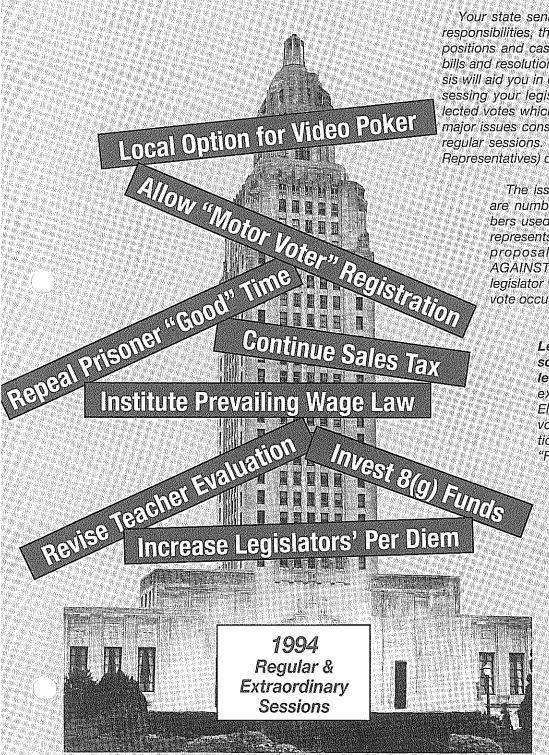


Your Legislators' Voting Record



Your state senator and representative have many responsibilities, the most important of which is taking positions and casting votes on the several thousand bills and resolutions introduced each year. This analysis will aid you in exercising your responsibility for assessing your legislators' performance. PAR has selected votes which reflect legislators' positions on 20 major issues considered during the 1994 special and regular sessions. Tables 1 (Senate) and 2 (House of Representatives) display the results.

The issues described in the following text are numbered to correspond with the numbers used in the tables. An "F" in the tables represents a vote FOR the particular issue or proposal, while an "A" indicates a vote AGAINST the proposal. An "O" shows the legislator was recorded as ABSENT when the vote occurred.

Note: As in the 1993 "Your Legislators' Voting Record," for some issues a "no" vote meant the legislator favored the proposal. For example, Issue #11 "Allow Parish Elections on Video Poker" shows a vote against removing the local elections amendment in the Senate as an "F", or a vote for the proposal.

Four types of votes are used: (1) a vote to change a bill through amendment(s), (2) final passage of a bill (the vote to pass a bill out of the House or Senate), (3) concurrence in amendments of the other house, and (4) final passage with adoption of a conference committee report (usually a compromise between the two houses' versions of a bill). Votes are as reported in the official journal of each house.

Public Affairs Research Council of Louisiana, Inc.

Unless otherwise noted, all bills discussed are from the 1994 regular session.

Taxes

Issue #1: Continue 3% State Sales Tax on Food and Utilities (HB 52)

Renew the temporary 3% state sales tax on food, utilities and other traditionally exempt items by suspending those exemptions until June 30, 1996. This continues the collection of about \$305 million annually for two more fiscal years.

Proponents: Argued the twoyear renewal was essential to maintain existing programs; balance the 1995 proposed \$11.7 billion budget and help prepare for the severe expected revenue shortfall in 1996 of over \$685 million; and avoid a special session in 1995, since tax measures cannot be considered in an odd-numbered year regular session.

Opponents: Argued it was a regressive tax—falling most heavily on those least able to pay; would have a negative impact on certain industries; and, as a temporary tax, should not be renewed for more than one year at a time in case alternative revenues become available.

The bill was amended in the Senate to remove a House requirement that one cent of the tax be lifted in the event New Orleans casino revenues became available.

A vote for (F) in the House is a yes vote for concurrence in the Senate amendment.

A vote for (F) in the Senate is a yes vote on final passage. House vote: 71 Yes to 32 No Senate vote: 29 Yes to 9 No Final disposition: Passed, Act 20

Issue #2: Increase Hazardous Waste Taxes (HB 428)

Increase taxes paid by business on the generation, disposal, incineration and injection of hazardous wastes by \$23 million to fund the state's hazardous waste site cleanup program. The bill also creates a five-member Environmental Site Cleanup Committee to advise the Department of Environmental Quality on spending the tax revenues.

Proponents: Argued the proposed higher taxes would discourage importation of hazardous waste; encourage reduced generation instate; and, provide funding to identify, test and clean up the state's 1,200 abandoned and inactive hazardous waste sites.

Opponents: Argued chemical companies would pay most of the tax although they were only responsible for a small part of the current waste site problem; a variety of businesses would have increased tax burdens; and, the politically connected committee would determine how the tax revenues would be spent.

A vote for (F) is a yes vote on final passage. House vote: 47 Yes to 53 No Senate vote: None Final disposition: Failed

Issue #3: Require Twothirds Vote for Any New State Tax (HB 66)

Ensure, by constitutional amendment, that the Louisiana Recovery District (LRD) will levy no more taxes nor issue more debt and expire in 1999. The bill also requires a two-thirds vote in each house of the Legislature to authorize any similar statewide special district to levy or increase a tax in the future.

A proposed constitutional amendment requires 70 votes in the House and 26 votes in the Senate for passage.

Proponents: Argued limits on the use of special districts to levy taxes

for state purposes were needed to ensure constitutional provisions were followed. Cited the following specific constitutional provisions that the LRD was used to skirt: prohibiting state borrowing to pay operating expenses, requiring a two-thirds legislative vote to increase taxes, and prohibiting enactment of new taxes in odd-numbered year regular sessions.

Opponents: Were not in evidence on this issue.

The bill was amended in the Senate to require two-thirds vote in each house for any new taxes.

A vote for (F) in the House is a yes vote for concurrence in Senate amendments.

A vote for (F) in the Senate is a yes vote on final passage. House vote: 103 Yes to 0 No Senate vote: 33 Yes to 0 No Final disposition: Passed and approved by voters at October 1, 1994 election

Finances

Issue #4: Adopt State Operating Budget (General Appropriation Bill) (HB 1)

Enact state operating budget through the general appropriation bill which appropriates state and federal funds for general operating expenses of the government. The debates centered around various reports indicating that the state would lose in excess of \$500 million in federal funds during the 1995-96 fiscal year and how best to address this expected loss.

Proponents: Argued increased revenues from gambling sources would help alleviate the expected future loss of federal funds; it was

uncertain that federal funds would be lost; state employees and teachers deserved a pay raise; and, the nounts appropriated were necessary to provide essential services.

Opponents: Argued warnings from fiscal analysts about next year's loss of over \$500 million were being ignored; pay raises for state employees and teachers were being promised from highly speculative sources; appropriations exceeded official revenue estimates; and, non-recurring funds were used for recurring expenses in violation of the constitution.

A vote for (F) is a yes vote on final passage with adoption of the conference committee report:

House vote: 62 Yes to 40 No Senate vote: 29 Yes to 5 No Final disposition: Passed, Act 15

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Issue #5: Adopt State Capital Outlay Budget "YB 2)

Enact the capital outlay bill which finances the state construction program. The bill appropriates \$892 million in cash and authorizes \$884 million in projects financed by general obligation bonds, of which about \$200 million are expected to be sold.

Proponents: Argued the bill addressed the state's most pressing capital outlay needs; constitutional requirements for prioritizing projects, studying projects, and borrowing limits were met.

Opponents: Argued some approved projects did not have completed feasibility studies, approved projects far exceeded the number that would actually be financed, and road projects to be funded were unspecified.

A vote for (F) is a yes vote on final passage with adoption of the conference committee report.

House vote: 86 Yes to 16 No Senate vote: 30 Yes to 3 No Final disposition: Passed, Act 45

Issue #6: Use Surplus Funds to Retire Debt (HB 384)

Allocate surplus funds from the prior year (1992-93) for a variety of projects, including \$10 million for rural road repairs, \$20 million for legal judgments against the state, \$4.5 million for recreational facilities at Toledo Bend and \$2.5 million for renovation of a Shreveport football stadium.

The House floor introduced an amendment to require about \$48 million in surplus funds be used for early retirement of state debt.

Proponents: Argued the state constitution, as recently amended, required surplus funds be used only for the early retirement of state debt and the other proposed projects

were simply gifts for the politicallyconnected.

Opponents: Argued the surplus occurred before the citizens approved the constitutional amendment and could therefore be appropriated by the Legislature for projects that were important for economic development.

A vote for (F) in the House is a yes vote for adopting the House floor amendment House vote: 28 Yes to 69 No Senate vote: None Final disposition: Amendment failed

Issue #7: Use Surplus Funds to Maintain Colleges (HB 384)

Allocate surplus funds from the prior year (1992-93) for a variety of projects, including \$10 million for rural road repairs, \$20 million for legal judgments against the state, \$4.5 million for recreational facilities at Toledo Bend and \$2.5 million to renovate a Shreveport football stadium.

The Senate introduced an amendment to require \$6.5 million of the surplus funds be used for maintenance needs of the state's colleges.

Proponents: Argued maintaining college facilities should be a top priority and, since the surplus accrued

mainly as a result of budget cuts to the colleges earlier that year, they should receive a portion.

Opponents: Argued the allocation of \$6.5 million for colleges would divert the money from projects that would have an important economic impact in the state.

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A vote for (F) in the Senate is a yes vote for adopting the Senate amendment House vote: None Senate vote: 13 Yes and 21 No Final disposition: Amendment falled

Business and Labor

Issue #8: Institute Prevailing Wages (HB 71, Third Extraordinary Session of 1994)

Reinstate a law requiring contractors on state projects to pay workers the wages prevailing in the area, as determined by the state Department of Labor. Louisiana had a prevailing wage law from 1968 until it was repealed in 1988.

Proponents: Argued without a prevailing wage law, union contractors are at a disadvantage in bidding

public jobs; construction quality is compromised by contractors using lower-skilled, low-wage workers; contractors pay low wages and pocket the difference; and, construction costs are not demonstrably lower.

Opponents: Argued that historically, prevailing wages were set

usually at the higher union rates; the law would raise the cost of state construction projects by 10 to 15 percent—an estimated \$20 million to \$30 million a year; and, that repeal of the prevailing wage law did not hurt the state's construction workers, but also may have spurred economic growth.

A vote for (F) is a yes vote on final passage.
House vote: 46 Yes to 56 No Senate vote: None
Final disposition: Falled

Issue #9: Raise Unemployment Benefits, Lower Employer Tax (HB 245, Third Extraordinary Session of 1994)

Increase maximum weekly unemployment compensation benefits from \$181 to \$205 and reduce the taxable wage base on which employers pay into the insurance program from \$8,500 to \$7,500 per worker.

Proponents: Argued Louisiana's jobless benefits are among the lowest in the nation; the **average** weekly benefits would rise only from \$119 to \$133; and employer's could be given a respite from the high unemployment insurance tax rates they have been required to pay in recent years.

Opponents: Argued the trust fund which pays jobless benefits could again be depleted in an economic downturn, as it was in the 1980's, requiring large tax surcharges to replenish it; and, increases in benefits and reduced taxes would undermine the recently restored trust fund balance.

A vote for (F) is a yes vote on final passage. House vote: 39 Yes to 63 No Senate vote: None Final disposition: Failed

Gambling

Issue #10: Give New Orleans Race Track a Tax Break (HB 479)

Give \$2.5 million in annual state revenues from video poker machines operated at the New Orleans Fair Grounds and its off-track betting (OTB) parlors to support borrowing to rebuild the privately owned racetrack facility recently destroyed by fire.

Proponents: Argued the aid was needed to help preserve jobs in an economically depressed area and in a financially troubled industry; the state has helped other businesses in financial trouble; and, gives others incentives to remain in the state.

Opponents: Argued the state should not pay for the bad business decisions of the track owners who should have been adequately insured; the owners are making enough money on their OTB parlors and video poker machines to finance rebuilding themselves; and, the state needs video poker revenues more than the track.

The bill was amended in the Senate to limit the tax break and allow the Legislature to withdraw the aid if and when it is no longer necessary.

A vote for (F) in the House is a yes vote for concurrence in Senate amendments.

A vote for (F) in the Senate is a yes vote on final passage. House vote: 74 Yes to 23 No Senate vote: 24 Yes to 8 No Final disposition: Passed, Act 44

Issue #11: Allow Parish Elections on Video Poker (HB 419, Third Extraordinary Session of 1994)

Allow, by amendment, each parish to hold local elections to prohibit video poker.

Proponents: Argued that vote should have a chance to decide for or against video poker in their parish and that no other state in the nation ever legalized gambling without giving the people an opportunity to vote on the issue.

Opponents: Argued that the best way to control video poker was to strengthen and tighten the current law and that including the amendments on local options would jeopardize the chances of the entire bill being passed and video poker being reined in.

The House vote was on an amendment to allow local elections on video poker. A vote for (F) is a yes vote on adopting the amendment. House vote: 85 Yes to 12 No

Senate vote: None

Final disposition: Amendment passed in House, but was later removed by a Senate committee

The Senate vote was to remove a Senate floor amendment that allowed local elections on video poker. A vote for (F) is a no vote on removing the amendment.

House vote: None

Senate vote: 20 Yes to 17 No Final disposition: Amendment removed

Education

Issue #12: Revise Teacher Evaluation (SB 27, Third Extraordinary Session of 1994)

Replace or repeal provisions of the 1988 Children First Act and other laws dealing with teacher evaluation, internship, renewable certification and career options for superior teachers with a new internate teacher assessment program and school personnel evaluation program. The intern assessment program would be a statewide plan to determine if an intern teacher *can* teach, I hile the evaluation program would be a local process developed within state guidelines to determine if an experienced teacher *does* teach.

Proponents: Argued the proposal, unlike the 1988 act, emphasizes professional development for all instead of getting rid of teachers, was fair and had been properly field-tested; has a strong statewide internship program; and, gives local districts flexibility and control over evaluation of experienced teachers.

Opponents: Argued that the 1988 law was fair and workable but had never been given a chance because teachers and their unions feared the state-developed evaluation instrument and going back to local district evaluation of experienced teachers would result in relatively few teachers being found unsatisfactory.

A vote for (F) is a yes vote on final passage. House vote: 102 Yes to 0 No Senate vote: 34 Yes to 0 No Final disposition: Passed, Act 1

Issue #13: Allow Stock Investment for the Education Trust Fund (SB 64, Third Extraordinary Session of 1994)

Authorize, by constitutional amendment, the state treasurer to invest up to 35% of the Education Quality Trust Fund in stocks, using procedures provided by law.

As a constitutional amendment, 70 votes in the House and 26 votes in the Senate are required for passage.

Proponents: Argued the permanent trust fund should take advantage of potential long-term growth and is the only major trust fund in the nation not allowed to purchase stocks; stocks historically have had

higher earnings than bond investments; and, the fund could have earned an additional \$319 million if it had been diversified with 25% in stocks.

Opponents: Argued that while stock investments may have higher earnings they also have higher risks due to the volatility of the market and that investments might be made in politically favored companies.

The bill was amended in the House to include procedures for stock investments.

A vote for (F) in the House is a yes vote on final passage.

A vote for (F) in the Senate is a yes vote for concurrence in House amendments.

House vote: 95 Yes to 3 No Senate vote: 32 Yes to 0 No Final disposition: Passed and approved by voters at October 1, 1994 election

Orime

Issue #14: Add Penalties for Hate Crimes (HB 130, Third Extraordinary Session of 1994)

Define a hate crime as an illegal act directed against individuals or groups based upon their actual or perceived race, age, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry; permit additional sentencing for hate crimes; provide police training to identify and respond to hate crimes; and, require collection of data on these crimes.

Proponents: Argued hate crimes are not just intended against individuals, but entire groups of people and additional penalties would serve as an added deterrent to hate crimes.

Opponents: Argued the bill violated the First Amendment rights to freedom of expression; the legislation would label certain motives in crimes to be worse than others; and. penalties should not be mandatory in sentencing.

A vote for (F) is a yes vote on final passage: House vote: 39 Yes to 59 No Senate vote: None Final disposition; Failed

Issue #15: Repeal Good Time (SB 123, Third Extraordinary Session of 1994)

Make persons convicted of second offenses of violent crimes ineligible for diminished sentences for good behavior—"good time."

Proponents: Argued the measure would deter crime by discouraging first-time offenders from returning to jail and would protect citizens by keeping violent repeat offenders off the streets longer by requiring them to serve full sentences.

Opponents: Argued the measure would aggravate the state's current prison overcrowding situation, would cost the state hundreds of millions of dollars more each year, remove the incentive for good behavior, and worsen behavior problems in prison.

A vote for (F) is a yes vote on final passage. House vote: 95 Yes to 5 No Senate vote: 34 Yes to 0 No Final disposition: Passed, Act 150

Issue #16: Expand Use of Adult Trials for Juveniles (SB 43, Third Extraordinary Session of 1994)

Lower the age from 16 to 15 at which juveniles accused of the most serious violent crimes must be prosecuted as adults. Expand the list of crimes which the district attorney may prosecute juveniles age 15 and over as adults. Lower the age from 15 to 14 and extend the list of

crimes for which a hearing may be held to transfer a juvenile to adult criminal court. Also extend the maximum punishment for juveniles from their 21st birthday to their 31st.

Proponents: Argued increased sentencing and treatment as adults would reduce the juvenile crime problem; the juvenile system was not designed to deal with these serious offenders; and, more violent offenders needed to be separated from less serious juvenile delinquents.

Opponents: Argued the current laws were effective; the juvenile system works well; the proposal went too far; these offenders need jobs and education not additional sentences; the bill was just a response to unsubstantiated fear and paranoia; would add prison costs; and, some sentences might actually be shortened.

The bill was amended in the House to further expand the district attorney's authority and extend maximum age of juvenile punishment.

A vote for (F) in the House is a yes vote on final passage.

A vote for (F) in the Senate is a yes vote for concurrence in House amendments.

House vote: 94 Yes to 7 No Senate vote: 29 Yes to 0 No Final disposition: Passed, Act 39

Elected Officials

Issue #17: Increase Legislators' Per Diem 20% (HB 440)

Authorize a 20% increase (\$75 to \$91.30) in the daily expense money provided to members of the Legislature. This increase was contained in the bill providing for the annual operating expenses of the Louisiana Legislature. An amendment to delete this increase was defeated on the House floor.

Proponents: Argued a \$16.30 increase was necessary to cover expenses; the expense allowance had not been increased since 1982; and, that with the new shorter legislative sessions, legislators would actually receive less compensation.

Opponents: Argued the proposed expense increase was inappropriately hidden from public view; legislators knew the compensation level when they ran for office; and, while state employees and teachers were promised a raise from uncertain gambling revenues, the legislators increase was from reliable sources.

The House vote was on final passage of the Legislative Appropriation Bill with the expense allowance increase included. A total of 53 yes votes in the House was needed for passage.

A vote for (F) is a yes vote on final passage

House vote: 50 Yes to 49 No Senate vote: None

Final disposition: The Legislative
Appropriation Bill passed
without the increase in per
diem on a later vote.

Issue #18: Redraw Congressional Districts (SB 1, Second Extraordinary Session of 1994)

Develop a new plan to divide Louisiana's seven congressional districts. A plan developed in 1992 had been declared unconstitutional due to racial gerrymandering and infringement on the rights of black and white voters.

Proponents: Argued two black majority districts had to be created to obtain approval from the United States Justice Department under the federal Voting Rights Act and to afford blacks greater participation.

Opponents: Argued the Voting Rights Act did not mandate the creation of two black majority districts; the bill was racial gerrymandering; and, North Louisiana was not properly represented.

The bill was amended in the House to provide for the two black majority districts; one in New Orleans and a second that extended from Shreveport to Baton Rouge.

A vote for (F) in the House is a yes vote on final passage.

A vote for (F) in the Senate is a yes vote for concurrence in House amendments.

House vote: 61 Yes to 43 No Senate vote: 21 Yes to 15 No Final disposition; Passed, Act 1

Miscellaneous

Issue #19: Ease Voter Registration (HB 209, Third Extraordinary Session of 1994)

Expand voter registration by allowing simultaneous application for driver's license and voter registration ("motor voter"), mail-in registration and registration at various other government agencies.

Proponents: Argued Louisiana must follow the federal law requiring more liberal voter registration and easier registration would afford more citizens the opportunity for civic involvement.

Opponents: Argued the new process would facilitate voter fraud; the current voter registration process was already straightforward and accessible; and, the agencies involved would be overworked.

The bill was amended in the Senate to require inactive voter lists to be published prior to federal elections and persons registering by mail to present valid photo identification the first time he or she votes after registration.

A vote for (F) in the House is a yes vote for concurrence in Senate amendments.

A vote for (F) in the Senate is a yes vote on final passage. House vote: 62 Yes to 35 No. Senate vote: 23 Yes to 12 No. Final disposition: Passed, Act 10

– = No vote taken

* = Not a member when vote taken;

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Issue #20: Allow Public Funding of Abortions in Certain Cases (HB 1, Fourth Extraordinary Session of 1994)

Allow public funds to finance abortions for poor women whose pregnancies are the result of rape or incest. Current law allows funding of abortions only if the mother's life is at risk. Federal law requires all states receiving Medicaid money to pay for abortions in all three cases.

Proponents: Argued poor women deserve access to abortions and the state would lose an estimated \$3.1 billion in federal Medicaid

money by ignoring the federal mandate.

Opponents: Argued the government has no business spending public funds for abortions; the number of false reports of rape and incest would rise with the hope of a "free" abortion; the federal mandate was an infringement on the rights of states; and, the federal government would continue Medicaid funding even without the change.

Senate amended the bill to more closely follow the federal mandate.

A vote for (F) in the House is a yes vote for concurrence in Senate amendments.

A vote for (F) in the Senate is a yes vote on final passage. House vote: 61 Yes to 40 No Senate vote: 28 Yes to 8 No Final disposition: Passed, Act 1

YOUR CHECKLIST 1994 SESSION ISSUES

(Mark your choices on this checklist and compare against your legislators' votes.)

Note: Record a "F" when you support the issue and an "A" when you are against the issue.

Issues	Your choice	Your Senator's Vote	Your Representative's Vote
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