instrument. As filed, the bill stipulated that if a defendant is granted a jury trial, that right remains with the defendant, even if the plaintiff later stipulates that his cause of action does not exceed \$50,000. That portion of the bill was stripped in conference committee after making it through the House and Senate. *(Act 391; effective 8/1/13.)*

Class Action Suits

HB 472, Jay Morris – Helps defendants save time and money by requiring that a class action cannot be maintained if the court would be required to look at the merits of any individual class member's claim to determine whether or not the individual would fall within the defined class. It also requires that the plaintiff bears the burden of proof at the hearing on the motion to certify a class. *(Act 254; effective 8/1/13.)*

Asbestos and Other Latent Disease Claims

HB 481, Garofalo – Would have helped reduce double-dipping in asbestos and other latent disease cases by providing a framework for full disclosure of all trust claims made by a plaintiff. *(Not moved.)*

Litigation Loans

SB 166, Claitor – Would have assisted consumers by placing limitations on litigation loan transactions. The bill would have limited finance charges and required that such contracts be in writing and signed by the consumer, with a copy of all documentation given to the consumer. *(Passed Senate; killed in House committee.)*

Opposed by LABI

Political Subdivision Cause of Action

HB 579, Adams – Would have expanded a political subdivision’s right to collect damages in certain liability cases, including those against private business. (*Not moved.*)

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EDUCATION AND WORKFORCE DEVELOPMENT

Though a fiscal session, the 2013 Regular Legislative Session saw quite a bit of activity in the education arena. LABI fought bills that would have delayed or threatened reforms achieved last year in school choice, local school system operations, and teacher tenure.

Of particular note was the defeat of HB 160 by Rep. Gene Reynolds (D-Minden), which would have delayed critical components of the teacher evaluation system, which is based in part on student achievement. LABI opposed the bill, stating that the legislation merely employed the predicted union delay tactic often utilized to kill reform initiatives in their implementation stages. House members, many of whom had been targeted by unions in their home districts for voting for the education reforms of 2012, were eager to diffuse some of their opposition and voted the bill out of the House unanimously.

However, education reform supporters in the Senate Education Committee – Chair, Sen. Conrad Appel; Sen. Dan Claitor; Sen. Jack Donahue; and Sen. Elbert Guillory – refused to bow to teacher union pressure and stopped HB 160 in that committee. Thank you, Senators, for standing strong for reform and being education champions for children.

On LABI's offense agenda was HB 552 by Rep. Alan Seabaugh (R-Shreveport) to prohibit the collection and remittance of union dues by public bodies, which fell two votes short in the House Labor Committee. Though we did not clear the first hurdle on this bill, the stage is set for next year, when a united business community will once again support legislation to prohibit the current practice of requiring taxpayers to support union activities at taxpayer expense.

Louisiana Supreme Court rulings on Acts 1 and 2 of 2012 suspended the need to move bills filed in the event that those acts needed to be re-enacted this year. Reform-weary legislators could instead focus on defense of reform gains made last year, including the funding of scholarship students outside of the MFP.

A late-session budget deal will send about \$68 million in additional funding to local school districts, half of which will be dedicated to teacher pay. Unfortunately, with skyrocketing health care costs and a crushing unfunded accrued liability in the state teachers' retirement system, little of the remaining new dollars will likely make their way into the classroom to support student learning.

Stay tuned during the interim, as state education officials implement common core state standards; revise school performance scores once again; collapse the current three high school diploma system into one diploma with two focus areas (college preparatory and career/technical education); resurrect both the Accountability Commission and MFP Study Commission; and engage in workforce development at unprecedented levels to meet the needs of billions of dollars of new business coming into the state.

Supported by LABI

Early Childhood Education

SB 130, Appel – Would have carried on the early childhood reforms of Act 3 of 2012 by creating the Early Childhood Care and Education Network and the Tiered Kindergarten Readiness Improvement System. This bill was one of the casualties of an increasingly strained end-of-session relationship between the House and Senate. The bill was never debated on its merits in the House. *(Passed Senate; died on House floor.)*

Higher Education

SBs 117 and 118, Appel – Would have created an Outcomes-Based Funding Task Force and utilized a national peer comparison model to reward colleges financially for performance. These bills would have injected true accountability into higher education, but Sen. Appel's pro-reform votes in the Senate, along with end-of-session politics, caused these bills to be blocked in the House. *(Both passed Senate. SB 117 killed on House floor. SB 118 died on House floor.)*

School Choice

SB 205, LaFleur – Provides, if certain conditions are met, for the establishment of foreign language immersion programs in local school districts. *(Act 361; effective 8/1/13.)*

School Governance

SB 206, LaFleur – Would have allowed principals in high performing schools to have increased authority regarding personnel and budgeting. *(Passed Senate; killed in House committee.)*

Union Dues Payroll Deductions

HB 552, Seabaugh – Would have repealed the statutory mandate that state and local governments withhold union dues from the paychecks of their union employees and remit them to unions. This is not a function that governmental agencies should perform. It is in the interests of Louisiana's citizens/taxpayers that government resources, including public employee time, as well as public property or equipment and supplies, are used for activities that lead to the execution of governmental functions. Collecting union dues does not, and it places our government in the position of playing favorites. The obvious favoritism that unions receive under current law is inappropriate. *(Killed in House committee.)*

Opposed by LABI

Accountability

HB 466, Havard – Would have delayed, for two years, the implementation of the new School Performance Score (SPS) calculations that include student performance on the ACT, and required legislative approval for any future changes to the SPS. *(Passed House; killed in Senate committee.)*

Common Core State Standards

SCR 68, Crowe – Would have expressed the will of the Legislature that BESE and the Department of Education cease all participation in the "common core" standards initiative which is designed to increase course rigor in the classroom. *(Killed on Senate floor.)*

School Choice

HB 230, Pope – Would have narrowed eligibility criteria for students to participate in the state scholarship program, resulting in fewer students being able to participate. *(Killed in House committee.)*

HB 643, Miller – Would have paid certain UAL costs from MFP amounts dedicated to charter schools, course choice providers, and nonpublic scholarship schools. *(Killed in House committee.)*

HB 666, Pearson – Would have required certain payments from MFP amounts dedicated to support charter schools to instead be paid to the Teachers Retirement System of Louisiana. *(Killed in House committee.)*

Tenure/Value-Added Teacher Evaluation

HB 160, Reynolds – Would have delayed the full implementation of critical components of teacher evaluation and tenure reform passed in prior years. LABI opposed this effort to delay teacher evaluations that will be based in part (50%) on student academic growth. *(Passed House; killed in Senate committee.)*

HB 625, Gaines – Would have restored full tenure, with even more anti-taxpayer provisions, to teachers. *(Killed in House committee.)*

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EMPLOYEE RELATIONS

The 2013 session was a fairly quiet one for employee relations legislation. While numerous bills to regulate employment have been introduced in previous fiscal-only sessions, 2013 saw only a handful of such bills. In addition, the Labor committees did an excellent job keeping anti-employer measures from the floors of both chambers.

As she has for the last five sessions, Rep. Barbara Norton (D–Shreveport) attempted to pass her bill to create a new cause of action in cases of alleged pay discrimination based on gender. The instrument was defeated in committee and did not reach the House floor. However, she had company this year, as Sen. Ed Murray (D–New Orleans) authored the same bill on the Senate side, where it got more traction. His bill cleared the Senate & Governmental Affairs Committee on a second try, but stalled on the floor when it failed to get the necessary 20 votes the first time out. The bill passed on reconsideration only after it was amended to apply just to state workers, which removed LABI's opposition.

Supported by LABI

Union Dues Payroll Deductions

HB 552, Seabaugh – Would have repealed the statutory mandate that state and local governments withhold union dues from the paychecks of their union employees and remit them to unions. This is not a function that governmental agencies should perform. It is in the interests of Louisiana's citizens/taxpayers that government resources, including public employee time, as well as public property or equipment and supplies, are used for activities that lead to the execution of governmental functions. Collecting union dues does not, and it places our government in the position of playing favorites. The obvious favoritism that unions receive under current law is inappropriate. *(Killed in House committee.)*

Workers Compensation (WC)

HB 728 (substituted for HB 606), Cromer – Establishes a more efficient mechanism for resolving disputes over lost wage calculations, as well as modifications, suspensions, terminations or controversions of indemnity or medical benefits. The new approach employs an existing Office of Workers' Compensation Administration (OWCA) form in lieu of the filing of a petition, and it eliminates an injured worker's exposure to lawsuits except in cases of fraud. The bill provides a "safe harbor" against penalties and attorney fees for employers/insurers that comply with the preliminary determination, even when they contest the decision and seek a full trial on the merits of the case. *(Act 337; effective 8/1/13.)*

HB 410, Talbot – As introduced, would have extended the sunset of the Louisiana Workers' Compensation Second Injury Fund. The bill was amended on the Senate floor to eliminate the sunset provisions altogether. *(Act 314; effective 8/1/13.)*

HB 450, Ivey – Establishes the position of associate medical director within the OWCA to handle cases when the medical director has a conflict of interest or is unavailable. Provides that where treatment for an injury is not specifically covered within the medical treatment schedule, it shall be authorized and due when it is shown by a preponderance of scientific medical evidence to be appropriate. *(Act 317; effective 8/1/13.)*

Opposed by LABI

Alleged Wage Discrimination

HB 453, Norton and SB 153, Murray – Would have exposed employers to lawsuits by disgruntled employees who allege they were paid less “for the same or substantially similar work” than their co-workers of the opposite sex. These bills would have created a new cause of action, increasing the number of lawsuits filed against Louisiana employers and making the state less attractive for business growth and investment. LABI took no position on SB 153 after it was amended on the Senate floor to restrict it to state employees. *(HB 453 killed in House committee. SB 153 becomes Act 374; effective 8/1/13.)*

Workers Compensation

HB 464, Hunter – Would have repealed the prohibition against injured workers receiving workers compensation benefits while they are incarcerated. *(Killed in House committee.)*

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ENERGY

Whenever there's a fiscal session, companies that are involved in the production and consumption of energy are always on high alert...as they are likely targets for tax increases. 2013 was no exception, even after Governor Jindal's "tax swap" proposal was "parked." Had there been a new "Plan B" to repeal or phase out the personal income tax, it likely would have authorized new or increased taxes, or it would have removed tax exemptions, thus shifting the cost of government from individuals to the business community.

In addition, HB 1 for the 2013-14 budget year still had to be funded, and where were those funds to come from? Bills were filed that would have taken away all of the oil and gas production incentives that have in large part encouraged investment in Louisiana rather than in other producing states. At the same time, had the sales and severance taxes been increased, the boon in petrochemical expansions throughout south Louisiana would have likely taken a downturn, as no Louisiana business consumers could buy their electricity or natural gas without added costs.

Also on the fiscal side, of continued concern was the raiding of statutorily dedicated funds that are created and funded by fees paid to accomplish specific regulatory purposes. While there was an attempt to use these "one-time" dollars to balance the budget, the Legislature became more and more aware of the "fund sweep" and rejected the temptation to take these revenues that are dedicated to fund programs which receive nothing from the state general fund.

Incidents and natural disasters almost always spawn response legislation, too. The problems occurring with the Assumption Parish salt dome triggered legislative attempts to prevent such incidents in the future. The entire industry and the local legislators worked together to help assure that appropriate legislation was passed to provide greater oversight for the salt domes throughout the state.

Water was also a big issue again this year, as it has been off and on for over a decade. Fracking operations for natural gas and liquids as well as our refineries and petrochemical plants require water, and there is continued pressure to limit access to both ground water and to surface water for commercial use.

Companies involved in the energy sector became well aware of the need to better communicate with and educate members of the Legislature. With the advent of term limits, much of the institutional knowledge once possessed by the members of the Legislature has been lost, with few legislators knowing the historical reasons for passing bills to help business and industry in this state. LABI's role in legislative sessions has therefore become even more important as the years pass.

Supported by LABI

Severance Taxes

HB 474, Bishop – Would have reenacted and modified the old/expired inactive oil and gas well severance tax exemptions; wells that would be returned to service after being inactive for two or more years or having 30 days or less of production during the past two years would have been taxed at a reduced rate. Prior law had fully exempted these wells from all severance tax for five years. *(Passed House; died in Senate committee.)*

Salt Dome Rules and Regulations

HBs 493 and 494, St. Germain – HB 493 establishes the procedure for the permitting of solution-mined caverns and requires the commissioner of conservation to make specific rules for drilling, operating, and plugging of such wells. HB 494 requires a property seller to disclose information as to whether or not a salt cavity lies under property or within a certain distance. *(HB 493 becomes Act 368; effective 8/1/13. HB 494 becomes Act 369; effective 8/1/13.)*

SB 139, Ward – Allows the commissioner of conservation to assess increased civil penalties and fines for violation of rules for drilling or use of underground caverns for hydrocarbon storage or solution mining. *(Act 367; effective 6/12/13.)*

Opposed by LABI

Alternative Fuel Vehicle Credits

HB 444, Burrell – As introduced would have required the House Ways & Means Committee to review the alternative fuel vehicle credit and other credits after 1/1/15 to determine benefit; would have terminated credits on 1/1/16. As amended in committee, would have only required a review, not termination, of the program, and LABI removed its opposition. *(Died on House floor.)*

HB 587, Robideaux – Would have required the House Ways & Means Committee to review the alternative fuel vehicle credit and other credits after 1/1/15 to determine benefit; would have terminated credit on 1/1/16. *(Not moved.)*

Motor Fuel Taxes

HB 438 (Constitutional Amendment), Robideaux – Would have removed the constitutional prohibition against sales taxes on motor fuels. *(Not moved.)*

Salt Dome Rules and Regulations

SB 200, Mills – As introduced, would have prohibited the issuance of permits to construct or operate salt dome caverns until certain conditions were met. As amended would have prohibited permits for new cavern development if underlying a state-owned water bottom that had previously failed due to man-made causes; as further amended on reconsideration, would have also imposed a five-year moratorium on permits and would have applied the provisions to a parish within the Coastal Zone, west of the Atchafalaya River, and with a population of 100,000 or less. *(Killed on Senate floor.)*

Severance Taxes

HB 370, James – Would have limited the suspension of severance taxes on horizontal well production to a period of 24 months or until 50% of payout is achieved. *(Withdrawn.)*

HB 616, Robideaux – Would have enacted significant reductions in certain oil and gas severance tax rates as well as reductions for periods of exemptions from other severance taxes on oil and gas. *(Not moved.)*

Statutory Trust Funds

HB 452, Fannin – As introduced and reported by the House Appropriations Committee, would have raided \$20,600,000 from the Artificial Reef Development Fund, along with other statutorily dedicated trust funds. However, the bill was amended on the House floor to remove all language which took trust funds, and LABI removed its opposition. *(Act 420; multiple effective dates.)*

Groundwater Permits

SB 203, Claitor – Would have required the commissioner of conservation to limit the withdrawal of groundwater by restricting the issuance of permits for business purposes and reducing allowable withdrawals by 50% over five years. *(Not moved.)*

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ENVIRONMENTAL QUALITY

The locus of environmental battles has shifted over the years from the state level to the federal level, as evidenced by the quiet 2013 legislative session in Louisiana and the continuing hotbed of activity in Washington, DC.

Supported by LABI

Final Permit Action

HB 307, Lambert – Requires a court to provide notice to the Department of Environmental Quality (DEQ) and the permittee, as well as an opportunity for a hearing, before the court orders a stay of a final permit action. Without this addition to existing law on appeals and judicial review, DEQ and the company seeking a permit often did not know that a court had stayed a final permit action. (*Act 108; effective 6/5/13.*)

Opposed by LABI

Forced Deposit

HB 445, Lambert – Would have required a deposit on all beverage containers and the subsequent collection of cans and bottles, and refund of deposit.

“Bottle bills” do very little to reduce roadside litter — beverage containers account for less than 7% of such litter. Community recycling programs suffer when bottle deposits are imposed — this means establishing a separate, often duplicative recycling system for a small part of the waste stream. The programs lose the revenue from valuable aluminum cans and plastic bottles. Redemption centers are costly to operate — labor costs, loss of retail space and sanitation issues are major burdens. State border issues drive up costs and hurt local economies — fraudulent redemption of containers not purchased in the state adds expense to systems and inflates redemption rate numbers attributed to deposit programs. (*Killed in House committee.*)

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GOVERNMENTAL REFORM

In the area of governmental reform, LABI believes that honest, fair and responsible government is key to the enforcement of state laws and policies. The governor's administration supported and successfully passed numerous retirement reform measures in 2012. Unfortunately, this year, an attempt to put all retirement systems under the same final average calculation formula was blocked in committee. LABI will keep defending the progress made in the realm of governmental reform in the future.

Supported by LABI

Retirement

SB 259 (substituted for SB 7), Peacock – Would have changed the final average calculation used to determine retirement benefits from a three-year to a five-year average. The estimated \$4.2 million in savings would have helped pay down the ballooning retirement debt. *(Passed Senate; killed in House committee.)*

Boards & Commissions

HB 156, Schexnayder – Abolishes defunct and dormant boards and commissions. *(Act 184; effective 8/1/13.)*

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HEALTH CARE

Louisiana employers recognize that most working families need and depend on employer-sponsored health insurance because individual policies are too expensive. Each year, the business community must oppose legislation that seeks to raise the cost of providing health insurance because cost remains a substantial obstacle to employer-sponsored health insurance coverage. LABI will continue to do everything possible to make sure that employer-sponsored health insurance remains affordable.

Supported by LABI

Sales Tax Exemption

SB 82, Mills, and SB 102, Buffington – Would have provided an exemption from local sales tax on certain inhibitors and complex biologics used for medical treatment. *(SB 82 killed in Senate committee; SB 102 not moved.)*

Opposed by LABI

Referral Practices

HB 569, Brown – Would have allowed a patient to receive physical therapy services without a prescription or referral by a physician. *(Died in House committee.)*

Rate Review

SB 126, Gary Smith – Would have allowed the commissioner of insurance to review the rates of health insurance plans, as is the current practice, but expanded his authority to approve rates as well. *(Killed in Senate committee.)*

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SMALL BUSINESS

The small business community survived the fiscal session without taking a major hit. LABI defended small business daily, reminding legislators that Louisiana's small businesses are crucial to the state's vitality. In addition to the many tax increase bills LABI opposed on behalf of small businesses, LABI worked to defeat a preference bill and supported legislation to help streamline online licensing and permitting. (In addition to the bills listed below, see other sections of this report for legislation affecting small businesses.)

Supported by LABI

Government Efficiency

SB 149, Perry – Provides that when a governmental agency offers online applications through an internet interface for any license or permit, and the particular law for such license or permit requires a sworn application for such license or permit, the governmental agency may accept an online certification from the applicant in lieu of the sworn application. (*Act 176; effective 6/7/13.*)

Opposed by LABI

Public Bid

HB 181, LeBas – Would have allowed local resident contractors to modify their public bids for contracts if they were within 10% of the lowest bidder. This artificial distortion of the public bid process would have obstructed competition and increased costs to taxpayers. (*Not moved.*)

Business Fees

HB 421, Ponti – As originally filed, the bill proposed an additional \$100 fee on licenses issued to a contractor (except license renewals issued for residential construction). LABI removed its opposition when the author agreed to amend his bill to make the mandatory fee optional. (*Act 195; effective 8/1/13.*)

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TAXATION AND FINANCE

The recent tax session began with tax reform proposals that would have shifted over \$500 million in tax burden to the business community. After the governor and the House leadership decided to “park” these tax reform measures, much of the focus thereafter was on balancing the state budget. In the end, the Legislature used new monies recognized from the Revenue Estimating Conference, new revenue measures, adjustments to incentive and other tax programs, and tax amnesty, as part of the overall plan to balance the budget.

Supported by LABI

Uniform Sales Tax Commission

HB 568, Girod Jackson, and SB 233, Riser – HB 568 would have created a uniform sales tax commission only with respect to remote sellers. SB 233 would have created a more comprehensive uniform sales tax commission relative to state and local sales and use taxes. *(Neither moved.)*

Tax Court

HBs 515 (Constitutional Amendment) and 585, Thierry; and SB 230, Riser – Would have created a state tax court. *(None moved.)*

Sales Tax

SB 144, Morrell – Provides for the renewal of certain sales tax exemption certificates. *(Act 93; effective 1/1/14.)*

HB 301, Lambert – For state sales and use tax purposes, would have clarified and codified the re-sale of service exclusion as it relates to the re-sale certificate. *(Not moved.)*

Opposed by LABI

Business Services Tax

HB 653, Robideaux; HB 610, Talbot; and HB 714, Stokes – Would have imposed a new business sales tax on numerous services, including professional services. Estimates projected that about 80% of this new tax would have been paid by businesses. HB 653 was amended to remove the business services tax, to reduce vendors’ compensation to dealers, and to encourage the Department of Revenue to collect the use tax due with respect to remote sellers. *(HB 653 becomes Act 425; effective 7/1/13. HB 610 died in House committee. HB 714 not moved.)*

Tax Credits

HB 444, Burrell; HB 587, Robideaux; HB 696, Montoucet; and HB 712, Katrina Jackson – As originally filed, HB 444 and HB 587 would have authorized a study of certain tax credits, including the inventory tax credit, and all of these bills would have terminated or reduced the credits in various ways. HB 444 was amended in House committee to remove the termination of the credits. HB 696 was amended on the House floor to address only motion picture investor tax credits, and wind and solar energy system tax credits. HB 712 would have authorized the secretary of the Department of Revenue

to reduce credits in the event of a projected budget deficit. *(HBs 444 and 712 killed in House committee. HB 587 not moved. HB 696 passed House; died in Senate committee.)*

HB 697, James – Would have reduced the inventory tax credit from 100% to 75%, as well as reduced the availability of the net operating loss deduction. *(Killed in House committee.)*

Business Property Tax

HB 392, Alfred Williams, and SB 74, Johns (both Constitutional Amendments) – Under current law, seniors and other homeowners are granted special level assessments (“freezes”) provided their income does not exceed about \$70,000 of adjusted gross income. Both instruments would have expanded these property tax “freezes” by removing the income restriction entirely, and granting the property tax freezes regardless of income and including those homeowners not on fixed incomes. Our homestead exemption and special assessment freezes are already among the most generous in the country. About 40% of all homeowners statewide still pay zero property tax. A significant number of homesteads already benefit from frozen assessments -- as high as 30% in one parish. Freezing these assessments is not a “true” tax break, because the property taxes from these homeowners will be shifted to businesses, renters, and all other homeowners whose property taxes increase year after year. *(HB 392 died in House committee. SB 74 killed on Senate floor.)*

HB 521, Leger (Constitutional Amendment) – As originally filed, would have increased the homestead exemption to \$80,000. *(Not moved.)*

Tax Relief Votes

HR 6, Abramson – As amended in committee by Rep. Miller, HR 6 would have made it more difficult for the House to provide tax relief, by requiring 60 votes in the House before a bill providing tax relief could be moved to its third reading and final passage. Currently, there is no pre-requirement for moving tax relief bills to third reading. Adjustments to the tax code in favor of taxpayers should not be made more difficult. All public funds belong to the taxpayers, and this proposed House rule would have made it more difficult to allow them to keep more of their hard earned money. The House committee amendment was subsequently removed on the House floor prior to the House floor vote, and therefore, LABI removed its opposition. *(Adopted.)*

Incentive Programs

SB 219, Donahue – As filed, this bill would have required budget authority with respect to rebates paid under certain incentive programs. *(Not moved.)*

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TRADE, TOURISM AND TRANSPORTATION

While most of the talk this session revolved around the state budget and business tax increases, legislation to remove some of the impediments to qualifying for credits within the ports tax credit program were enacted. Efforts to increase motor fuel taxes failed, as did an attempt to make the highway construction prioritization process less objective and more politicized.

Supported by LABI

Port Tax Credits

HB 193, Gisclair; HBs 484 and 551, Leger; SBs 121 and 122, Chabert – These bills sought, in varying degrees, to increase the industry classes that may qualify for the Investor Tax Credit within the Ports of Louisiana Tax Credit Program. HBs 484 and 551, and SBs 121 and 122 sought to remove some of the obstacles hindering businesses applying for these credits, and extended the program until January 1, 2020. SB 122 was amended to limit the amount of both the investor tax credits and import/export tax credits to \$2.5 million annually per project and the total amount of the credits to \$6.25 million annually, to exclude bulk liquid or gas facilities from eligibility. *(HB 193 passed House; died on Senate floor. HBs 484 and 551 not moved. SB 121 died in Senate committee. SB 122 becomes Act 431; effective 7/1/13.)*

Opposed by LABI

Highway Priority Program

HB 721 (substituted for HB 31), Montoucet – In addition to requiring DOTD to provide additional information to legislators regarding highway projects in their districts, HB 721 would have allowed the legislators to replace projects they delete from the Highway Priority Program, which is currently prohibited. LABI supports the current highway construction prioritization process, whereby DOTD sets priorities based on need using 11 objective criteria, rather than a process subject to political horse-trading, where lower priority projects with effective political support would move ahead in the construction queue. Rep. Montoucet amended HB 721 in House Transportation Committee to eliminate the offending language, which removed LABI's opposition to the bill. *(Act 207; effective 8/1/13.)*

Motor Vehicle License Fees

HB 211, Connick – Would have authorized parish and municipal governments to create transportation districts with the authority to levy a local motor vehicle license fee, subject to approval by the voters within the district. LABI opposed the bill because it could have doubled commercial vehicle registration and license fees in certain areas of the state. *(Died on House floor.)*

Weights and Standards

HB 225, Howard – Would have required citations issued in Sabine Parish by the weights and standards police and the state police to be adjudicated by the District Attorney in Sabine Parish, which would have created chaos in the enforcement of commercial weights and standards and the disposition of citations. Commercial vehicle owners are better served when state regulators enforce and adjudicate violations of state law. *(Killed in House committee.)*

Motor Fuel Taxes

HB 438 (Constitutional Amendment), Robideaux – Would have removed the constitutional prohibition against state sales taxes on motor fuels. *(Not moved.)*

HB 675, St. Germain – Would have required tax on gasoline, diesel fuel, and special fuels to be adjusted annually in accordance with increases in the Consumer Price Index. *(Killed in House committee.)*

Contact: Bruce Bradley, 225/928-5388, ext. 259 or BruceB@LABI.org



2013 Session Score Card

Score Card Criteria

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

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

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House Score Card

Bill	With LABI	Against LABI	Absent	Description	Bill Value	Vote Value	Abramson, Neil C.	Adams, Bryan	Anders, John F. "Andy"	Arnes, James K.	Arnold, Jeffery "Jeff" J.	Badon, Austin J.	Barras, Taylor F.	Barrow, Regina Ashford	Berthelot, John A.	Billiot, Robert E.	Bishop, Stuart J.
HB 160	0	102	3	Teacher Evaluations Final Passage	30	30	0	A	0	0	0	0	A	0	0	0	A
HB 321	94	1	10	Civil Jury Trial Final Passage	30	30	30	30	30	30	30	30	30	30	30	30	30
HB 472	96	0	9	Class Actions Final Passage	30	30	30	30	30	30	30	30	30	30	30	30	30
HB 589	92	0	13	Class Actions Final Passage	30	30	30	30	30	30	30	30	A-	30	30	30	30
SB 117	52	42	11	Post-Secondary Accountability Final Passage	15	15	A-	15	A-	0	15	0	15	0	15	15	15
				2013 Possible	135	135	105	135	135	135	135	105	135	135	135	105	135
				2013 Earned			90	105	90	90	105	90	75	90	105	105	105
				2013 Score %			67	100	67	67	78	67	71	67	78	78	100
				2012-13 Possible	1878	1693	1848	1878	1878	1773	1878	1848	1878	1878	1878	1848	1848
				2012-13 Earned			1223	1711	857	460	984	1106	1403	485	1718	1658	1793
				2012-2013 Cumulative Score %			72	93	46	24	55	59	76	26	91	88	97

A- Was absent when LABI needed a "yes" vote, or the motion required only a majority or supermajority of those present and voting.
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House Score Card

Bill	With LABI	Against LABI	Absent	Description	Bill Value	Vote Value	Bishop, Wesley T.	Broadwater, Christopher	Brossett, Jared C.	Brown, Terry R.	Burford, Richard T.	Burns, Henry L.	Burns, Timothy G.	Burrell, Roy A.	Carmody, Thomas G.	Carter, Stephen F.	Champagne, Simone B.
HB 160	0	102	3	Teacher Evaluations Final Passage	30	30	0	0	0	0	0	0	0	0	0	0	0
HB 321	94	1	10	Civil Jury Trial Final Passage	30	30	A-	30	30	30	30	30	30	30	A-	30	30
HB 472	96	0	9	Class Actions Final Passage	30	30	30	30	30	30	30	30	30	30	30	30	30
HB 589	92	0	13	Class Actions Final Passage	30	30	30	30	30	30	30	30	A-	30	30	30	30
SB 117	52	42	11	Post-Secondary Accountability Final Passage	15	15	15	15	0	0	15	15	15	0	15	15	15
				2013 Possible		135	135	135	135	135	135	135	135	135	135	135	135
				2013 Earned			75	105	90	90	105	105	75	90	75	105	105
				2013 Score %			56	78	67	67	78	78	56	67	56	78	78
				2012-13 Possible	1878	1878	1773	1773	1878	1878	1823	1773	1878	1878	1878	1878	1878
				2012-13 Earned			517	1599	481	1134	1793	1735	1658	444	1581	1793	1793
				2012-2013 Cumulative Score %			28	90	27	60	95	95	94	24	84	95	95

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House Score Card

Bill	With LABI	Against LABI	Absent	Description	Bill Value	Vote Value	Chaney, Charles R.	Connick, Patrick	Cox, Kenny R.	Cromer, Gregory	Danahay, Michael E.	Dixon, Herbert B.	Dove, Gordon E.	Edwards, John Bel	Fannin, James R.	Foil, Franklin J.	Franklin, A. B.
HB 160	0	102	3	Teacher Evaluations Final Passage	30	30	0	0	0	0	0	0	0	0	0	0	0
HB 321	94	1	10	Civil Jury Trial Final Passage	30	30	30	30	A-	A-	30	30	30	30	30	A	30
HB 472	96	0	9	Class Actions Final Passage	30	30	30	A-	A-	30	30	30	30	30	30	A	30
HB 589	92	0	13	Class Actions Final Passage	30	30	30	30	A-	30	30	30	A-	30	30	A	30
SB 117	52	42	11	Post-Secondary Accountability Final Passage	15	15	15	15	0	A-	0	0	A-	0	15	15	0
				2013 Possible		135	135	135	135	135	135	135	135	135	135	45	135
				2013 Earned			105	75	0	60	90	90	60	90	105	15	90
				2013 Score %			78	56	0	44	67	67	44	67	78	33	67
				2012-13 Possible	1878	1823	1878	1878	1878	1878	1878	1878	1773	1878	1878	1788	1878
				2012-13 Earned		1581	1461	360	1748	1503	393	1321	415	1653	1571	459	
				2012-2013 Cumulative Score %			87	78	19	93	80	21	74	22	88	88	240

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House Score Card

Bill	With LABI	Against LABI	Absent	Description	Bill Value	Vote Value	Gaines, Randal L.	Garofalo, Raymond E.	Geymann, Brett, F	Gisclair, Jerry	Greene, Hunter	Guillory, Mickey J.	Guinn, John E.	Harris, Lance	Harrison, Joe	Havard, Kenneth E.	Hazel, Lowell C.
HB 160	0	102	3	Teacher Evaluations Final Passage	30	30	0	0	0	0	0	0	0	0	0	0	0
HB 321	94	1	10	Civil Jury Trial Final Passage	30	30	30	30	A-	30	A-	A	30	30	30	30	30
HB 472	96	0	9	Class Actions Final Passage	30	30	30	30	A-	30	30	A	A-	30	30	30	30
HB 589	92	0	13	Class Actions Final Passage	30	30	30	30	A-	30	A-	A	30	A-	30	30	30
SB 117	52	42	11	Post-Secondary Accountability Final Passage	15	15	0	15	0	0	15	15	0	A-	0	A-	15
				2013 Possible	135	135	135	135	135	135	135	45	135	135	135	135	135
				2013 Earned			90	105	0	90	45	15	60	60	90	90	105
				2013 Score %			67	78	0	67	33	33	44	44	67	67	78
				2012-13 Possible	1878	1878	1878	1878	1878	1624	1878	1716	1878	1878	1878	1773	1878
				2012-13 Earned			573	1663	1149	635	951	619	1378	1748	1109	1474	1203
				2012-2013 Cumulative Score %			30	89	61	39	51	36	73	93	59	83	64

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House Score Card

Bill	With LABI	Against LABI	Absent	Description	Bill Value	Vote Value	Henry, Cameron	Hensgens, Bob	Hill, Dorothy Sue	Hodges, Valarie	Hoffmann, Frank A.	Hollis, Paul	Honore, Dalton W.	Howard, Frank A.	Hunter, Marcus L.	Huval, Mike	Ivey, Barry
HB 160	0	102	3	Teacher Evaluations Final Passage	30	30	0	0	0	0	0	0	0	0	0	0	0
HB 321	94	1	10	Civil Jury Trial Final Passage	30	30	30	30	30	30	30	30	30	30	30	30	30
HB 472	96	0	9	Class Actions Final Passage	30	30	30	30	30	30	30	30	30	30	30	30	30
HB 589	92	0	13	Class Actions Final Passage	30	30	30	30	30	30	30	30	30	30	30	A-	30
SB 117	52	42	11	Post-Secondary Accountability Final Passage	15	15	15	15	15	0	15	15	0	15	0	15	15
				2013 Possible		135	135	135	135	135	135	135	135	135	135	135	135
				2013 Earned			105	105	105	90	105	105	90	105	90	75	105
				2013 Score %			78	78	78	67	78	78	67	78	67	56	78
				2012-13 Possible	1878	1878	1878	1773	1878	1823	1878	1878	1878	1878	1878	135	
				2012-13 Earned		1769	1543	605	1631	1759	1793	924	1655	398	1753	105	
				2012-2013 Cumulative Score %			94	82	34	87	96	95	49	88	21	93	78

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House Score Card

Bill	With LABI	Against LABI	Absent	Description	Bill Value	Vote Value	Jackson, Girod	Jackson, Katrina R.	James, Edward C. "Ted"	Jefferson, Patrick O.	Johnson, Robert A.	Jones, Sam	Kleckley, Chuck	Lambert, Eddie J.	Landry, Nancy	Lasndry, Terry C.	LeBas, H. Bernard
HB 160	0	102	3	Teacher Evaluations Final Passage	30	30	0	0	0	0	0	0	0	0	0	0	0
HB 321	94	1	10	Civil Jury Trial Final Passage	30	30	30	30	A	30	30	30	30	30	30	30	30
HB 472	96	0	9	Class Actions Final Passage	30	30	30	30	A	30	30	30	30	30	30	30	A-
HB 589	92	0	13	Class Actions Final Passage	30	30	30	30	A	30	30	30	30	30	30	30	30
SB 117	52	42	11	Post-Secondary Accountability Final Passage	15	15	0	0	0	0	0	15	15	A-	15	0	0
				2013 Possible		135	135	135	45	135	135	135	135	135	135	135	135
				2013 Earned			90	90	0	90	90	105	105	90	105	90	60
				2013 Score %			67	67	0	67	67	78	78	67	78	67	44
				2012-13 Possible	1878	1878	1823	1683	1878	1878	1878	1868	1773	1878	1878	1878	1878
				2012-13 Earned		1133	398	343	959	415	920	1783	997	1715	574	580	
				2012-2013 Cumulative Score %			60	22	20	51	22	49	95	56	91	31	31

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House Score Card

Bill	With LABI	Against LABI	Absent	Description	Bill Value	Vote Value	Leger, Walt	Leopold, Christopher J.	Lopinto, Joseph	Lorusso, Nick	Mack, Sherman Q.	Miller, Gregory A.	Montoucet, Jack	Moreno, Helena N.	Morris, Jay	Morris, Jim	Norton, Barbara M.
HB 160	0	102	3	Teacher Evaluations Final Passage	30	30	0	0	0	0	0	0	0	0	0	0	0
HB 321	94	1	10	Civil Jury Trial Final Passage	30	30	30	30	30	30	30	30	30	30	30	30	30
HB 472	96	0	9	Class Actions Final Passage	30	30	30	30	30	30	30	30	30	30	30	30	30
HB 589	92	0	13	Class Actions Final Passage	30	30	30	A-	30	30	30	30	30	30	30	30	30
SB 117	52	42	11	Post-Secondary Accountability Final Passage	15	15	15	A-	15	15	0	0	0	A-	15	0	0
				2013 Possible		135	135	135	135	135	135	135	135	135	135	135	135
				2013 Earned			105	60	105	105	90	90	90	90	105	90	90
				2013 Score %			78	44	78	78	67	67	67	67	78	67	67
				2012-13 Possible	1878	1878	1878	1878	1878	1878	1878	1878	1621	1878	1878	1823	1798
				2012-13 Earned			805	1496	1632	1793	1115	1488	393	1106	1758	1324	730
				2012-2013 Cumulative Score %			43	80	87	95	59	79	24	59	94	73	41

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House Score Card

Bill	With LABI	Against LABI	Absent	Description	Bill Value	Vote Value	Ortego, Stephen J.	Pearson, J. Kevin	Pierre, Vincent J.	Ponti, Erich E.	Pope, J. Rogers	Price, Edward J.	Pugh, Stephen E.	Pylant, Steve E.	Reynolds, H. Eugene	Richard, Jerome	Ritchie, Harold L.
HB 160	0	102	3	Teacher Evaluations Final Passage	30	30	0	0	0	0	0	0	0	0	0	0	0
HB 321	94	1	10	Civil Jury Trial Final Passage	30	30	30	A-	30	30	30	30	30	30	30	30	30
HB 472	96	0	9	Class Actions Final Passage	30	30	30	30	30	30	30	30	30	30	30	30	30
HB 589	92	0	13	Class Actions Final Passage	30	30	30	30	30	30	30	30	30	30	30	30	30
SB 117	52	42	11	Post-Secondary Accountability Final Passage	15	15	15	15	0	15	0	0	15	15	0	0	0
				2013 Possible	135	135	135	135	135	135	135	135	135	135	135	135	135
				2013 Earned		105	75	90	105	90	90	105	105	90	90	90	90
				2013 Score %		78	56	67	78	67	67	78	78	67	67	67	67
				2012-13 Possible	1878	1878	1773	1878	1878	1878	1878	1878	1878	1878	1693	1878	1878
				2012-13 Earned		925	1658	594	1758	1096	678	1666	1687	720	1000	670	670
				2012-2013 Cumulative Score %		49	94	32	94	58	36	89	90	38	59	36	36

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 A Was absent when LABI needed a "no" vote and the motion required a majority or supermajority of the elected members.

House Score Card

Bill	With LABI	Against LABI	Absent	Description	Bill Value	Vote Value	Robideaux, Joel C.	Schexnayder, Clay	Schroder, John M.	Seabaugh, Alan	Shadoin, Robert E.	Simon, Scott M.	Smith, Patricia Haynes	St. Germain, Karen	Stokes, Julie	Talbot, Kirk	Thibaut, Major
HB 160	0	102	3	Teacher Evaluations Final Passage	30	30	0	0	0	0	0	0	0	0	0	0	0
HB 321	94	1	10	Civil Jury Trial Final Passage	30	30	30	30	30	30	0	30	30	30	30	30	30
HB 472	96	0	9	Class Actions Final Passage	30	30	30	30	30	30	30	30	30	30	30	30	30
HB 589	92	0	13	Class Actions Final Passage	30	30	30	30	30	30	30	30	30	30	A	30	30
SB 117	52	42	11	Post-Secondary Accountability Final Passage	15	15	A-	15	15	15	A-	15	0	15	15	15	15
				2013 Possible	135	135	135	135	135	135	135	135	135	135	105	135	135
				2013 Earned			90	105	105	105	60	105	90	105	75	105	105
				2013 Score %			67	78	78	78	44	78	67	78	71	78	78
				2012-13 Possible	1878	1878	1878	1773	1773	1773	1773	1823	1878	1878	105	1878	1878
				2012-13 Earned			1593	1613	1664	1688	1103	1639	310	919	75	1793	1413
				2012-2013 Cumulative Score %			85	91	94	95	62	90	17	49	71	95	75

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House Score Card

Bill	With LABI	Against LABI	Absent	Description	Bill Value	Vote Value	Thierry, Ledricka	Thompson, Jeff R.	Whitney, Lenar L.	Williams, Alfred C.	Williams, Patrick C.	Willmott, Thomas
HB 160	0	102	3	Teacher Evaluations Final Passage	30	30	0	0	0	0	0	0
HB 321	94	1	10	Civil Jury Trial Final Passage	30	30	30	30	30	30	30	30
HB 472	96	0	9	Class Actions Final Passage	30	30	30	30	30	30	A-	30
HB 589	92	0	13	Class Actions Final Passage	30	30	30	30	30	30	30	30
SB 117	52	42	11	Post-Secondary Accountability Final Passage	15	15	0	15	15	0	0	0
				2013 Possible	135	135	135	135	135	135	135	135
				2013 Earned		90	105	105	90	60	90	
				2013 Score %		67	78	78	67	44	67	
				2012-13 Possible	1878	1878	1878	1878	1773	1878	1878	
				2012-13 Earned		977	1793	1793	778	906	1720	
				2012-2013 Cumulative Score %		52	95	95	44	48	92	

A- Was absent when LABI needed a "yes" vote, or the motion required only a majority or supermajority of those present and voting.
A Was absent when LABI needed a "no" vote and the motion required a majority or supermajority of the elected members.

House Ranking

2012 - 2013 Cumulative %	Last Name	First Name	Party
97	Bishop	Stuart	Republican
96	Hoffmann	Frank	Republican
95	Burford	Richie	Republican
95	Burns	Henry	Republican
95	Carter	Steve	Republican
95	Champagne	Simone	Republican
95	Hollis	Paul	Republican
95	Kleckley	Chuck	Republican
95	Lorusso	Nick	Republican
95	Seabaugh	Alan	Republican
95	Talbot	Kirk	Republican
95	Thompson	Jeff	Republican
95	Whitney	Lenar	Republican
94	Burns	Tim	Republican
94	Henry	Cameron	Republican
94	Morris	Jay	Republican
94	Pearson	Kevin	Republican
94	Ponti	Erich	Republican
94	Schroder	John	Republican
93	Adams	Bryan	Republican
93	Cromer	Greg	Republican
93	Harris	Lance	Republican
93	Huval	Mike	Republican
92	Willmott	Tom	Republican
91	Berthelot	Johnny	Republican
91	Landry	Nancy	Republican
91	Schexnayder	Clay	Republican
90	Broadwater	Chris	Republican
90	Pylant	Steven	Republican
90	Simon	Scott	Republican
89	Garofalo	Ray	Republican
89	Pugh	Steve	Republican
88	Billiot	Robert	Democrat
88	Fannin	Jim	Democrat
88	Foil	Franklin	Republican
88	Howard	Frankie	Republican
87	Chaney	Bubba	Republican
87	Hodges	Valarie	Republican
87	Lopinto	Joe	Republican
85	Robideaux	Joel	Republican
84	Carmody	Tom	Republican
83	Havard	Kenny	Republican
82	Hensgens	Bob	Republican
80	Danahay	Mike	Democrat
80	Leopold	Chris	Republican
79	Miller	Gregory	Republican
78	Connick	Pat	Republican
78	Ivey	Barry	Republican
76	Barras	Taylor	Republican
75	Thibaut	Major	Democrat
74	Dove	Gordie	Republican
73	Guinn	Johnny	Republican
73	Morris	Jim	Republican

2012 - 2013 Cumulative %	Last Name	First Name	Party
72	Abramson	Neil	Democrat
71	Stokes	Julie	Republican
64	Hazel	Chris	Republican
62	Shadoin	Rob	Republican
61	Geymann	Brett	Republican
60	Brown	Terry	Independent
60	Jackson	Girod	Democrat
59	Badon	Austin	Democrat
59	Harrison	Joe	Republican
59	Mack	Sherman	Republican
59	Moreno	Helena	Democrat
59	Richard	Dee	Independent
58	Pope	Rogers	Republican
56	Lambert	Eddie	Republican
55	Arnold	Jeff	Democrat
52	Thierry	Ledricka	Democrat
51	Greene	Hunter	Republican
51	Jefferson	Patrick	Democrat
49	Honore'	Dalton	Democrat
49	Jones	Sam	Democrat
49	Ortego	Stephen	Democrat
49	St. Germain	Karen	Democrat
48	Williams	Patrick	Democrat
46	Anders	Andy	Democrat
44	Williams	Alfred	Democrat
43	Leger	Walt	Democrat
41	Norton	Barbara	Democrat
39	Gisclair	Truck	Democrat
38	Reynolds	Gene	Democrat
36	Guillory	Mickey	Democrat
36	Price	Ed	Democrat
36	Ritchie	Harold	Democrat
34	Hill	Dorothy Sue	Democrat
32	Pierre	Vincent	Democrat
31	Landry	Terry	Democrat
31	LeBas	Bernard	Democrat
30	Gaines	Randal	Democrat
28	Bishop	Wesley	Democrat
27	Brossett	Jared	Democrat
26	Barrow	Regina	Democrat
24	Armes	James	Democrat
24	Burrell	Roy	Democrat
24	Franklin	AB	Democrat
24	Montoucet	Jack	Democrat
22	Edwards	John	Democrat
22	Jackson	Katrina	Democrat
22	Johnson	Robert	Democrat
21	Dixon	Herbert	Democrat
21	Hunter	Marcus	Democrat
20	James	Ted	Democrat
19	Cox	Kenny	Democrat
17	Smith	Pat	Democrat

House Votes

HB 160, Reynolds—Tenure Reform and Teacher Evaluation—This bill would have delayed the full implementation of critical components of teacher evaluation and tenure reform passed in prior years. LABI opposed this effort to delay teacher evaluations that will be based in part (50%) on student academic growth.

In recent years, the Legislature passed significant reforms to Louisiana teacher evaluations and tenure. HB 160 would have delayed the full implementation of the new teacher evaluation law and complementary tenure reforms. It was promoted as a necessary delay to tweak the system before full consequences occur, but the bill was not necessary, as no teacher could lose his/her job this year nor next due to receiving an “Ineffective” evaluation. This allows for sufficient time to make any necessary adjustments before any job is threatened.

The House agreed to the delay, but a strong, pro-reform Senate Education Committee blocked HB 160, defeating it by a 4-3 vote (to defer). A vote AGAINST final passage was a vote WITH LABI. The bill passed 102-0-3.

HB 321, Huval—Jury Trial—This bill originally would have allowed for expedited jury trials in certain civil cases, using only six jurors and limiting each side to three hours of case presentation. Amended in the House Civil Law Committee to allow such a trial, even when the amount of damages is less than \$50,000 (the amount usually required for a jury trial) if both parties agree. A vote FOR final passage was a vote WITH LABI. Passed House 95-0-10.

HB 472, Morris—Class Actions—This bill requires that a class action cannot be maintained if the court would be required to look at the merits of any individual class member’s claim to determine whether or not the individual would fall within the defined class. It also requires that the plaintiff bears the burden of proof at the hearing on the motion to certify a class. A vote FOR final passage was a vote WITH LABI. Passed House 96-0-9.

HB 589, Abramson—Latent Diseases—This bill originally stipulated that if a defendant is granted a jury trial, that right remains with the defendant, even if the plaintiff later stipulates that his cause of action does not exceed \$50,000. A vote FOR final passage was a vote WITH LABI. Passed House 92-0-13.

SB 117, Appel—Higher Education Accountability—This bill would have created an Outcomes-Based Funding Task Force and, along with its companion bill, SB 118, would have utilized a national peer comparison model to reward colleges financially for performance. These bills would have injected true accountability into higher education, but Sen. Appel’s pro-reform votes in the Senate, along with end-of-session politics, caused both bills to be blocked in the House.

Louisiana’s higher education system lacks meaningful accountability and does little to recognize the varying role, scope, and missions of its 14 public universities. These bills would have created comparisons for outcomes with peer institutions in other states, ensuring performance measures that are relevant to each university and true reward and consequences for performance.

A vote FOR final passage was a vote WITH LABI. On the first vote, the bill failed 52-42-11. Upon reconsideration, the bill failed 40-60-5. The Voting Record is based on the original vote. SB 118 was not moved in the House.

Senate Score Card

Bill	With LABI	Against LABI	Absent	Description	Bill Value	Vote Value	Adley, Robert	Alario, John A.	Allain, R. L. "Bret"	Amedee, Jody	Appel, Conrad	Broome, Sharon Weston	Brown, Troy E.	Buffington, Sherri Smith	Chabert, Norby	Claitor, Dan
SB 74				Special Property Tax Assessments	50											
	27	8	4	Final Passage		50	0	50	50	50	50	50	50	0	50	50
SB 117				Post-Secondary Accountability	30											
	26	8	5	Final Passage		30	30	A-	30	30	30	0	0	30	30	30
SB 118				Post-Secondary Accountability	30											
	27	7	5	Final Passage		30	30	A-	30	30	30	0	0	30	30	30
SB 153				Alleged Pay Discrimination	190											
	18	19	2	Final Passage		190	190	190	190	0	190	0	0	0	0	190
SB 200				Salt Dome Moratorium	80											
	20	15	4	Final Passage		40	40	40	0	40	40	40	0	40	A	40
	19	17	3	Reconsideration		40	40	40	0	40	0	0	A	40	40	40
SB 206				School Governance	30											
	22	16	1	Final Passage		30	0	30	30	30	30	0	0	0	30	30
SB 259				Retirement Final Avg. Calculation	30											
	16	20	3	Final Passage		15	0	15	15	0	15	0	0	0	0	15
	20	17	2	Reconsideration		15	0	15	15	0	15	0	0	0	15	15
HB 472				Class Actions	30											
	36	0	3	Final Passage		30	30	30	30	30	30	30	30	30	30	30
HB 589				Class Actions	30											
	35	0	4	Final Passage		30	A-	30	30	30	30	30	30	30	30	30

2013 Possible 500 500 500 500 500 500 500 500 460 500 460 500

2013 Earned 360 440 420 280 460 150 110 200 255 500

2013 Score % 72 88 84 56 92 30 24 40 55 100

2012-13 Possible 2096 2096 2096 2096 2096 2096 2096 2096 2056 2096 2056 2096

2012-13 Earned 1556 2036 1871 1821 1981 725 1556 1461 1671 1684

2012-2013 Cumulative Score % 74 97 89 87 95 35 76 70 81 80

A- Was absent when LABI needed a "yes" vote, or the motion required only a majority or supermajority of those present and voting.

A Was absent when LABI needed a "no" vote and the motion required a majority or supermajority of the elected members.

Senate Score Card

Bill	With LABI	Against LABI	Absent	Description	Bill Value	Vote Value	Cortez, Page	Crowe, A. G.	Donahue, Jack	Dorsey-Colomb, Yvonne	Erdey, Dale M.	Gallot, Rick	Guillory, Elbert L.	Heitmeier, David	Johns, Ronnie	Kostelka, Robert W. "Bob"
SB 74				Special Property Tax Assessments	50											
	27	8	4	Final Passage		50	50	50	50	50	50	A	A	0	0	0
SB 117				Post-Secondary Accountability	30											
	26	8	5	Final Passage		30	30	30	30	0	A-	0	30	0	30	30
SB 118				Post-Secondary Accountability	30											
	27	7	5	Final Passage		30	30	30	30	0	A-	0	30	0	30	30
SB 153				Alleged Pay Discrimination	190											
	18	19	2	Final Passage		190	190	190	190	0	190	0	A	0	190	0
SB 200				Salt Dome Moratorium	80											
	20	15	4	Final Passage		40	0	0	0	0	0	40	A	0	40	40
	19	17	3	Reconsideration		40	0	0	40	0	40	40	A	40	0	40
SB 206				School Governance	30											
	22	16	1	Final Passage		30	30	30	30	0	0	0	30	30	30	0
SB 259				Retirement Final Avg. Calculation	30											
	16	20	3	Final Passage		15	15	15	15	0	0	A-	15	0	15	0
	20	17	2	Reconsideration		15	15	15	15	0	0	0	15	0	15	0
HB 472				Class Actions	30											
	36	0	3	Final Passage		30	30	30	30	30	30	A-	A-	30	30	30
HB 589				Class Actions	30											
	35	0	4	Final Passage		30	30	30	30	30	30	30	A-	30	30	30

2013 Possible 500 500 500 500 500 500 450 180 500 500 500

2013 Earned 420 420 460 110 340 110 120 130 410 200

2013 Score % 84 84 92 22 68 24 67 26 82 40

2012-13 Possible 2096 2096 2096 2096 2096 2096 2046 1776 2096 2096 2096

2012-13 Earned 1921 1941 1984 445 1070 445 1661 1213 1518 1082

2012-2013 Cumulative Score % 92 93 95 21 51 22 94 58 72 52

A- Was absent when LABI needed a "yes" vote, or the motion required only a majority or supermajority of those present and voting.

A Was absent when LABI needed a "no" vote and the motion required a majority or supermajority of the elected members.

Senate Score Card

Bill	With LABI	Against LABI	Absent	Description	Bill Value	Vote Value	LaFleur, Eric	Long, Gerald	Martiny, Daniel "Danny"	Mills, Fred H.	Morrell, Jean-Paul J.	Morrish, Dan "Blade"	Murry, Edwin R.	Nevers, Ben	Peacock, Barrow	Perry, Jonathan "J. P."
SB 74				Special Property Tax Assessments	50											
	27	8	4	Final Passage		50	50	50	50	50	50	0	50	50	50	50
SB 117				Post-Secondary Accountability	30											
	26	8	5	Final Passage		30	A-	30	30	30	A-	30	0	30	30	30
SB 118				Post-Secondary Accountability	30											
	27	7	5	Final Passage		30	A-	30	30	30	A-	30	0	30	30	30
SB 153				Alleged Pay Discrimination	190											
	18	19	2	Final Passage		190	0	190	190	0	0	190	0	0	190	190
SB 200				Salt Dome Moratorium	80											
	20	15	4	Final Passage		40	0	40	40	0	0	0	40	40	40	0
	19	17	3	Reconsideration		40	0	A	40	0	0	0	40	0	0	0
SB 206				School Governance	30											
	22	16	1	Final Passage		30	30	30	30	30	0	0	0	0	30	0
SB 259				Retirement Final Avg. Calculation	30											
	16	20	3	Final Passage		15	0	0	15	15	0	15	0	0	15	15
	20	17	2	Reconsideration		15	15	0	15	15	0	15	0	A-	15	15
HB 472				Class Actions	30											
	36	0	3	Final Passage		30	30	30	30	30	30	30	30	30	30	30
HB 589				Class Actions	30											
	35	0	4	Final Passage		30	30	30	30	30	A-	30	30	30	30	30

2013 Possible 500 500 460 500 500 500 500 500 500 500 500 500

2013 Earned 155 430 500 230 80 340 190 210 460 390

2013 Score % 31 93 100 46 16 68 38 42 92 78

2012-13 Possible 2096 2096 2056 2096 2096 2096 2096 2096 2096 2096

2012-13 Earned 706 1746 2001 1180 736 1400 525 758 2056 1350

2012-2013 Cumulative Score % 34 85 95 56 35 67 25 36 98 64

A- Was absent when LABI needed a "yes" vote, or the motion required only a majority or supermajority of those present and voting.

A Was absent when LABI needed a "no" vote and the motion required a majority or supermajority of the elected members.

Senate Score Card

Bill	With LABI	Against LABI	Absent	Description	Bill Value	Vote Value	Peterson, Karen Carter	Riser, Neil	Smith, Gary	Smith, John R.	Tarver, Gregory	Thompson, Francis	Walsworth, Mike	NWard, Rick	White, Mack "Bodi"
SB 74				Special Property Tax Assessments	50										
	27	8	4	Final Passage		50	50	50	50	A	0	0	50	A	50
SB 117				Post-Secondary Accountability	30										
	26	8	5	Final Passage		30	0	30	30	A	0	30	30	30	30
SB 118				Post-Secondary Accountability	30										
	27	7	5	Final Passage		30	0	30	30	A	30	30	30	30	30
SB 153				Alleged Pay Discrimination	190										
	18	19	2	Final Passage		190	0	190	0	A	0	0	190	0	190
SB 200				Salt Dome Moratorium	80										
	20	15	4	Final Passage		40	0	40	40	A	40	40	40	0	A
	19	17	3	Reconsideration		40	0	40	40	40	40	0	40	0	40
SB 206				School Governance	30										
	22	16	1	Final Passage		30	0	30	30	A	0	0	30	30	30
SB 259				Retirement Final Avg. Calculation	30										
	16	20	3	Final Passage		15	0	0	15	A	0	0	15	A-	0
	20	17	2	Reconsideration		15	0	15	15	A	0	0	15	0	15
HB 472				Class Actions	30										
	36	0	3	Final Passage		30	30	30	30	30	A-	30	30	30	30
HB 589				Class Actions	30										
	35	0	4	Final Passage		30	30	30	30	A-	30	30	30	30	30

2013 Possible	500	500	500	500	100	500	500	500	450	460
2013 Earned		110	485	310	70	140	160	500	150	445
2013 Score %		22	97	62	70	28	32	100	33	97
2012-13 Possible	2096	2096	2096	2096	1696	2096	2096	2096	2046	2056
2012-13 Earned		390	1856	1351	885	1396	1076	2044	1269	1959
2012-2013 Cumulative Score %		19	89	64	52	67	51	98	62	95

A- Was absent when LABI needed a "yes" vote, or the motion required only a majority or supermajority of those present and voting.
A Was absent when LABI needed a "no" vote and the motion required a majority or supermajority of the elected members.

Senate Ranking

2012 - 2013 Cumulative %	Last Name	First Name	Party
98	Peacock	Barrow	Republican
98	Walsworth	Mike	Republican
97	Alario	John	Republican
95	Appel	Conrad	Republican
95	Donahue	Jack	Republican
95	Martiny	Danny	Republican
95	White	Mack "Bodi"	Republican
94	Guillory	Elbert Lee	Republican
93	Crowe	A.G.	Republican
92	Cortez	Patrick	Republican
89	Allain	R.L. "Bret"	Republican
89	Riser	Neil	Republican
87	Amedee	Jody	Republican
85	Long	Gerald	Republican
81	Chabert	Norby	Republican
80	Claitor	Daniel	Republican
76	Brown	Troy	Democrat
74	Adley	Robert	Republican
72	Johns	Ronnie	Republican
70	Buffington	Sherri	Republican
67	Morrish	Dan	Republican
67	Tarver	Gregory	Democrat
64	Perry	Jonathan	Republican
64	Smith	Gary	Democrat
62	Ward	Rick	Democrat
58	Heitmeier	David	Democrat
56	Mills	Fred	Republican
52	Kostelka	Robert	Republican
52	Smith	John	Republican
51	Erdey	Dale	Republican
51	Thompson	Francis	Democrat
36	Nevers	Ben	Democrat
35	Broome	Sharon	Democrat
35	Morrell	Jean-Paul	Democrat
34	LaFleur	Eric	Democrat
25	Murray	Edwin	Democrat
22	Gallot	Rick	Democrat
21	Dorsey-Colomb	Yvonne	Democrat
19	Peterson	Karen	Democrat

Senate Votes

SB 74, Johns—Business Property Tax, Special Level Assessments/Removal of Income Test—Under current law, seniors and certain veterans and disabled individuals may be granted special level property tax assessments (“freezes”), provided their income does not exceed about \$70,000 (2013) of adjusted gross income. This constitutional amendment would have expanded these property tax “freezes” by removing the income restriction entirely, thereby granting the property tax freezes regardless of income and including those homeowners not even on fixed incomes. Our homestead exemption and special assessment freezes are already among the most generous in the country. About 40% of all homeowners statewide still pay zero property tax. A significant number of homesteads already benefit from frozen assessments — as high as 30% in one parish. Freezing these assessments is not a “true” tax break, because the property taxes from these homeowners will be shifted to businesses, renters, and all other homeowners whose property taxes increase year after year.

Following debate on this bill, Sen. Johns moved for final passage. A vote of two-thirds of the Senate (26 senators) would have been required for the Senate to finally pass the bill. A vote AGAINST final passage was a vote WITH LABI. The motion failed by a vote of 8-27-4, with 26 votes needed for final passage.

SB 117 and SB 118, Appel—Higher Education Accountability—SB 117 would have created an Outcomes-Based Funding Task Force and, along with its companion bill, SB 118, also by Sen. Appel, would have utilized a national peer comparison model to reward colleges financially for performance. These bills would have injected true accountability into higher education, but Sen. Appel’s pro-reform votes in the Senate, along with end-of-session politics, caused both bills to be blocked in the House.

Louisiana’s higher education system lacks meaningful accountability and does little to recognize the varying role, scope, and missions of its 14 public universities. These bills would have created comparisons for outcomes with peer institutions in other states, ensuring performance measures that are relevant to each university and true reward and consequences for performance. A vote FOR final passage on SB 117 was a vote WITH LABI. The bill passed 26-8-5. A vote FOR final passage on SB 118 was a vote WITH LABI. The bill passed 27-7-5.

SB 153, Murray—Alleged Pay Discrimination—This bill would have exposed employers to lawsuits by disgruntled employees who allege they were paid less “for the same or substantially similar work” than their co-workers of the opposite sex because of gender. Federal and state laws already exist that provide remedies for such discrimination, but this bill would have established a new cause of action, increasing the number of lawsuits against Louisiana employers.

The bill’s proponents promoted it as “equal pay for women” legislation, but this was merely a sales pitch since there are laws currently on the books that permit individuals of either sex who have been subjected to true pay discrimination to obtain redress. The creation of a new cause of action to allow unhappy employees to sue their employers would only burden the courts and increase the cost of doing business in Louisiana. Were this bill enacted, employers with perfectly sound reasons for their pay differentials could have been dragged into court to prove it, incurring costs of time, effort and legal fees spent in defending themselves.

Enactment of the bill would also have had an adverse impact on Louisiana's economic development. It would have discouraged business investment in the state. Businesses are very sensitive to laws governing the management of their workforces—especially laws regarding pay scales—because these laws substantially impact their bottom lines. Businesses tend not to locate or remain in states where their employees have more opportunities to sue them. The states of Alabama, Mississippi and Texas do not have such a law.

A vote AGAINST final passage was a vote WITH LABI. The bill failed, 19 – 18 – 2, as it did not garner the 20 votes required for final passage. The bill was brought up later on reconsideration, at which time it was amended to apply only to state employees. LABI had no position on the amendment and no position on the bill once it was amended in this manner. As amended, the bill passed the Senate and eventually the House.

SB 200, Mills—Salt Domes—This bill originally would have prohibited the issuance of permits to construct or operate salt dome caverns until certain conditions are met; as amended would prohibit permits for new caverns if underlying a state-owned water bottom that had previously failed due to man-made causes; would exempt SPR and LOOP; as further amended on reconsideration, would have also imposed a 5-year moratorium on permits and would have applied the provisions to parishes within the coastal zone, west of the Atchafalaya, and with a population of 100,000 or less. A vote AGAINST final passage was a vote WITH LABI. Failed, 15-29-4, on May 7, 2013. A vote AGAINST final passage on reconsideration was a vote WITH LABI. Failed, 17-19-3, on May 21, 2013.

SB 206, LaFleur—School Governance—This bill would have allowed principals in high performing schools to have increased authority regarding personnel and budgeting. This earned autonomy governance model would allow school leaders to actually select their staffs and manage their budgets, operating somewhat like charter schools, rather than as a central office down model.

Though it would appear to just be common sense for school leaders, who are held accountable for school performance, to have control over their teams and budgets, in the real world of education bureaucracy, that's not how it works. The central office determines staffing models and school finances in most districts, and student learning needs are often relegated behind adult needs in priority pecking orders. After a fiery Senate floor debate led by Sen. LaFleur, the Senate passed SB 206. Unfortunately, the education bureaucracy lobby, specifically school board lobbyists funded primarily by Louisiana citizens' tax dollars (most local school boards pay dues to the state association), stopped the bill in the House Education Committee. A vote FOR final passage was a vote WITH LABI. The bill passed 22-16-1.

SB 259, Peacock—Retirement Final Average Calculation—This bill was a LABI-supported retirement reform bill that only applied to new hires and only focused on Louisiana Firefighters. The Firefighters Retirement System is one of the last remaining systems not utilizing a 60-month final average calculation (FAC) for new hires. This approach would have saved taxpayers who contribute the firefighter's retirement over \$4.2 million dollars in the first five years.

Following the Senate floor debate on this bill, Sen. Peacock moved for final passage. A majority vote of the Senate (20 senators) would have been required for the Senate to finally pass the bill. A vote FOR final passage was a vote WITH LABI. The motion failed by a vote of 16-20-3. The next day Sen. Peacock made a motion to

reconsider SB 259 on the Senate floor. During his second attempt Sen. Cortez and Sen. Guillory took the Senate floor microphone and spoke in support of the bill.

A vote FOR final passage was a vote WITH LABI. The reconsideration motion passed by a vote of 20-17-2. The retirement reform bill eventually lost its momentum when it failed to received enough votes to pass the House retirement committee with a vote of 3-4-5.

HB 472, Jay Morris—Class Actions—This bill requires that a class action cannot be maintained if the court would be required to look at the merits of any individual class member’s claim to determine whether or not the individual would fall within the defined class. It also requires that the plaintiff bears the burden of proof at the hearing on the motion to certify a class. A vote FOR final passage was a vote WITH LABI. Passed Senate 36-0-3.

HB 589, Abramson—Latent Diseases—This bill stipulates that if a defendant is granted a jury trial, that right remains with the defendant, even if the plaintiff later stipulates that his cause of action does not exceed \$50,000. A vote FOR final passage was a vote WITH LABI. Passed Senate 35-0-4.