

Da Winnas and Da Loozas of the 2018 Louisiana Legislative session

Clancy DuBos surveys the carnage in Baton Rouge

POSTED BY CLANCY DUBOS

State lawmakers adjourned the 2018 regular legislative session more than two weeks early, but their work is far from done. They've kicked the state's fiscal can down the road since 2008, when some of them, along with then-Gov. Bobby Jindal, rolled back the Stelly Plan and sent the state on a course for insolvency — or what Moody's Investors Service calls Louisiana's structural deficit.

Because of their recurring failure to fix that structural deficit, lawmakers adopted a “pretend budget” as a prelude to the very real special session that begins May 22. Depending on what happens (or doesn't happen) in that session, we won't know who the fiscal winners and losers are for another week or two. For example, TOPS supporters defeated several attempts to change the program during the just-ended session. That normally would make them winners — except everything could change once lawmakers have to choose between taxes and cuts in the special session.

That's why this year's tally of “da winnas and da loozas” — which I've compiled since 1984 — includes only those who battled over nonfiscal matters. There was still plenty of blood spilt, at least figuratively. And so we begin with ...

DA WINNAS

1. Gambling (except for Harrah's New Orleans casino) — Riverboat casinos were the biggest winners because they now have the right to move onshore from their current berths, and they can expand significantly their total number of slots. Video poker interests notched wins by killing an Internet gaming measure and a proposed riverboat casino relocation to Tangipahoa Parish (which allows no gaming, but several adjacent parishes are flush with truck stops) and by convincing lawmakers to relax the rules on truck stop casinos, making them more profitable.
2. Criminal justice reformers — They beat back concerted efforts by judges and district attorneys to roll back some key reforms adopted only last year, reaching compromises that preserve the most important gains. They also helped pass a proposed constitutional amendment that few thought possible only two months ago — to eliminate Louisiana's shameful non-unanimous jury rule in felony cases. Lawmakers also

passed a measure to restore voting rights to ex-convicts after five successful years on parole.

3. Domestic violence victims — This was another banner year for advocates of tougher domestic violence laws. Their biggest win was a bill making sheriffs responsible for implementing the previously adopted transfer-of-firearms requirement against domestic abusers. To their credit, sheriffs helped pass this one. The same bill also makes it a crime for abusers to lie to firearms dealers on background checks — and provides notice to victims if their abusers try to purchase firearms. Another bill allows prior acts of domestic violence and family violence to be admitted into evidence in civil cases. Yet another allows judges to give significantly more jail time to domestic abusers in certain circumstances.

4. Medical marijuana — Lawmakers approved two bills that add glaucoma, severe muscle spasms, intractable pain, post-traumatic stress disorder, Parkinson's disease and autism spectrum disorder to the limited list of ailments that can be treated in Louisiana with therapeutic cannabis via oils, pills, sprays and topical ointments. Supporters of medicinal marijuana note that none of it can be smoked, and does not get patients high. The new medications are expected to be available to qualified patients later this year.
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5. Trial lawyers — They earned their name as the Louisiana Association for Justice this year by championing the proposed constitutional amendment to repeal the non-unanimous jury verdict rule in felony cases. They also helped defeat business-backed bills calling for a constitutional convention and allowing judges to inform jurors if a driver was not wearing a seat belt in personal injury lawsuits arising from auto accidents.

6. The NRA — The gun lobby defeated all efforts to limit sales of automatic weapons, bump stocks and other firearms used in mass shootings — and it helped pass a bill allowing bulletproof backpacks in schools. Lawmakers defeated bills to arm teachers and to allow concealed-carry permit holders to bring their weapons onto school campuses, but otherwise the NRA had another successful year.

7. Louisiana Family Forum (LFF) — Led by the Rev. Gene Mills, the conservative Christian LFF is a perennial powerhouse at the Capitol. The group successfully pushed bills that bar abortion providers from receiving Medicaid funds, outlaw abortions after 15 weeks of pregnancy (subject to court approval of a similar law in Mississippi), create the crime of “coerced abortions” and impose additional regulations on

abortion providers. Mills also played a key role in passing the proposed constitutional amendment to end the non-unanimous jury rule in felony cases and to maintain criminal justice reforms adopted last year.

8. The courthouse crowd — Judges, sheriffs and assessors flexed their muscles this session. Sheriffs got pay hikes even as lawmakers stood before the daunting fiscal cliff — no mean feat even in flush times. Judges pushed through a bill limiting media access to juror polls in criminal cases. Sheriffs and assessors, meanwhile, helped kill the constitutional convention or “con-con” bill. The assessors closed ranks to defeat an industry-sponsored tax plan they felt would reduce their local influence, proving that all politics is (still) local.

9. Landowners — Coastal and inland landowners defeated an attempt by recreational fishermen to gain access to “running waters” (including canals dug by private interests) on privately owned lands. Fishermen want waters that traverse or encroach upon private lands to be open to public recreational use. Landowners cite 200 years of Louisiana property law — and enormous potential civil liability — for keeping such waters private. The landowners won, but it’s never easy to vote against fishermen.

10. Joe Jaeger — The low-key New Orleans businessman played a huge role in defeating the Harrah’s New Orleans Casino bill. He’s proof that one person can make a difference ... if he or she persists.

11. Local florists — Just in time for Mother’s Day, a Senate panel gave a political bouquet to local florists by uprooting a House-passed bill to repeal the state’s florist licensing requirement. Louisiana is the only state that requires florists to pass a 40-question licensing exam, and local florists like that arrangement. Which brings us to ...

DA LOOZAS

1. Civility — Just when you thought rank partisanship was the low point of Louisiana politics, our lawmakers found ways to sink even lower. From Sen. John Milkovich publicly accusing people of adultery in a committee hearing to Sen. Norby Chabert and Rep. Stuart Bishop — both Republicans — brawling in a barroom, the gloves were literally and figuratively off at the Capitol. Not since the days of Huey Long have things been this ugly. With elections just 17 months away, it’ll be interesting to see if voters restore order by cleaning House (and Senate).

2. Harrah’s New Orleans Casino — Harrah’s rolled the dice in the final

two days of the session and came up snake eyes in its bid to get its 30-year license renewed early. The Harrah's bill, authored by House Speaker Taylor Barras, sailed through the lower chamber but got bogged down in the Senate. Senators ultimately amended the bill to require much higher annual payments to the state and the City of New Orleans. Harrah's balked at the Senate's amendments, sending the bill to a conference committee. That's always a gamble, particularly when Senate President John Alario (who opposed the bill) warns against it. Sure enough, the bill crapped out in conference, proving that the house doesn't always win.

3. Louisiana Association of Business and Industry (LABI) — LABI President Stephen Waguespack summed up things up in a recent column, writing: "The annual death of legislation to unlock dedicated funds, simplify the tax code, and reform entitlement programs is no longer a surprise. Unfortunately, you can now add the killing of sensible bills to make government spending more transparent, government pensions more sustainable, insurance more affordable, ridesharing more available and small business licensing more attainable to that list of failed legislation." Translation: The state's business lobby, despite Republican majorities in both legislative chambers, got its ass kicked.

4. Gov. John Bel Edwards — Mama Corleone once told her son Michael, "You can never lose your family." Sighing, Michael replied, "Times are changing." There was a time when Louisiana governors could never lose the Senate, but times are changing — or maybe it's because statewide elections are looming. The Democrat governor's "moderate" Republican allies in the Upper Chamber are feeling the red heat and distancing themselves from him to save their own futures. It showed in ways large and small. Senators this year rejected Edwards-backed bills that they had approved in previous years — equal pay for women and increasing the minimum wage, for example. Senate President John Alario, usually an Edwards ally, played a key role in killing the Harrah's bill, which Edwards initially supported. Alario and others also grilled Commissioner of Administration Jay Dardenne (himself a former senator) in a tense Finance Committee hearing. It's not personal, Governor. It's strictly business.

5. Uber and Lyft — For the second year in a row, Uber and Lyft brought a bill to establish uniform statewide rules for ridesharing companies, which is a good thing, but once again the measure was cluttered with bad policy provisions from beginning to end. The bill sailed through the House, thanks to having Speaker Taylor Barras as its author, but died in Senate committee.

6. National payday lenders — They tried to pass a bill to create a new type of payday loan, but critics warned it would allow interest rates of more than 160 percent. Staunch opposition from consumer advocates (and local payday lenders) convinced lawmakers to kill the measure.

7. Nursing homes — Families of people in nursing homes now will be allowed to install video cameras in their loved ones' rooms to monitor all activity — and potentially use video of harmful or negligent acts as evidence against nursing homes in litigation. The nursing home industry pushed back hard against the measure but suffered a rare defeat. The lesson here: Don't mess with Grandma. She's got peeps.

8. Fishermen — Every other state gives recreational fishermen and boaters access to all navigable tidal waters, but not Louisiana. When such waters cut across private land, Louisiana landowners have the right to deny public access — and many do, sometimes by installing gates or other barriers. An all-out push by fishermen to change the law failed, but only after an emotional battle in the House.

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9. Abortion rights advocates — In a deeply red, deeply fundamentalist state (outside the Isle of Orleans, of course), abortion rights advocates are destined to lose almost every year. This year was no exception as lawmakers passed several bills curtailing abortion rights.

10. House Speaker Taylor Barras — Whenever a chamber's presiding officer puts his name atop a bill it sends a clear signal to lawmakers: Tread lightly. There's also a downside: Putting the power of one's office behind a measure likewise puts one at risk of losing stature (and influence) in a very public way if things go sideways. That's what happened to the affable Speaker when he carried two high-profile (and highly controversial) bills this session — the Uber/Lyft bill and the Harrah's license extension bill. Both went down in the Senate. Not just down, but down in flames, to the point it almost looked like a rebuke. Such is the state of things in our Capitol these days.

The regular session may be over, but there's no rest for the weary. The special session begins May 22 and ends on or around June 4. At that point, we'll take stock of the fiscal victors and the vanquished.