



Louisiana's *Comeback* Agenda



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It's time to write Louisiana's *Comeback Story*

It's time to write Louisiana's comeback story.

For too long, poor public policy decisions have caused Louisiana families to suffer while our neighbors thrive. While other families think about leaving a legacy, our legacy – our kids, grandkids, friends, and family members – are leaving to find work and opportunity in other states.

It doesn't have to be this way. In fact, it shouldn't.

Look at our state's assets: five of the top fifteen ports in the country, the most active natural gas sector, among the most oil refineries, affordable land, unparalleled food and culture, and not to mention the mouth of the mighty Mississippi River. That's enough to position any place to be an economic powerhouse.

And yet, we sit at the bottom of nearly every good list... and the top of the bad ones.

The good news: we are in control of our destiny. Especially given those assets, with good policy decisions, Louisiana can turn the page and embrace a new future of opportunity.

Texas, Florida, Tennessee, and North Carolina are booming. Why? Because they are making better policy decisions and allowing their people to prosper and pursue the American dream.

At the Pelican Institute, our work is animated every day by the goal that every Louisianan should have the opportunity to flourish.

Every person should have equal opportunity, unencumbered by overreaching government, to work, play, pursue dreams, live a healthy life, and achieve his or her goals.



To get there will require leadership, vision, bold action, and a groundswell of support from every corner of our state that now is the time for reform. It will also require the right solutions, and that's where the Comeback Agenda comes in.

Our team has spent the last several months in earnest and focused pursuit of the best, most urgent solutions to Louisiana's biggest policy challenges. We brought together experts in various policy arenas from around the country to weigh in, review our research and conclusions, and add to our work. Then, we distilled each of six subject areas into a summary of problems and actionable solutions.

The Comeback Agenda is the result of all of that work, and it is presented today as a "playbook" of solutions that will most effectively work to bring jobs and opportunity back to Louisiana and allow everyone that opportunity to flourish.

I encourage you to read the chapters, engage in the research, and come back to our team with questions and ideas. If you're running for office, these are the ideas we hope you'll consider including in your campaign platforms, and these are the solutions we hope you'll champion if you're elected to serve.

Working together – across the state and across the aisle – we can write the next chapter of Louisiana's story. After all, everyone loves a comeback story, and you can bet ours will be written with that special Louisiana flair.

A stylized, handwritten signature in dark ink, likely belonging to David E. Bonior, the author of the text.

Streamline Taxes & Budget Responsibly

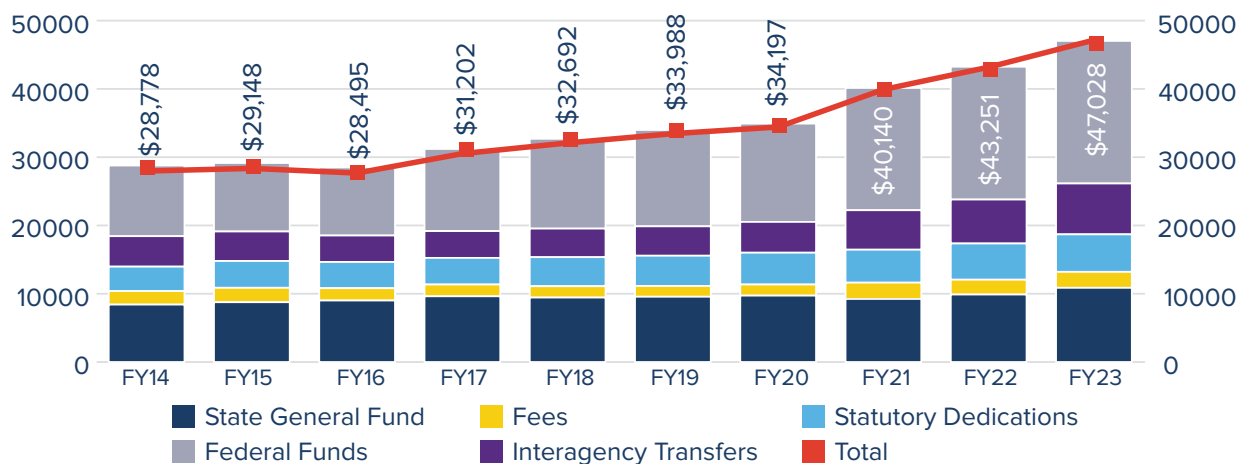


With the state economy struggling and tens of thousands of Louisianans moving out of state, families and businesses are hungry for tax relief and an assurance that state government will use tax dollars responsibly. Tax reform that encourages growth and treats individuals and businesses fairly can spark an economic revolution in Louisiana and serve as an incentive to attract and keep people in the state. Following years of short-term thinking, policymakers have an opportunity and responsibility to embrace a more comprehensive, holistic approach that will modernize Louisiana's tax and budget policy, bringing long-needed fiscal stability.

BUDGET PROBLEMS

Growth in spending

Budgeting is a process of setting priorities, but Louisiana has done a poor job of prioritizing. The state's total budget in fiscal year 2023 is \$47 billion, an increase of 63 percent over the last decade.¹ With a state population of 4.6 million people,² this is a spending burden of over \$10,000 per person, which ranks 22nd among states.³ While nearly half of the state budget is federal funds, Louisiana's taxpayers ultimately fund the total budget. This growth in state spending is unsustainable given the lack of growth in the state's economy and a history of outmigration. Every area of the budget has seen increases ranging from 21 percent in public safety to 130 percent in debt service.⁴



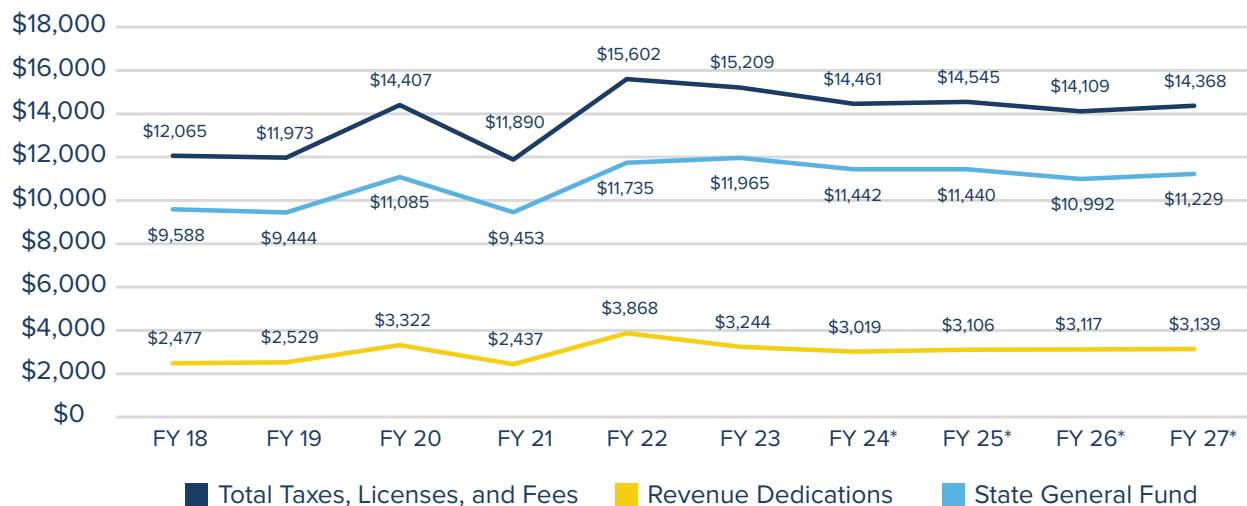
Louisiana uses incremental budgeting, which simply modifies the current budget to determine the next one. Over the last decade, no program has been eliminated due to a lack of efficacy or efficiency, since the process doesn't consider those factors. This approach drives up spending without considering outcomes.

Budgetary Silos

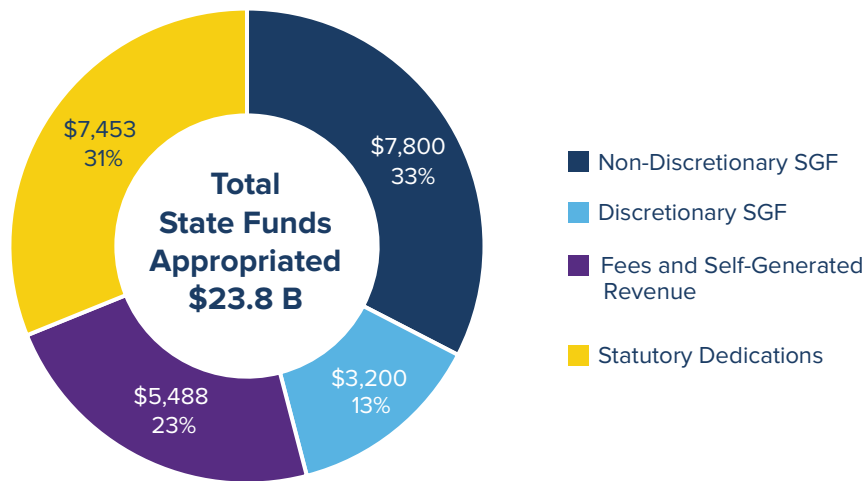
Portions of tax, license, and fee⁵ revenue paid by taxpayers are dedicated through constitutional or statutory requirements, which means they can only be spent on certain things. Each dedication creates a silo; restricts money that could be used to address current priorities and balance the budget; and limits legislative discretion and oversight.

There are three distinct ways that these silos are created.

- Dedications of general taxes, licenses, and fees, taken off the top when revenue is generated before lawmakers even get a chance to appropriate these funds.** The 52 dedications⁶ that make up this category account for nearly one-quarter of the total collections. This leaves the remaining 75 percent for the state general fund.



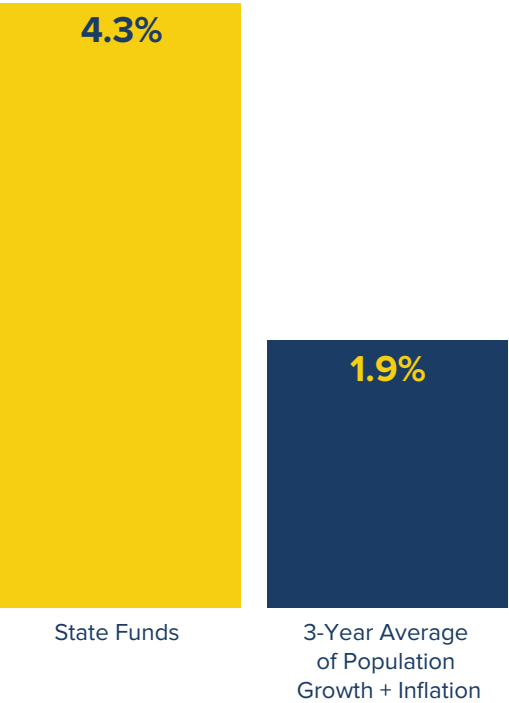
- Statutory Dedications are “special purpose funds” that generally have their own source of funding, such as a permit, fine, or fee.** However, some funds are given dollars from the state's general fund. These dedications are considered non-reviewed government spending that occurs every year without much oversight and regardless of the current priority needs for the state. The Louisiana Constitution includes 35 dedicated funds and statutes include nearly 400 additional funds. An example of this is the recently created “Major Events Incentive Fund”⁷ that locks up state general fund dollars to provide economic incentives to private industry to attract major events such as the Super Bowl. This is not to be confused with the “Events Incentive Fund,”⁸ which dedicates state general fund dollars to attract more minor events such as concerts and festivals.



Non-discretionary expenditures are constitutional or statutory requirements that reduce legislative flexibility with the remaining taxpayer dollars. Seventy-one percent⁹ of the state general fund is considered “non-discretionary” or mandatory based on state laws that often have built-in increases. Given that laws and political implications hinder changes to non-discretionary spending, there are just 13 percent, or \$3.2 billion, in total state funds which are discretionary to meet the state’s additional priorities.

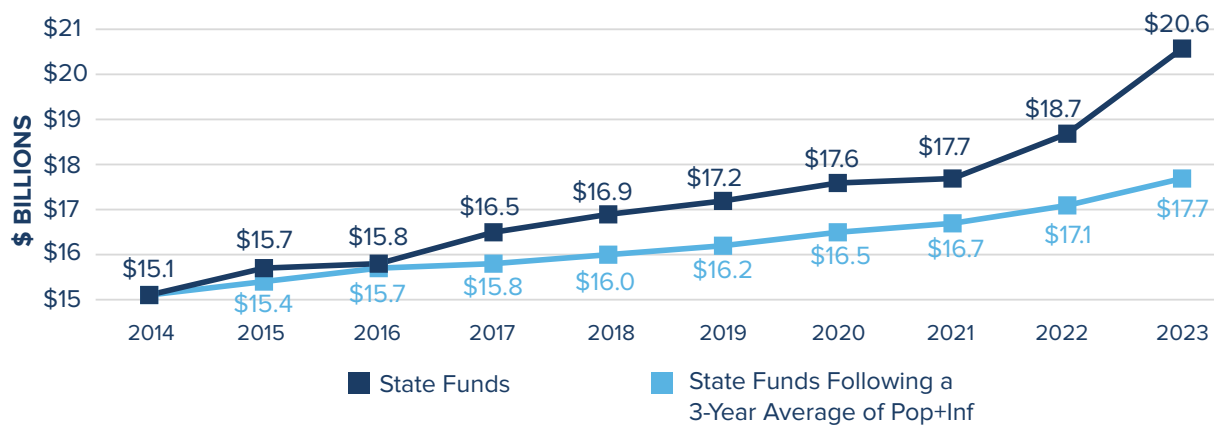
Expenditure limit

Perhaps the biggest problem with Louisiana’s state budget is the lack of an effective expenditure limit. Louisiana’s current expenditure limit has been in the constitution since 1993.¹⁰ It covers state funds (state general funds; fees and self-generated revenue; and statutory dedications), but exempts many of them. The current growth limit is the average annual rate of personal income growth over the prior three years. Given how this limit has excluded much of state funds and included a volatile and high growth rate, the limit is not effective in limiting the budget to what the average taxpayer can afford.

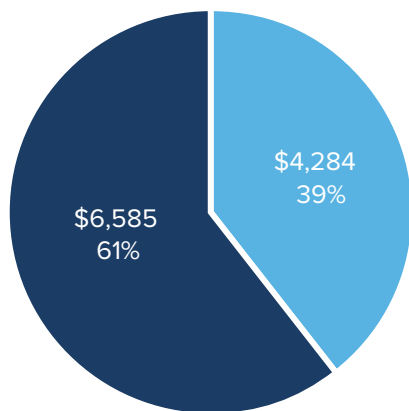


From 2014 to 2023, initial appropriations of state dollars without federal funds in statutory dedications grew nearly 2.5 times faster under the current expenditure limit than it would have under Pelican’s recommended expenditure limit of the past three-year average of the rate of state’s population growth plus U.S. chained-CPI inflation.

Ultimately, excessive initial appropriations of state funds over the last decade have caused the average taxpayer to pay much more than they would have if a more effective expenditure limit had been in place.



Local reliance



- SGF Transferred to Locals
- SGF for State Use

During the 1930s, Governor Huey P. Long established power at the state level to exert control over local parish and municipal governments, creating incentives for local representatives to lobby for increased spending. Even today, **the state funds many local government functions**. More than \$4 billion from the state general fund is transferred each year to local governments for education, roads, infrastructure, and local employee salary support. **Local funding comprises nearly 40 percent of the state's general fund dollars.**

Note: These figures are approximations and do not comprise an exhaustive list of various local government programs

Capital outlay

Louisiana's capital outlay bill¹¹ is designed to fund, through a combination of cash and borrowing, large capital projects of public necessity. However, it has also funded a number of splash pads, sports arenas, recreational centers, local museums, and other local pet projects for local governments, political subdivisions, and even non-governmental organizations (NGOs). If the local government or NGO provides a match of 25 percent of the project cost, the remainder can be funded either through the state's general fund or through the issuance of bonds on which the state pays debt service. **For fiscal year 2023, the capital outlay bill contained \$166 million in funding for NGOs, such as museums and sports organizations.**

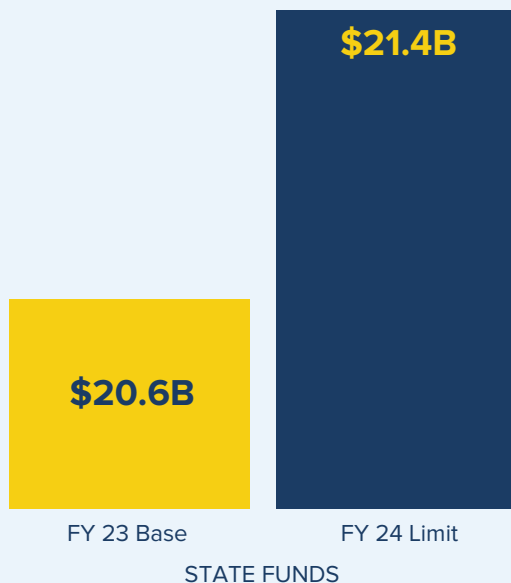


BUDGET SOLUTIONS

To address the above problems and to implement responsible, sustainable budget practices that will strengthen Louisiana's government and economy in the long term, Louisiana lawmakers and the governor should work to:

- 1. Shift away from continuation and incremental budgeting and identify true spending priorities.** To improve budgeting efficacy and efficiency, lawmakers should institute regular performance audits – which help determine which programs are effective and which are not – to provide objective outcomes-based measures related to agencies' missions. This will allow for routine checks of efficiency and efficacy. The executive branch should build a zero-based budget from scratch each year to ensure it meets the true priorities and fulfills legal funding requirements.
- 2. Increase budget flexibility by freeing up dedicated funding.** Lawmakers need to be able to allocate scarce taxpayer dollars to meet the state's biggest needs. That can only happen by making all dollars accessible and reducing the number of dedicated funds and constitutionally dedicated programs.
- 3. Limit the growth of spending using an improved expenditure limit.** An ideal expenditure limit calculates a three-year moving average rate of the state's population growth plus U.S. chained-consumer price index (CPI) inflation over the last decade.

4.

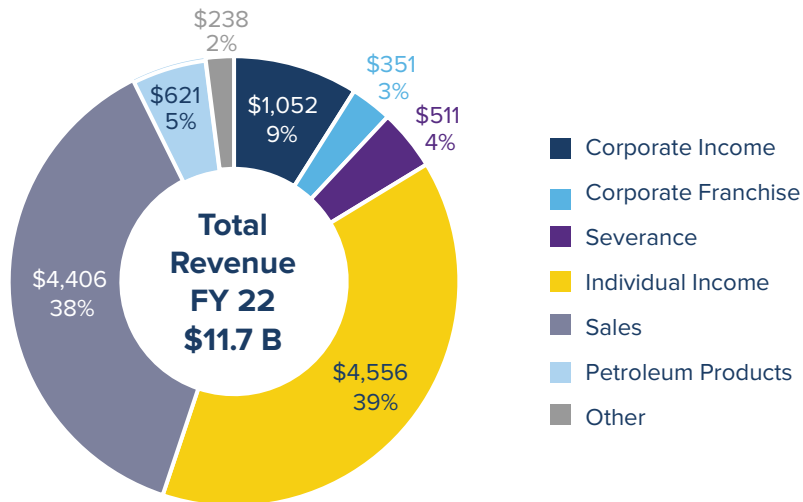


Set a maximum threshold for the initial appropriation of state funds calculated using the same method as the expenditure limit. This threshold should be provided before the legislative session to assist lawmakers in not appropriating more than the average taxpayer's ability to pay for the budget growth. When combined with an effective expenditure limit, this helps ensure responsible budgeting to support limited government without excessively taxing families. The maximum threshold for initial appropriations of state funds without federal funds in statutory dedications in FY 24 is \$21.4 billion, using 3.9 percent as the growth rate based on the past three-year average rate of population growth plus inflation. This limits the growth of the budget during the appropriations process while limiting actual expenditures thereafter. It will better prioritize taxpayer dollars and provide more opportunities for further tax reform.

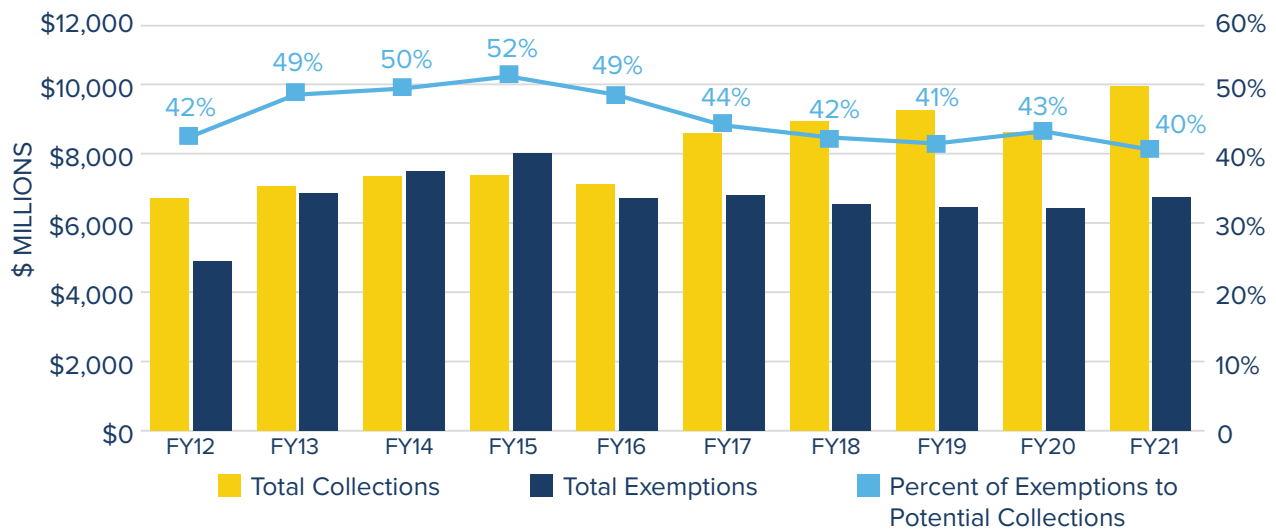
- 5. Restructure the state-local government relationship to lessen local reliance on state taxpayers.** By reducing or discontinuing state funding of local projects and priorities, Louisiana would place government spending closer to the people it serves, giving voters easier access to elected officials to offer input about funding priorities. This role re-alignment would also reduce state spending and allow for the lowering or eventual elimination of state income taxes. This gives local governments the ability to re-prioritize revenue generation and spending based on what its citizens demand, rather than on what the state deems a local priority.
- 6. Refocus capital outlay to fund essential government projects.** The state should stop funding non-governmental organizations through capital outlay and limit local government projects to essential items like roads and bridges and water, sewer, and drainage system improvements.

TAX PROBLEMS

Reforming the state's budget processes without corresponding tax reform – or vice versa – makes both activities much more difficult and much less fruitful. **Louisiana has a complex tax structure for both corporations and individuals.** A progressive income tax system means that as income increases, the tax rate increases. Louisiana's system includes too many complicated exemptions, exclusions, deductions, and carve-outs for certain taxpayers that shift their burden onto everyone else. **The legislature has made strides in recent years toward lowering taxes and reducing complexity, but more work is needed.**



Many exemptions, deductions, and exclusions remain on the books that reduce the number of taxpayers, leaving a larger burden on those who don't qualify for special programs. Nearly half of the potential tax collections¹² in any given year is exempted before it is even collected. These special carve-outs increase the complexity of the tax structure while also picking winners and losers. The goal of any tax reform should be to achieve a broad tax base so that everyone pays a lower rate, as opposed to a narrow tax base where those who do not benefit from special carve-outs pay more than their fair share.

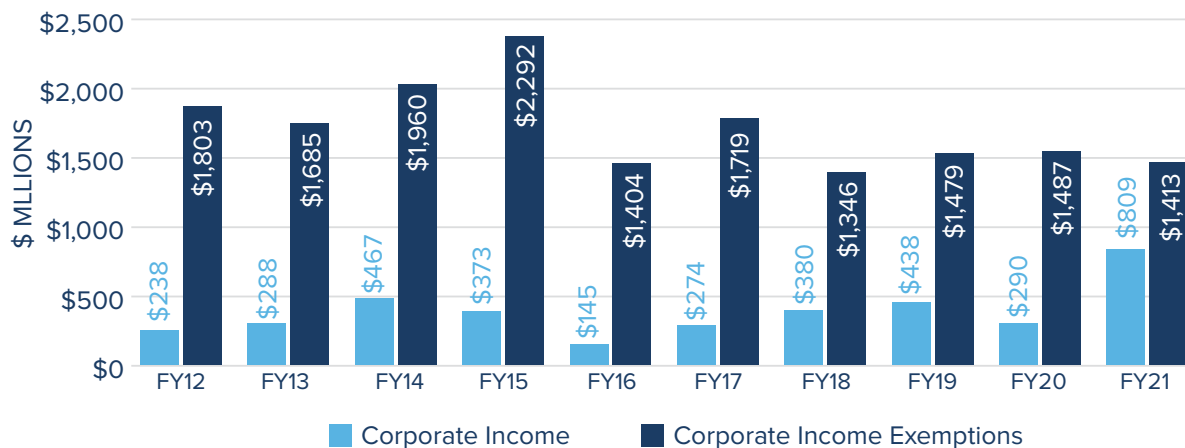


Personal income tax

In 2021, the legislature enacted reforms that eliminated several deductions and lowered rates for each bracket. But it is still a progressive tax system, taxing income more for each additional dollar made. Four states passed a flat personal income tax in 2021 after only four did over the previous 100 years,¹³ bringing the total to 14 states that have or will soon have flat income taxes. Through those reforms, these states will have more opportunities to increase the number of well-paid jobs, spur economic growth, and achieve other benefits that advance thriving communities. This contrasts with progressive personal income taxes that disincentivize people from working and living in those states.¹⁴ Louisiana's 2021 changes were designed to further reduce rates as revenue increases. While this is a great plan, there is no way to predict when and by how much those rates will be reduced, leaving taxpayers uncertain. In addition, many small businesses in Louisiana pay taxes through the individual tax structure, so delaying reform of personal income taxes delays much needed relief to many Louisiana businesses.

Corporate income tax

In addition to the recent changes in personal income taxes, Louisiana reduced corporate income taxes by compressing the brackets, lowering overall rates, and eliminating some deductions. Yet corporate income tax exemptions vastly exceed the actual corporate income tax revenues collected. On average, 80 percent of the potential revenue isn't collected because of the numerous exemptions in law.



Franchise tax

The corporate franchise tax is an annual tax levied on the taxable capital of corporations, including capital stock, surplus, and undivided profits. Unlike corporate income taxes, which are levied on a business's profit, franchise taxes are imposed on a business's net worth, or wealth. Therefore, the tax tends to penalize investment and requires businesses to pay regardless of whether they make a profit each year, or ever.¹⁵ Improvements were made to the franchise tax in 2021 by reducing the rate and increasing the minimum amount needed to begin paying the tax. Much like the personal income tax, there is a trigger mechanism in place that will reduce the tax rate as revenue increases. Nevertheless, **the franchise tax makes up just three percent of the state's revenue, but is a large compliance and monetary burden on businesses.** Louisiana is one of only 12 states that has one. Three states, including neighboring Mississippi, are in the process of phasing theirs out.

Corporate Income and Franchise Tax Triggers

The 2021 tax reform package included automatic rate reductions for the personal income tax and the corporate franchise tax in the event actual collections, as adjusted by an annual growth factor, exceed the baseline set by revenues collected in fiscal year 2019. These tax collections remain robust and are on track for both personal income tax and corporate franchise tax reductions effective January 1, 2025. If corporate tax collections continue at their current pace, the projected rate reduction in franchise tax should provide the needed first step toward elimination of that widely criticized tax on investment in Louisiana.

All corporate tax collections over \$600 million are deposited into the Revenue Stabilization Fund, which is an additional savings fund separate from the Budget Stabilization Fund (also known as the Rainy Day Fund). That fund balance now exceeds \$1 billion and is projected to be above \$1.5 billion after the current fiscal year. When added to the Budget Stabilization Fund, the state will have nearly \$2.4 billion in savings, representing over 20 percent of revenues in the state's general fund. Any reforms resulting in lower corporate tax collections would not result in a direct budgetary impact under the current forecasts; instead, they would simply lower deposits in the Revenue Stabilization Fund. This provides additional stability for long-term efforts to improve Louisiana's business tax climate.

Inventory tax

Inventory taxes are levied at the local level on business inventory. Louisiana is one of only nine states that fully tax business inventory, and five states have a partial tax.¹⁶ Like the franchise tax, the inventory tax is levied regardless of whether a business makes a profit and comes with a large compliance cost. Since this is a tax charged by local governments for local government services, Louisiana attempts to limit the burden of inventory taxes by having a refundable credit on businesses' state tax returns, which further increases the complexity of the corporate income tax. This acts as yet another state-to-local transfer that is less transparent than the direct payments discussed in the budget section above. This \$280 million per year¹⁷ indirectly transferred to local governments through suppressed state tax collections could be more efficiently used as a part of comprehensive tax reform. The changes made in 2016 to the Industrial Tax Exemption Program (ITEP) have already resulted in additional local tax revenue than exempting inventory would have collectively reduced tax revenue to local governments.¹⁸



Sales taxes

Louisiana's sales tax rate, currently at 9.55 percent, ties with Tennessee as the highest in the nation.¹⁹ (However, unlike Louisiana, Tennessee does not have a personal income tax.) The rate includes 4.45 percent for the state and an average of 5 percent for local governments that charge differing rates. Louisiana's sales tax collected \$3.6 billion²⁰ in revenue to the state in 2021, which was 35 percent of total state revenue. The state sales tax currently includes 191 exemptions. Only eight services are currently subject to state sales tax. Therefore, certain groups are exempt from paying sales tax, and certain items are not subject to it. The effect of this is that the sales tax rate is higher on everything else to raise the amount of revenue needed. **Tax experts²¹ generally recommend that sales taxes should be "broad-based," meaning taxes should apply to all final sales of goods and services.**

In addition to the narrow base and high rate, Louisiana sales tax laws are a nightmare for businesses. Each parish has its own sales tax collection authority to which a business must remit separately. This is especially frustrating for online or "remote" sellers, as they must charge the appropriate tax based on the shipping address.²²

TAX SOLUTIONS



As other states have demonstrated, flatter, simpler tax structures reduce complexity and make it easier for entrepreneurs and individuals to know what they will pay. This leads to greater economic growth, more well-paid jobs, higher in-migration than out-migration, and other benefits that help communities thrive. Louisiana can achieve this by enacting the following:

- 1. Flatten personal income taxes, with the goal of eventual elimination.** Flattening these income taxes can be achieved by eliminating some tax exemptions, deductions, and credits along with spending restraint and more economic growth. Eliminating these income taxes can be achieved by continuing to "buy down" these taxes using excess general funds in coordination with the use of a stronger spending limit. Doing so would not place undue burden on taxpayers.
- 2. Streamline corporate taxes.**
 - a. Lower and flatten corporate income tax rates.** Impose a flat corporate tax of the lowest rate possible, and eliminate the exemptions, deductions, and credits that have the lowest return on investment and highest cost to the state. This will broaden the base of corporate taxes and will simplify the tax code for businesses, allowing them to better plan for future expenses. .
 - b. Eliminate the franchise tax.** This would ease the compliance burden on business while hardly making a dent in the state's revenues, making Louisiana more competitive with the 38 states that do not have this tax.
 - c. Phase out the inventory tax.** State leaders should begin working with local governments to phase out the inventory tax while allowing them to find other sources of revenue. This should be coupled with the phase-out of the state credit for this tax.
- 4. Ease sales tax administrative burdens and broaden the base.** Louisiana must have one centralized sales tax collector to ease the immense burden on small businesses remitting their tax payments. The state should eliminate some exemptions and exclusions and add sales tax to services. Doing so would broaden the base of the sales tax, allowing for an overall lower rate.

By taking these important steps, Louisiana state government leaders can more effectively carry out their duties to meet critical short- and long-term needs and demonstrate good stewardship of taxpayer dollars.

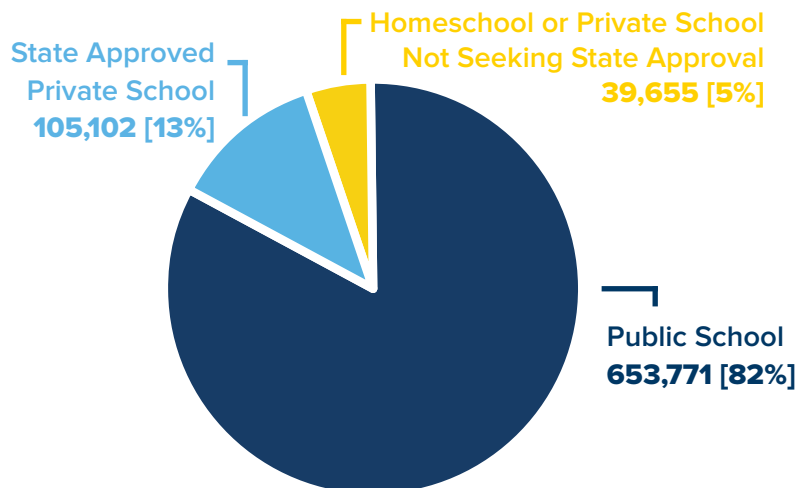
Give Every Kid a School that Fits



In spite of several targeted education reforms that have produced incremental progress, Louisiana remains at the bottom for student achievement nationally.²³ Many parents lack quality educational options for their kids. This not only limits opportunity for individuals, but it constrains Louisiana's future. For the next generation to find prosperity and for Louisiana to flourish, children must have access to an excellent foundation of education – not just a minimum foundation of education – that allows them to reach their full potential.

Each kid is unique, with different abilities, learning styles, and challenges. What works for one may not work for another, even in a “good” school. Parents understand this better than anyone, and when they have the ability to select the school or educational environment that works best for their child – whether it's public, private, or homeschool – every kid can excel, every sector of the education system grows, and Louisiana prospers.

Where Louisiana's Children Attend School | 2022-2023



How Are Louisiana's Children Educated?

Louisiana is home to about 800,000 school-age children who are served across a variety of educational settings, including traditional public schools, private schools, public charter schools, and home study programs. The vast majority (86 percent) are educated in public schools.²⁴

PROBLEMS

Louisiana traditional public schools, which educate the vast majority of children statewide, remain well below national averages for academic achievement, even with higher per-student funding than other states in the Southeast.²⁵

- Less than 50 percent of kids in kindergarten through third grade scored “on or above benchmark” in reading on the most recent beginning-of-year screener²⁶
- Only 31 percent of Louisiana students scored proficient or above on the 2022 Louisiana Educational Assessment Program (LEAP).²⁷
- Fewer than 30 percent of Louisiana students in fourth and eighth grades scored at or above proficient levels in reading and math on the 2022 National Assessment of Educational Progress (NAEP), and Louisiana scores remain significantly below the national average.²⁸
- Louisiana's average ACT composite score for the Class of 2021 dropped for the fifth consecutive year to 18.1, with the lowest scores in English (17.6) and math (17.4). The national average was 19.8 out of a maximum score of 36.²⁹
- Only 42 percent of Louisiana public high school graduates on a university prep pathway go on to college and remain enrolled past their freshman year.³⁰ Out of those graduates who immediately go on to a Louisiana college or university, 41 percent require remediation in math and 25 percent in English.³¹
- Only 6 percent of graduates on a career pathway are earning advanced industry credentials fully aligned with high-demand, high-wage jobs.³²
- Over 40 percent of public schools have been identified as “needing improvement” by the Louisiana Department of Education per the state's accountability system.³³
- Nationally and in Louisiana, enrollment in teacher preparation programs has been declining, and Louisiana loses about half of the teachers in the first five years of teaching.³⁴

Academic improvement, innovation, and parental choice have been slow to materialize within Louisiana's public school systems. Most families have few public options beyond their zoned school. Some who have the financial means have left traditional public schools, but private school tuition and homeschooling can be very costly. In a state that routinely ranks among the lowest for personal income,³⁵ many families can't afford these options. Despite having a few private school choice scholarship programs for certain eligible students and 150 public charter schools, Louisiana is not providing enough educational options. As a result, children are not able to access the educational programs and services that best meet their needs and their opportunity to thrive is diminished.



SOLUTIONS

Given the current state, what should Louisiana's path forward look like for K–12 education?

1. **Enact educational scholarship accounts.** All children in Louisiana should have access to state education dollars that follow them to the school of their parents' choice, based on what educational program or setting works best for them. Louisiana's current private school choice programs should be converted to or supplemented with a new educational scholarship program³⁶ that gives families sufficient financial resources, a wide array of providers of products and services, and maximum customization to meet their child's educational needs. Arizona, West Virginia, Iowa, and Utah recently enacted the nation's most expansive educational choice programs, giving all parents the ability to access a portion of their tax dollars to fund enrollment at a private school of their choice or educational services from multiple approved providers.

Should multiple private school choice programs remain in place that do not wholly meet families' educational costs, particularly for low-income families, lawmakers should remove current restrictions that prevent students from being served by multiple programs and allow families to "stack" them up to the total educational cost or the average public school per-student allocation, whichever is lowest.

A growing body of research,³⁷³⁸ shows that private school choice programs not only benefit recipients, but also public school systems. This is the case in both rural and urban communities and when examining overall funding and academic performance.

2. **Protect educational freedom.** Nearly 40,000 children across Louisiana are being educated in home study programs or private schools that opt not to seek state approval. These have been the fastest growing forms of education for Louisiana families over the past several years, in large part due to the freedom parents have to choose and customize their child's educational program free from government regulation. Many of these families have chosen to partner through co-ops, learning pods, and microschools, and some have created hybrid models where kids receive some educational services at home and others at private schools.

State lawmakers should be extremely cautious in enacting policies that regulate these forms of education, placing additional restrictions and reporting requirements on families that educate their kids without the use of tax dollars. They should also ensure that local public school systems do not make withdrawing from public schools a burdensome, intimidating process for parents and children, and that local ordinances don't subject families to onerous requirements when opening non-traditional private schools.

3. **Restore charter school autonomy.** Louisiana first authorized public charter schools in 1995 to be innovative, autonomous, and free from laws and regulations that apply to traditional public schools. Over the last 25 years, however, the charter school application process has become overly bureaucratic and burdensome. The list of laws and regulations from which charters are not exempt has grown significantly, to the point that charter schools seem to be losing what made them different and innovative in the first place.

Decisions to authorize new charter schools remain overly focused on the relative impact to local traditional public schools instead of the possible benefits for students. Ongoing monitoring and renewal of charter schools also involves comparisons to local public schools instead of measuring the extent to which students are learning and having their needs met. A better process would consider a combination of data on student achievement, academic progress, and re-enrollment of students year after year as the strongest indicator of parental satisfaction.

Lawmakers and members of the state Board of Elementary and Secondary Education should further streamline the charter school application and authorization process, exempt charter schools from requirements that have accumulated over the years, require a higher threshold of votes for enacting new requirements, and focus ongoing monitoring and renewal decisions more on student outcomes and parental satisfaction than on comparative measures.

- 4. Improve quality assurance for public schools where kids are assigned.** Many families have no choice but to send their children to the local public school to which they're assigned. That makes it even more important to ensure these schools serve students well. This isn't an excuse for overregulation (and there is indeed overregulation in public schools that needs to be addressed), but it underscores the need for strong measurements and reporting of student learning, interventions for underperformance, and transparency for families.

The state accountability and rating system for public schools should be easy for parents, educators, and citizens to understand. It should ensure that students are building strong literacy and numeracy skills early on; focus on proficiency and academic growth in core subjects; and equip both college- and workforce-bound students with the knowledge and skills they need to seamlessly and successfully transition to the next stage of life without the need for remediation. High schools should develop strong partnerships with local colleges and employers to help students earn college credit, earn valued industry credentials, and practice and refine skills that will help them thrive as adults in an increasingly demanding economy.

The K–12 school and district accountability system and many high school offerings are not aligned with these goals. Correcting this must be a priority for state leaders in the new term.



5. Improve teacher recruitment, preparation, and retention. Louisiana must make teaching a desirable profession once again. State education agencies, including K-12 and higher education, should partner with local school systems to recruit bright students into teaching in their high school and early college years. They should also streamline processes for seasoned professionals and entrepreneurs to transition to K-12 education and serve Louisiana's children. Modeled after what Tennessee has begun, Louisiana's leaders should create a teaching apprenticeship program that allows these individuals to obtain a degree and teaching certification at no cost, earning a living wage and serving our schools as they progress through the program that leverages sustainable federal and workforce funds.

The State Board of Elementary and Secondary Education and the Board of Regents must also ensure that, as a condition of approval, teacher preparation programs effectively train all new teachers to be classroom-ready and that they can guide all students to achieve academic growth. For this to happen, employing school systems must prioritize making teachers' salaries competitive and reward high performance, offer attractive benefits, provide new teachers with experienced mentors and support, and maintain school cultures focused on excellence and teamwork. Schools must also be open to innovation, embrace new ways of teaching and learning, leverage technology, and redefine relationships with teachers as professionals and educational entrepreneurs, ensuring that today's schools and classrooms are relevant and exciting for both teachers and students.

6. Ensure transparency for parents and taxpayers. Education is one of the state's largest expenditures, consisting of billions of dollars provided to local school systems each year. Parents of school children and the public deserve to know how these funds are or are not being spent to address students' biggest learning needs. Lawmakers should require public schools to make this information accessible online through an interactive financial portal, just as it has done for other vital state-funded services.³⁹ As the Lafayette Parish School System has demonstrated,⁴⁰ this kind of transparency is possible and promotes responsibility, trust, and parental and community engagement.

Enacting these solutions will enable every Louisiana child to receive a great education that will enable them and Louisiana to thrive.

Increase Public Safety



Crime is a serious issue that affects all Louisianans daily, from an increased burden on taxpayer funds to increased retail costs and the psychological and physical toll it takes on citizens. Being “tough on crime” is an understandable impulse, but the question is: what works? What actions and policies yield good outcomes? The issue demands thoughtful solutions to deter criminal behavior and promote public safety. A combination of law enforcement and community strategies have been shown to be most effective at achieving these goals in the long run. Louisiana’s government must also be smarter and more efficient in the way it implements its criminal justice system. Laws implemented with bipartisan support in 2017 were designed to do just that. They focused on the biggest problems facing our state’s criminal justice system: the need for better outcomes for people involved in the system and to reduce crime. These reforms were a good start, but there is much work left to be done.

PROBLEMS

Crime has risen across the United States and across Louisiana.⁴¹ Violent crime remains high in many urban centers, with small territorial gangs or small groups of individuals often responsible. In 2022, New Orleans led the nation with 280 homicides; it also had over 4,000 vehicle thefts.⁴² East Baton Rouge saw 135 homicides, which was down from 170 in 2021, but still significantly higher than the past 20 years.⁴³

In the midst of this turmoil, some have pushed to eliminate cash bail for charges of violent offenses, releasing individuals charged with those crimes back onto the streets. Some district attorneys aren’t prosecuting people charged with violent crimes, and judges are giving lenient sentences. Major cities across the U.S. are pushing to defund the police. On the other side of the debate, there are calls to simply lock up more criminals for both violent and non-violent crimes and give them harsher penalties. Rarely do any of these strategies solve the problem. And with political rhetoric at an all-time high, few are asking the most important question: What really works to reduce crime and increase public safety?

Solutions should be guided by data and evidence, not anecdotes. A recent report published by Pelican Institute⁴⁴ used data from the Federal Bureau of Investigation (FBI) and the Bureau of Justice Statistics to compare Louisiana's crime data with other states, showing the scale of the problem and its potential causes. The data show that:



Some of this rising crime has been committed by juveniles who spent more time on the streets since schools were shuttered at the height of the COVID pandemic. Many youth involved in crime are recruited or facilitated by adults who often do not face consequences. And when terrified teens get caught carrying guns – even when they don't use them – they get charged with firearm “enhancements.” This sends them deeper into the state's justice system, where they are often not offered the educational or rehabilitative services that could set them on a path to avoid continuing criminal activity.

Law enforcement agencies and officers in Louisiana, like many around the country, are often not adequately funded, supported, and empowered to do their jobs well and focus on the most serious threats to public safety. They are routinely asked to spend much of their time providing services outside of their core mission, called upon to address situations they are ill-equipped to handle, and expected to engage in activities that are some believe to be morally wrong, like civil asset forfeiture – confiscating and retaining individuals' property without a criminal charge or conviction. These things spread available law enforcements resources thin, cause extreme stress and fatigue among police officers, and erode public confidence in law enforcement at a time when support is most needed.

Some believe Louisiana's labyrinth of offenses and sentences exacerbate its justice system problems, making it harder for judges to administer and for the public to understand. Unlike the federal government and 37 other states, Louisiana doesn't have degrees or classes of felonies or misdemeanors. An offense

is simply either a felony or a misdemeanor throughout the state, which means there are no standard sentences or penalties for groups of offense.⁴⁵ Every offense is assigned its own penalty in law. The lack of a felony classification system creates disparate outcomes depending on the jurisdiction in which the offense took place, yet some believe it allows for needed customization of sentences to each offense type.

For non-violent crimes, the 2017 laws created alternatives to prison and included programs to make the transition from prison back into society (known as reentry) more successful with the goal of reducing the tendency of a convicted criminal to re-offend (known as recidivism). Research has shown that by focusing resources on the highest-risk offenses and investing in effective reentry programs, states can maximize the impact of taxpayer dollars and reduce crime. However, some of the necessary data to measure the success of these reforms is not being collected, analyzed, reported, or used to inform decision-making. Louisiana's corrections and justice system data collection systems are extremely outdated, making it difficult to properly calculate individuals' release dates, plan reentry programming, and measure the success of that programming. And because Louisiana houses so many of its prisoners in local jails rather than state prisons, and because data sharing is limited, the extent to which individuals are engaged in any reentry programming is often unknown.

Despite new laws recently passed to help justice-involved individuals obtain documentation, including licenses to work⁴⁶ and state-issued ID cards,⁴⁷ as well as letters of incarceration⁴⁸ proving their debt to society has been paid, these often remain difficult to obtain. This makes it extremely difficult for individuals exiting prison to find housing, get a job, and receive essential services on reentry.

Many individuals involved in the justice system struggle to pay debt owed to the court system. The court system in Louisiana is highly fragmented, with different fees, fines, and judgments issued in each court.⁴⁹ Many criminal statutes authorize judges to sentence people to incarceration, the payment of a fine, or both. Louisiana judges are also empowered to impose a variety of optional administrative fines and fees on convicted defendants to help the court recoup some of its operating costs.⁵⁰ On average, these fines added an additional \$460 to each individual's justice system tab, making the "user fee" model of court funding a literal debt to society.⁵¹ Act 260 of the 2017 legislative session addressed fines and fees for defendants who are unable to pay and would likely face financial hardship, but the law has not been fully implemented because of its effects on court system funding and the courts' difficulty transitioning to a system that doesn't rely on fines and fees.

The judicial system is a core function of government that ought to be fully funded using general revenues, not by those who committed criminal offenses. The current practice creates several challenges, including:

1. Saddling individuals with massive debts that can appear on background checks, making it more difficult for them to get a job and undermining the system's rehabilitative goals.
2. Funding courts on the backs of those imprisoned, most of whom have little if any income, as a business practice. Whatever revenue stream these fines and fees provide to courts is irregular and insufficient, leaving this core governmental service lacking the resources required to bolster public safety and make crime victims whole.
3. Requiring judges to act as tax collectors and incentivizing them to find defendants guilty to collect the revenue needed to fund their courts.

Public defenders are funded, in part, through a \$45 fee⁵² from individuals they represent if (and only if) there is a conviction to assist with funding their services. The legislature has reacted from time to time

by supplementing this revenue with additional conviction and user fees (CUFs) and state general fund revenues.

Finally, state data, which largely mirror the nation, suggest that youth violence is on the rise, with an increasing number of juveniles adjudicated to secure care facilities.⁵³ As if this isn't troubling enough, the state's Office of Juvenile Justice (OJJ), which is charged with the care and rehabilitation of 13- to 18-year-olds involved in the justice system, has been plagued with issues for years. Recent high-profile news reports have highlighted major concerns, including failures in providing kids with an appropriate education,⁵⁴ abuse within contracted facilities,⁵⁵ and violence within and escapes from state facilities. Without effective services and interventions during pivotal developmental stages, youth are likely to remain involved in the criminal justice system.

SOLUTIONS



Fortunately, there are proven strategies for reducing crime and operating a more effective justice system. Louisiana can reduce violent crime and recidivism and achieve better outcomes for individuals trapped in the criminal justice system revolving door.

- 1. Adequately fund and support law enforcement.** Louisiana must renew its focus on proactive policing efforts,⁵⁶ particularly homicide detectives and units to drive down caseloads. To reduce violent crime, state and local leaders must appropriately fund law enforcement, fully staff each force, and properly educate and train future officers. Police departments must be fully empowered and expected to concentrate resources on high-crime neighborhoods and focus on violent crime by shifting the burden of non-criminal needs, like welfare checks and mental health, to other organizations.
- 2. Transition justice-involved individuals to employment.** Louisiana's criminal justice system – at the state and local levels – must include effective, evidence-based reentry programs aimed at rehabilitating individuals and reducing the likelihood re-offending once released from prison. This can be accomplished through more deliberate planning and evaluation as prisoners near their release dates; helping individuals obtain government identification documents needed to obtain food, housing, health care, and employment; and offering relevant education, training, housing, employment, and counseling services. These programs should be continually evaluated to measure and improve outcomes.
- 3. Strengthen the implementation of justice system laws.** The laws enacted over the past several years are intended to help those involved with the criminal justice system have better outcomes and to increase public safety for all Louisianans. They must be given ample time to work, but that doesn't warrant a hands-off approach by state policymakers. Louisiana must know whether it is providing activities and services which achieve positive, sustainable outcomes. This requires making data-driven decisions, which can only happen with improved data collection, analysis, and reporting, as well as improved coordination with local justice officials and community-based organizations.
- 4. Create a felony classification system.** Louisiana should consider the potential benefits of establishing a felony classification system, which could standardize sentencing guidelines throughout the state.⁵⁷ In 2018, the Felony Class Task Force recommended steps to simplify and bring greater transparency to the felony sentencing process. It recommended placing each of Louisiana's 660 felonies into one of seven distinct classes with a designated sentencing range and parole eligibility.⁵⁸ This would provide greater clarity to those charged with and convicted of crimes, victims, and everyone involved in the process to know how long the individual would be incarcerated.

- 5. Ease the financial burden of the judicial system.** The work of the Justice System Funding Commission, which was established in 2019 to address the labyrinth of fines and fees charged to justice-involved individuals, must continue with strong legislative leadership and oversight. A 2022 commission report reiterated its mission to shift funding from defendants to taxpayers, but the panel made no specific proposals to make it happen.⁵⁹ Lawmakers cannot begin scale back or eliminate fines and fees without first determining what is being charged, for what reason, and what specific costs or services they are funding. Louisiana must fund the court system using sound practices and stop placing additional burdens on individuals as they reenter society.
- 6. Improve Louisiana's juvenile justice system.** State leaders must ensure that juveniles who commit non-violent offenses are not placed in the same facilities or jails as those who commit violent offenses, and youth should be separated based on age and type of crime to the greatest extent possible. OJJ should work with local judges to create alternatives to incarceration using proven strategies that allow youth to remain with their family (where advisable), and provide services such as family counseling, anger management, and education. The State Board of Elementary and Secondary Education and Louisiana Department of Education must work with OJJ – with joint oversight by the governor and the legislature – to provide proper educational services to incarcerated youth and improve educational outcomes. Services must be consistent, on grade level, and ease the transition back to the youth's community school upon release. Older youth must be given access to job training, career counseling, and opportunities to continue their education if they have earned a high school diploma or equivalent. Louisiana must also address the growing problem of adults recruiting juveniles into criminal activity, particularly through gangs and other small organized groups.
- 7. Protect individual liberties in property seizures and forfeitures.** In addition to addressing crime, Louisiana must do a better job of protecting individual rights and restoring public confidence in law enforcement. Louisiana is one of the worst states in the country⁶⁰ when it comes to civil asset forfeiture – that is, the government taking and keeping individuals' personal property. While some states require a criminal conviction before property can be forfeited, Louisiana allows it whether or not someone is found guilty of a crime. A 2021 study found that forfeiture often victimizes the innocent, noting that while only 25 percent of arrestees were found guilty, 69 percent had their property seized.⁶¹ Louisiana offers little to no protection⁶² against frivolous seizures of property and requires minimal reporting, which leaves every citizen exposed to potentially abusive government behavior.

In recent years, 35 states⁶³ have repealed or reformed their civil asset forfeiture laws. Louisiana must modernize its laws to protect the due process and property rights of its citizens as well.

Jobs and Opportunity for All



Louisiana's collection of safety-net programs needs a paradigm shift so its low-income, work-capable citizens can move out of dependency on government and find hope and lasting self-sufficiency. This starts with connecting people with a job, which is the best path to prosperity. Work brings dignity, hope, and purpose through the life-long benefits of earning a living, gaining skills, and building social capital.

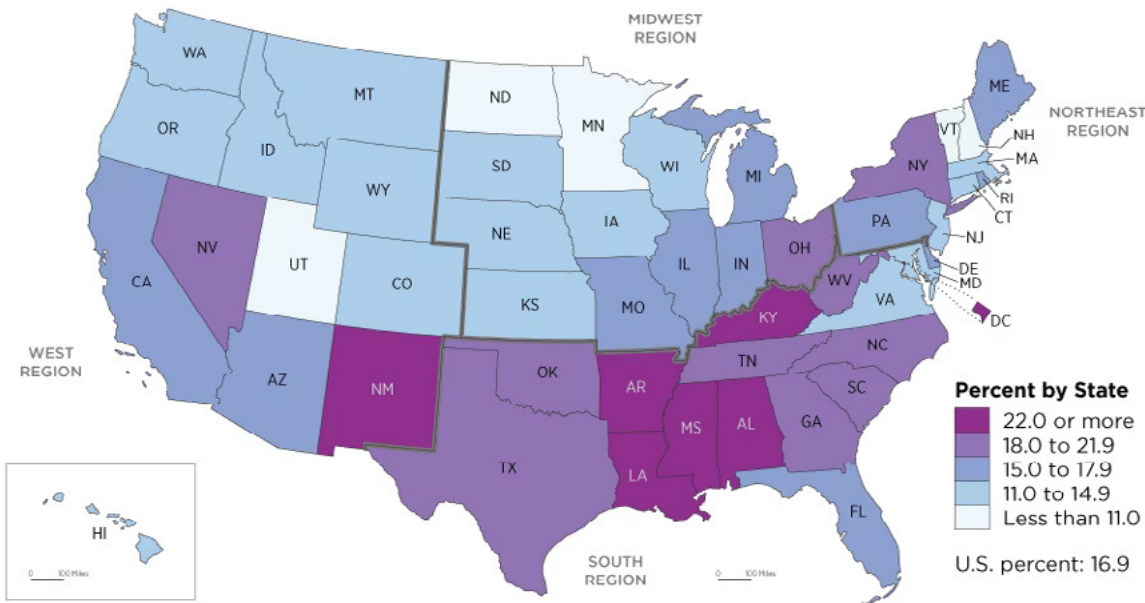
PROBLEMS

Poverty has long been a public policy concern. Since the 1960s, governments in the U.S. have spent about \$25 trillion (adjusted for inflation) in an attempt to alleviate it. But this spending has not substantially mitigated long-term poverty. Too often, it has made it worse.

In Louisiana, more and more money has been poured into government assistance programs, but today more than 800,000 Louisianans receive government aid and the state consistently ranks among the poorest in the country.⁶⁴ **The latest Census report on poverty notes that for the 2019 to 2021 period, there were approximately 786,000 people in poverty in Louisiana – a 17.2 percent poverty rate, which is the highest in the nation.** According to the supplemental poverty measure, which factors in certain cost-of-living differences like housing, 533,000 Louisianans, or 11.7 percent of the state, live in poverty, the fifth highest in the nation.⁶⁵ The impact of poverty on Louisiana's people is significant and long-lasting, and its effects on our state are detrimental. Better public policy can change this.



Figure 1.
Child Poverty Rate by State: 2021



Note: For more information, visit <www.census.gov/acs>.

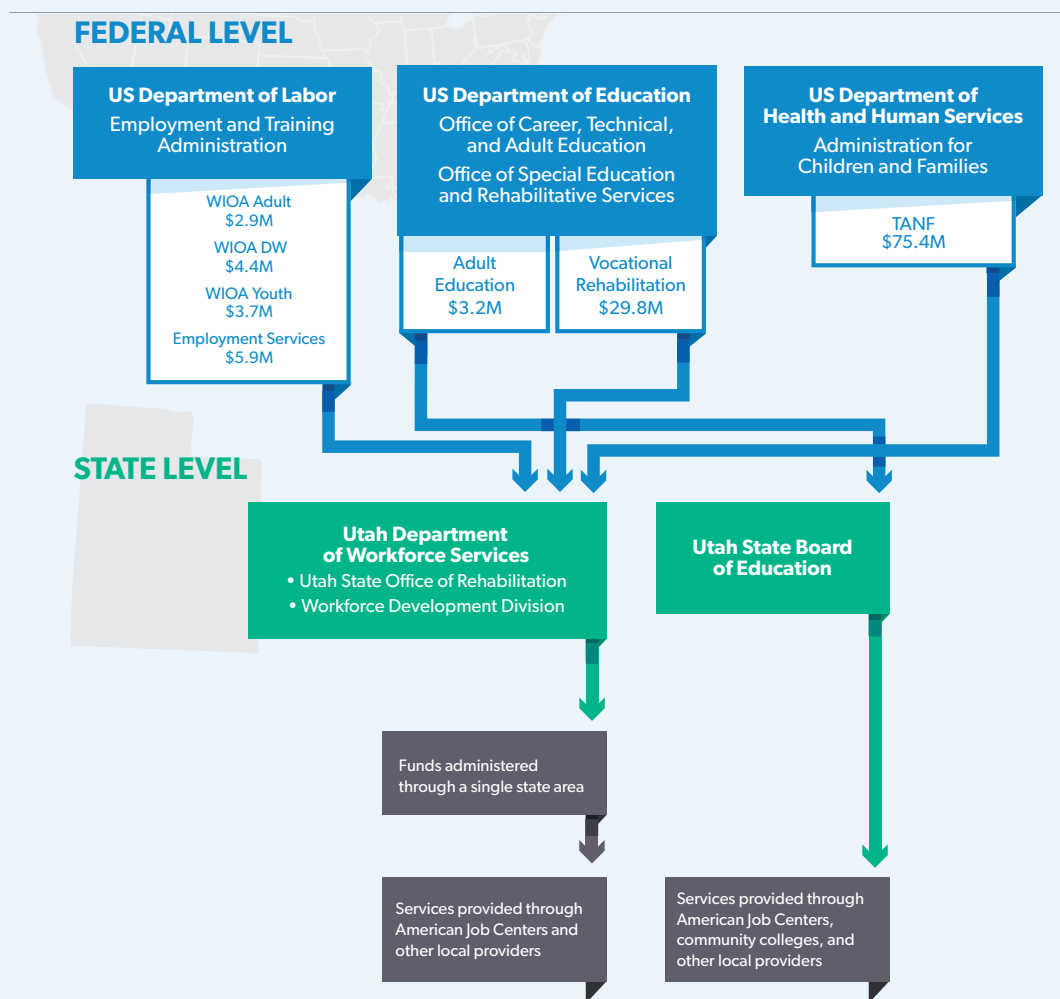
Source: U.S. Census Bureau, 2021 American Community Survey, 1-year estimates.

SOLUTIONS

- Streamline Safety-Net Programs with “No Wrong Door.”** Coordinating and consolidating several large government programs would make them more efficient, effective, and easily accessible to those who need them. Louisiana should look to Utah’s “no wrong door” approach as an example.

In the 1990s, Utah integrated a number of safety-net programs, including Workforce Innovation and Opportunity Act (WIOA) services, employment services, vocational rehabilitation, and Temporary Assistance for Needy Families (TANF).⁶⁶ This integration provided simpler eligibility criteria, a single application process, and one case manager who helped recipients by evaluating their needs, checking in on progress, and assisting them in achieving employment and other self-sufficiency goals. This kind of integration ensures that people in need can easily navigate the otherwise tangled web of safety nets and receive multiple sources of help, no matter where they enter the system. Utah integrated federal and state funds for these services. The result has been improved service quality, increased administrative efficiencies, and cost savings, all of which have helped those in need to get back on their feet more quickly.⁶⁷

These types of reforms and communication between departments would make it easier⁶⁸ for Louisianans suffering from poverty to get the help they need while reducing the overhead of redundant, overlapping programs. The goal of the improved safety net is to empower the work-capable to pursue the opportunities for growth and flourishing that are available in our state.



Source. American Enterprise Institute: <https://www.aei.org/wp-content/uploads/2020/01/Landscape-Study-of-Federal-Employment-and-Training-Programs-2.pdf?x91208>

The coordinated system can serve as a single portal to manage all human services and workforce development services. Part of setting up the system should involve evaluating agencies' physical spaces to consolidate facilities, along with cost and saving estimates. With enough creativity, even those programs without sufficient common ground for consolidation, or that might require federal approval for consolidation, can be coordinated behind the scenes to present Louisianans with a seamless system that gets better results.

- 2. Regularly Audit Programs for Efficiencies and Outcomes.** The failures of the current system are expensive and costly to Louisianans. Government assistance programs should be easy for people to navigate, produce better outcomes, and empower individuals to return to the workforce. To better understand the extent to which programs are achieving these goals, lawmakers should call for regular performance audits.

These types of audits go deeper than regular financial audits by looking at the investment of taxpayer money in these programs and examining outcomes. Performance audits provide recommendations for improving outcomes and lowering costs by identifying waste, duplication of efforts, and opportunities for consolidation or outsourcing. Regular, independent performance audits will determine whether programs are effectively serving their intended purpose – and help make improvements if they aren't.

For example, in 2021, the Louisiana Legislative Auditor conducted a performance audit of the Louisiana Department of Children and Family Services' administration of the Temporary Assistance for Needy Families (TANF) program in response to a request from the Louisiana Senate. The audit report⁶⁹ revealed that "DCFS does not collect sufficient outcome information to determine the overall effectiveness of TANF-funded programs and initiatives. The current performance measures that DCFS uses to monitor and evaluate TANF programs are mostly output and process measures which are not useful in determining whether programs are effective at meeting TANF goals." Auditors also found that "Louisiana has the lowest Work Participation Rate (WPR) in the nation at 3.5% for federal fiscal year 2020. Under the WPR, states must engage a certain percentage of families receiving cash assistance in specific work activities, such as employment, job searches, or vocational training."

This information was provided because a one-time performance audit of the program was requested. Policymakers and the public would benefit from independent reviews like this on a recurring basis to identify program strengths and weaknesses and take swift action if necessary.

- 3. Pilot an Empowerment Accounts Program.** Current safety-net programs too often discourage recipients from achieving long-term self-sufficiency. They often feature benefits cliffs that cut off safety-net payments when a recipient earns income – payments which can often be more than the income the recipient earned, leaving them in a worse position. A new holistic approach called empowerment accounts would avoid such cliffs and help recipients achieve true self-sufficiency using existing resources.

Empowerment accounts give safety-net recipients much greater flexibility in how they may use their government assistance payments to meet their current needs while setting them up better for self-sufficiency later. State policymakers must also incorporate civil society into safety-net programs if they want to make headway in solving poverty. Empowerment accounts could incorporate these insights, along with financial literacy, and include teaching of the success sequence: graduating high school (at least), working full time, and marrying before having kids (in that order). Research shows that among adults ages 32 to 38 who followed the success sequence, only 3 percent of them were poor in adulthood.⁷⁰

Louisiana could start an empowerment account pilot program for a maximum of 1,000 eligible families. Rather than participating in current programs, participants would receive safety-net funding on a debit card. To qualify, they would need to be working, training, or enrolled in an education program. They would meet regularly with a community navigator at non-profit entities who would help connect them to services, improve their financial literacy, and set savings goals so that the recipient would be better prepared to meet their needs after the program.

If this is proven to work well, an empowerment account program should be scaled up to more recipients. Empowerment accounts provide more flexibility, but also maintain responsibility because there would be restrictions on what the recipient can purchase (similar to the way current social service programs limit or prohibit spending on specific items). This option could eventually replace the complex set of safety-net programs with a simpler, more flexible debit card payment and better access to work and social capital. And recipients would be allowed to keep any funds remaining in the account as they leave the program, reducing the benefits cliff.⁷¹

- 4. Remove Barriers to Work.** Every day, countless Louisianans have their dreams crushed by laws and boards which restrict entry into certain professions. From barbers to florists to plumbers, lawmakers have allowed the interests of a few to outweigh the interests of all Louisianans. Occupational licensing is essentially a government permission slip that is required to work in specific jobs. It is supposed to ensure the health, safety, and welfare of consumers. However, many licenses, especially for lower- to middle-income jobs, do not do this. Instead, they impose heavy education and training requirements, significant costs to the licensee and the consumer,⁷² and an anti-competitive environment without providing health and safety benefits. Licensing requirements also discourage entrepreneurship, which is an effective path out of poverty.

In the most recent report on occupational licensing issued by the Institute for Justice, Louisiana remains the most licensed state in the country, requiring a license for 77 of the 102 lower- and middle-income professions studied.⁷³ Over the last five years, Louisiana's rank on the most burdensome list moved up one spot to 45th; however, the overall rank of sixth worst in the nation remains the same. Louisianans lose an average of 175 days in preparation, education, and training to obtain an occupational license, and spend an average of \$333 on the license itself.

Some progress has been made. Legislation passed in 2022 requires occupational licensing regulations to meet a health, safety, welfare, or fiduciary standard, and allows individuals to challenge licensing regulations that fail to meet this standard. Other new laws are increase overall transparency about the occupational licensing process and help ex-offenders get licensed, back to work, and back on their feet. These are steps in the right direction, but more is needed to address the numerous restrictions that remain and can only be lifted by lawmakers making significant reform a priority. Refer to the Legal and Regulatory chapter for more on this.

- 5. Provide Early Opportunities for Work to Enable Long-term Self-Sufficiency.** Work is the pathway out of poverty – and connection to work-related activity, including training and education, must begin when beneficiaries enroll in safety-net programs rather than as they exit. This includes implementing SNAP able-bodied adult work requirements and possibly expanding work requirements for work-capable beneficiaries who don't have young children or dependents in need of care. While safety-net programs are effective at alleviating absolute deprivation, if low-income recipients are not able to transition to employment, they are almost guaranteed to remain poor, and their families are more likely to experience intergenerational poverty. Work enables safety-net recipients to provide for themselves and their families and to give back to their communities. They gain a stream of income to live on, learn skills, and attain social capital. They begin finding ways to save to help secure their financial future. They are also more likely to gain health insurance, employer-based retirement funds, and other job-related benefits.

For low-income individuals and their families to break out of poverty, a first job is an absolute necessity. Without it, low-income individuals cannot build work-based skills that lead to promotions and wages that can support them and their household. This is not only important for adults receiving social service program benefits; it's also essential for high school students and young adults within those households as they access state-funded career training.

Training, education, and monetary benefits are simply not enough. Schools, training providers, and social safety-net programs must prioritize and embed work-based learning, apprenticeships, and other supports that enable individuals to practice and refine essential workplace skills, earn wages, and launch a strong, upwardly-mobile career. At every juncture, state policymakers must align educational and workforce programs to ensure clear, open, and intentional pathways for individuals to succeed.

Embrace Technology & Spur Innovation



From work to leisure to entertainment, technology and innovation impact every Louisianan every day. This is especially true in communication and transportation. Technology and innovation touch every sector of the economy, particularly banking, drilling, farming, manufacturing, and entertainment, some of which form the bedrock of Louisiana's economy. As technology and its uses evolve over time, the government can either stand on the side of progress by embracing deregulation or erect barriers that suppress innovation. Louisiana's leaders must resolve to make the state an enabler of innovation and not an obstacle, aiming to be one of the friendliest states in the nation when it comes to innovation. In doing so, Louisiana's leaders can and maximize opportunity and prosperity for millions of Louisianians who stand to benefit from the promise of technology and innovation.

PROBLEMS

Heavy-handed laws, rules, and regulations make it extremely difficult for innovators to innovate and develop new products and services that improve people's lives. Louisiana knows regulation all too well, having constrained businesses over the years to the point that many have closed, left the state, or refused to operate here to begin with. A study by the Mercatus Center at George Mason University found that Louisiana ranks among the top states for state-level regulatory restrictions.⁷⁴ As a result of such heavy-handed regulation, Louisiana has stifled innovation, slowed job creation and entrepreneurship, and hurt consumers in the process.

As new technologies develop, entrepreneurs regularly run into antiquated laws and regulations that stop their work in its tracks or make it too expensive to complete. In some cases, they don't have enough legal clarity around the product they hope to provide, so they stop. Too often government bureaucracies throw up roadblocks to new ideas, technologies, or products simply because they're new and unfamiliar or because they approach regulation with a worst-case scenario mindset. Other times their response is "no" because regulations simply haven't yet been written to address new concepts, and the existing frameworks don't fit or provide necessary flexibility. Fear and skepticism of the unknown freezes progress dead in its tracks. There are rarely processes in place for, or even an openness to allow,

inventors and innovators to test new ideas under the general supervision of regulating entities charged with ensuring consumer or public health, safety, and welfare.

New technologies that do manage to find their way to market often face policies designed to protect incumbents rather than consumer interests. This costs consumers in the long run by depriving them of the benefits of new technologies that could make their lives better or lower the price of goods and services. Such approach goes against everything that made America great and allowed its people to thrive. Instead, it allowed entrepreneurs to build, enhance, and disrupt, creating things that make people's lives better and easier.

One area in which government has increasingly set up roadblocks is information technology. From access and connectivity to broadband, to web-based applications and antitrust concerns, government has become a major player in all things internet-related at the local, state, and federal levels. While there exist legitimate concerns about individuals' privacy, the protection of children, and anti-competitive measures, government has inappropriately inserted itself into the marketplace and into individuals' personal decision-making. Recently, states have begun trying to regulate the repair of technology devices, the purchase of apps, and broadband internet rates. They've also attempted to intervene in matters more appropriate for federal action, given the national and even global footprint many technology companies have.

As state leaders set out to write Louisiana's comeback story, instead of overregulating technology and constraining innovation, they must craft a light touch regulatory environment that will ensure that innovation can be conceived and created within Louisiana's borders and that Louisianans can benefit from it. This isn't an argument for a no-rules environment, but rather one for state government creating smart regulations and collaborating with entrepreneurs to protect consumers.

SOLUTIONS

- 1. Allow pro-innovation principles to guide decision-making.** Each year, lawmakers face new and increasingly difficult questions surrounding technology and innovation. Recent examples include, how should state governments deploy broadband to rural and difficult to reach communities? How should the state regulate new banking and insurance services? To what extent should the state regulate cryptocurrency, or is it a matter for Washington? There is no one-size-fits-all response or solution when it comes to these vastly differing technologies, but there are principles lawmakers can use to guide decision-making.
 - **Avoid pre-emptive regulations of emerging technology.** The technologies used today are drastically different from what they looked like 10 years ago. Pre-emptive regulation will stifle technologies' ability to grow and change, hurting both innovation and consumers, because they often assume worst-case scenarios. Instead, lawmakers should create frameworks where new technologies can be tried and tested in collaboration with regulators.
 - **Examine whether current laws can be applied to new technologies before creating new regulations.** The current Code of Federal Regulations⁷⁵ is 200 volumes and contains over 180,000 pages. Each state adds thousands of pages of their own regulations on top of this. In Louisiana, the administrative code consists of 38 separate titles⁷⁶ and thousands of rules for those trying to offer goods and services. Lawmakers must assess whether current rules are adequate before making new ones. Otherwise, regulations may be redundant at best or conflicting at worst, making innovation impossible.



- **Use emerging technology as an opportunity to reduce regulation in legacy industries.**

Innovative technologies often present opportunities to rethink legacy industries. Regulations which might have made sense at one point to protect consumers may now be only a hindrance due to a technological solution. For example, federal regulators realized the need to remove requirements for steering wheels as new autonomous vehicles began to emerge. Federal and state policymakers have also changed money transmission laws and regulations to address cryptocurrency.

Lawmakers should examine how technologies can reduce regulation in these legacy industries and work to cut red tape.

- **Create a statewide framework to ensure regulatory certainty.** Too many sets of local rules and regulations can slow or even stop technological progress. They can cause confusion for consumers and companies alike about which rules to follow and where. Lawmakers should work with local leaders to address this, and if necessary, pass frameworks that provide regulatory clarity and certainty or companies and consumers at the state level.

Louisiana policy leaders have the potential to spur innovation and gain a competitive advantage with well-thought-out technology policy. These principles may not answer every question that emerges, but they provide a helpful framework. By keeping them in mind, Louisiana can have technology policy that nurtures innovation and makes the state a more attractive place to live and do business.

2. **Create laboratories for innovation.** Governments that embrace a hospitable approach to innovation have found that businesses make it to market 40 percent faster, are 50 percent more likely to raise money, and raise 15 percent more than companies that didn't have this type of advantage at their outset.⁷⁷ This not only helps businesses, but accelerates goods and services to consumers, increases the number of available jobs, and generates positive economic returns for the state.

Many industries, including insurance, legal, and financial technology, could benefit from such an approach. Instead of forcing new technologies and products into existing regulatory frameworks that largely favor existing actors and sometimes force innovators to squeeze their new technology – which could be a new square peg – into an old round hole, lawmakers should create environments that:

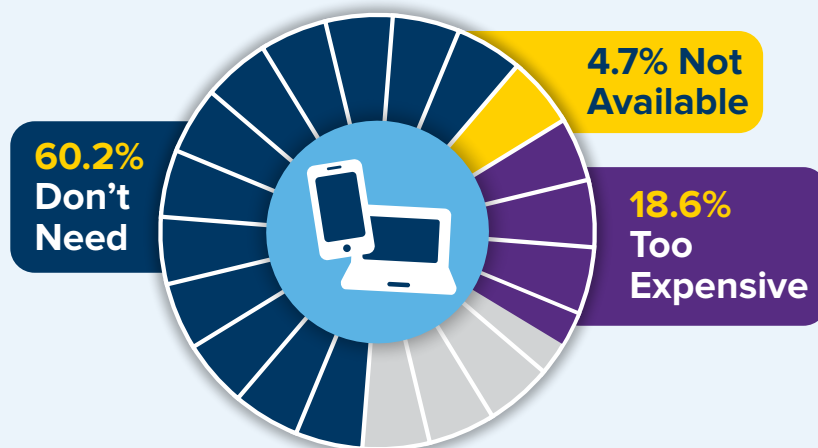
- Put the burden on the government to show why an existing regulation is needed for a new product, or better yet, ensure that any new rules are properly costed out to see their economic impact.
- Make applying to participate in a collaborative regulatory development program simple, allowing for an easy information gathering process.
- Create open lines of communication between regulators and entrepreneurs, including through innovation councils.
- Create reciprocity agreements with other states, allowing testing of products to larger markets and reducing costs for entrepreneurs.
- Support the creation and implementation of a collaborative regulatory development program or process, making it functional and inviting.
- Require that as new regulations are enacted, existing ones are repealed or are sunset.

3. **Expand internet connectivity responsibly.** With new federal dollars to support expansion of broadband internet service, the federal government has released new maps⁷⁸ showing which communities are most likely to benefit.⁷⁹ Broadband, therefore, has been thrust into the forefront of state legislative conversations, especially given the recent and sudden need for internet services

to support remote work and school during the COVID-19 pandemic. Even apart from the pandemic, faster internet helps businesses grow and opens doors for people to work.

State lawmakers and the communities they represent have begun responding to preliminary plans and the proposed maps, some even calling for them to be re-drafted,⁸⁰ although there is a challenge process that providers and individuals can use when they find or suspect inaccuracies. Because that process is available, state and local government leaders should resist the temptation to create their own maps and focus instead on making sure that the maps are as refined and accurate as possible. As this work continues, state lawmakers should vigilantly guard federal funds for expanding broadband coverage to minimize waste and ensure that individuals are indeed connected with reliable broadband internet service. This includes ensuring that money is spent in a technology-neutral, responsible way, understanding that what works best for concentrated populations may not be well suited for rural communities. It also necessitates overcoming infrastructure roadblocks like permitting and right-of-way issues. These are the most important roles state lawmakers can play.

Why Aren't Louisianans Online?



While there are places in Louisiana where broadband isn't available, the Federal Communications Commission and the National Telecommunications and Information Administration indicate this is only the case for less than five percent of Louisianans. Providing those in need with connectivity is important – the cost has always been the question. Some state and local governments have proposed creating government-owned broadband networks. While these may seem viable solutions, they consistently turn into expensive failures, with taxpayers on the hook for debt and little connectivity to show for it.⁸¹ Private companies, on the other hand, have been investing record numbers into infrastructure, strengthening networks and keeping prices low during a period of rampant inflation.⁸²

Many experts favor public-private partnerships and the deployment of 5G small cell towers to enhance connectivity and deliver long term results. Small cells are telecommunications sites that send and receive high-speed data to cell phones and other devices within short distances and boost wireless internet signals. 5G has been called “the key to unlocking the full potential of many new technologies” for its multiple possibilities,⁸³ standing to yield 40,000 new jobs and \$12.4 billion in GDP growth in Louisiana⁸⁴ and enabling significant improvements in education, healthcare, and other sectors. It still faces several hurdles on the road to becoming a reality, including required collaboration and cooperation between governments and private companies and appropriate consumer-focused regulation, but lawmakers and other state leaders should remain steadfast on the right trajectory for the 5G future.

State and local governments have also begun to develop and implement “dig once” policies that coordinate the various stakeholders involved in broadband expansion efforts as telecommunications conduits are installed. This reduces risks to public safety and property, eases disruptions caused by multiple excavations, and reduces costs by up to one-third.⁸⁵

- 4. Address antitrust concerns at the federal level.** While the role of antitrust enforcement and preventing anticompetitive behavior has typically been reserved for the federal government, states have increasingly attempted to flex their muscles. Recently, a number of state attorneys general have brought cases against technology companies in response to fears about how much control they exert over society. These actions which have ranged from legislative proposals to lawsuits have targeted Facebook, Google, Apple, Microsoft, and Amazon. The problem is that while states have a role in antitrust enforcement, these particular cases involve companies with national footprints, making it interstate commerce and, therefore, regulated by Congress and federal agencies. Federal law says this is the purview of the federal government, and states must tread carefully to ensure that any actions taken at the state level do not conflict with federal provisions. Then there’s the practical problem of companies navigating a hodgepodge of rules and regulations that differ from state to state.

As these concerns come up in Louisiana, the state attorney general should carefully consider the following questions when deciding whether the state should engage in antitrust cases:

- Does the state have unique interests, such as local price-fixing or specific consumer harm?
- Can the state play a unique role, such as developing evidence about how alleged anticompetitive behavior uniquely affects local markets and reduces consumer welfare?
- Can the state bring additional resources to bear on existing federal litigation?
- Does the state have adequate resources to fight the case or enforce new legislation?

As Louisiana remains in a rapidly developing technology and innovation market, state elected leaders would be well advised to ask themselves the questions above and resist urges and pressures to deploy knee-jerk responses. Those responses would inevitably result in a patchwork of confusing, inhibiting laws and regulations that create uncertainty about the future and do a disservice to Louisiana entrepreneurs and citizens who stand to benefit most. Louisiana must instead focus on encouraging innovation and welcoming entrepreneurs at this technology and innovation crossroads. Policy environments matter, and with the right one in place, Louisiana’s future could be exceedingly bright.

Reduce Regulatory Barriers



“The end of law is not to abolish or restrain, but to preserve and enlarge freedom. For in all the states of created beings capable of law, where there is no law, there is no freedom.”

—John Locke

Louisiana’s comeback requires laws and regulations that preserve and increase freedom. The Pelican Institute pursues this through a two-pronged approach: reducing legal and regulatory burdens through state legislative reform; and standing up against state and federal overreach in court on behalf of Louisianans in need.

PROBLEMS

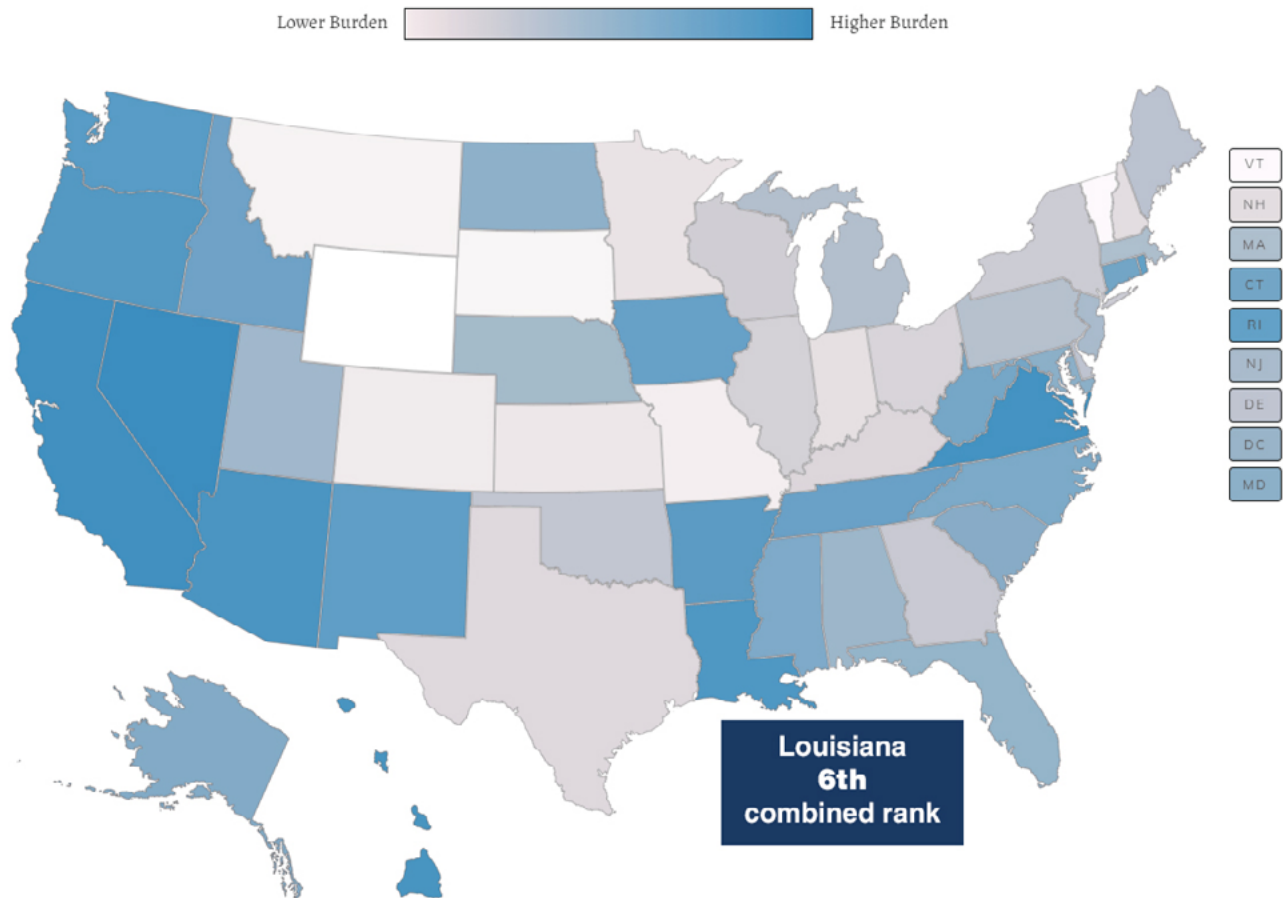
Louisianans face multiple legal and regulatory barriers to starting and running a business. The state’s excessive occupational licensing regulations block and restrict entry to a wide variety of professions. Civil litigation rules increase legal costs and decrease businesses’ ability to operate profitably. All the while, the state’s byzantine tax collection system makes it prohibitively complex for out-of-state businesses to offer goods here. The result: anemic or declining economic growth with real world consequences for Louisianans’ quality of life.

The COVID-19 pandemic and subsequent shutdowns hit Louisiana hard: the state suffered a 6.6 percent decline in gross domestic product in the first quarter of 2020 – the largest decline in the South and fifth steepest decline in the nation.⁸⁶ But even as growth resumed, the Louisiana economy only grew at 2.4 percent in 2021, which was less than half of the 5.7 percent growth for the nation.⁸⁷ This lack of economic activity has real-world consequences, as Louisianans found opportunity elsewhere. The state had the fifth largest population decline in the nation in 2021.⁸⁸

One source of frustration for entrepreneurial Louisianans is the state’s excessive occupational licensing regulations. Over time, Louisiana lawmakers and governors have created over 500 boards and commissions that enact arcane rules to govern countless occupations.⁸⁹ For example, barber shops in the state are required to purchase superfluous items to practice their trade, including “sufficient hooks or racks for customers’ hats and coats.”⁹⁰ Even more difficult than complying with all of these requirements

is entering these professions in the first place, as boards and commissions enforce unneeded licensing requirements. For example, Louisiana is the only state in the union that requires someone to have a license to arrange and sell flowers.⁹¹

A recently updated study by the Institute for Justice showed that Louisiana has more licensed low-income occupations than any other state in the nation.

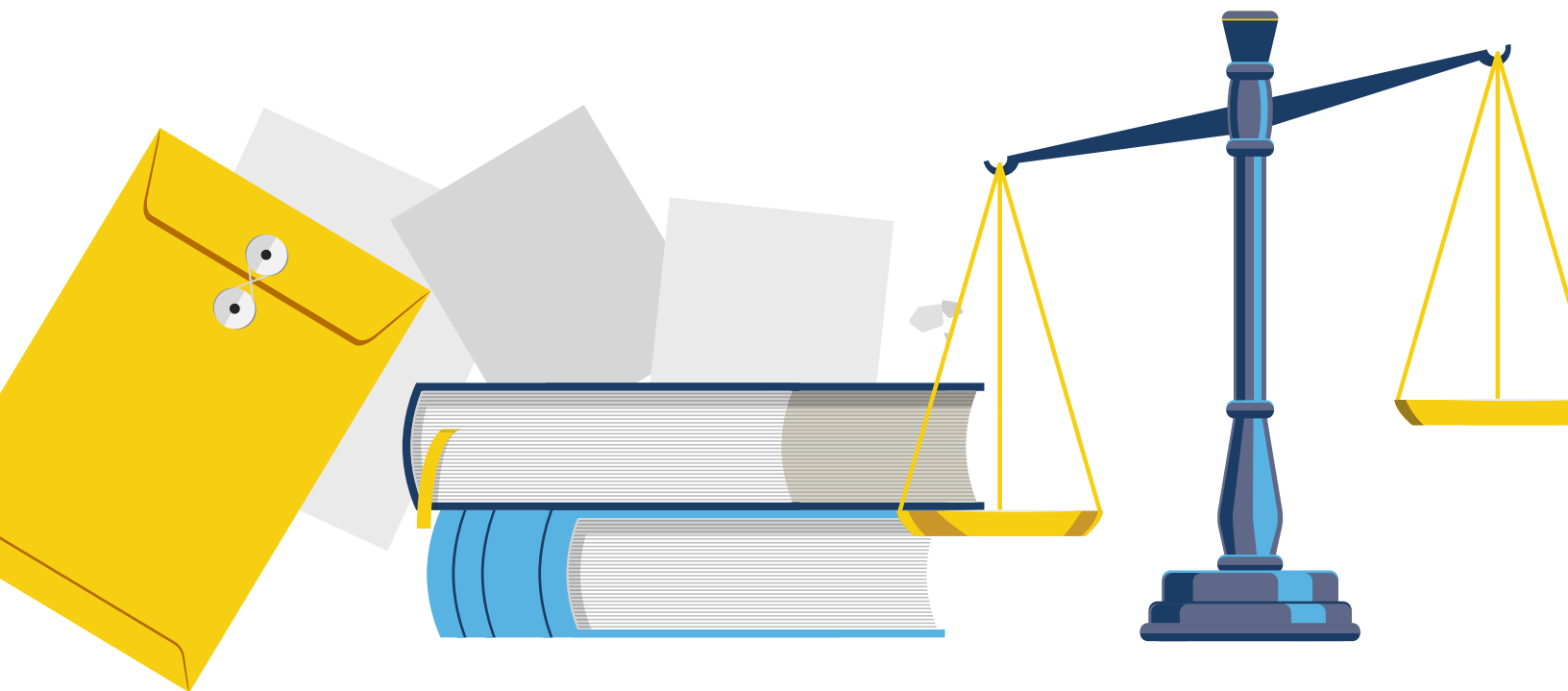


Source: License to Work, <https://ij.org/report/license-to-work-3/>

Meanwhile, even established businesses struggle to operate in the state due to excessive litigation costs. The American Tort Reform Foundation’s annual report labels Louisiana an “everlasting judicial hellhole” for showing up on their Judicial Hellhole Report or Watch List for 15 of the last 20 years.⁹² Specifically, the report notes the economic impact on the state: more than \$1,010.57 lost per person and 46,302 jobs lost each year because of the state’s litigation environment.

The state’s sales tax collection system is needlessly complex, with different calculations in different taxing districts. This is a big burden for businesses, including those operating in other states trying to offer goods and services to Louisianans. The Pelican Institute is currently involved in litigation challenging the constitutionality of this system, which reduces the variety of goods offered to Louisianans as businesses simply choose not to do business here.

Louisiana also enforces administrative rules and regulations for businesses that are often difficult to locate, confusing to follow, changing regularly, and weighted toward the interest of state agencies, boards, commissions, and other government entities. This contributes to the hostile environment for businesses, job creators, and entrepreneurs. Unlike state laws, which are passed by democratically elected lawmakers, most regulations are written by state employees in executive agencies. Voters who are dissatisfied with their lawmakers have a remedy at the ballot box; however, there is little to no political accountability for these appointed bureaucrats. Louisiana courts adhere to a doctrine called Auer deference, which means the courts defer to an agency’s interpretation of its own regulations. A study⁹³ by the Mercatus Center found that as of 2019, the Louisiana Administrative Code contained 11.2 million words, making Louisiana the most regulated state in the South.



SOLUTIONS



- 1. Limit occupational licensing.** While policymakers have made progress in occupational licensing, more remains to be done. In the 2022 Regular Session, Act 538 passed and was signed into law, making it easier to challenge burdensome rules created by the boards and commissions that regulate and issue occupational licenses. When challenged, boards must demonstrate that a regulation serves a safety, health, welfare, or fiduciary purpose in order to be upheld.

Last year's new law provides a great first step, but many of the rules governing occupations come not from the boards and commissions, but directly from the Legislature. Lawmakers should pass a bill that extends the scrutiny of Act 538 to requirements found in state law so that courts looking at them require a health, safety, welfare, or fiduciary purpose to leave them in place.

Policymakers should also carefully review outdated occupational licensing schemes enshrined in law and repeal any that no longer make sense. A few licensed professions that merit some serious review include florists, interior designers (Louisiana is one of only three states that require such a license), public school teacher's aides (one of five states), natural hair braiders, auctioneers, locksmiths, and security alarm technicians. The health, safety, welfare, or fiduciary purposes for these licenses are limited or non-existent.

Louisiana also needs to expand recognition of occupational licenses obtained in other states, making it easy for workers to relocate to Louisiana. To date, 19 other states have begun recognizing licenses granted in other states if professionals have been licensed for a certain period of time and are in good standing.⁹⁴ This is a better practice than interstate compacts or reciprocity agreements because it applies to all states and remains in effect even as state requirements and personal qualifications change over time.

- 2. Reduce administrative regulations.** There are two main actions lawmakers can take to address excessive regulations and provide a fairer process for citizens and businesses to challenge burdensome rules and regulations. First, the legislature should require that rules and regulations adopted by executive agencies expire within a certain time frame unless legislation is enacted to continue them. Second, lawmakers should remove the government's thumb on the scale of justice by rejecting deference doctrines. Instead, allow the courts to review challenges to administrative rules de novo, that is, with a fresh look at the facts of the case. Where there is doubt in interpreting rules,



courts should favor a reasonable interpretation that limits agency power and maximizes individual liberty.

- 3. Reform civil litigation.** State legislators made many worthwhile changes recommended by the Pelican Institute with the passage of the Civil Justice Reform Act of 2020, which lowered the jury trial threshold, limited recoverable expenses, and largely prohibits mention of insurance to juries. Significant work, however, remains to be done.

Unending coastal lawsuits threaten to discourage future investment in the state. Louisiana parishes have sued more than 200 energy companies since 2013, alleging that these companies' operations from decades ago damaged coastal marshes and wetlands. This short-sighted effort is reminiscent of killing the goose that laid the golden eggs – Louisiana is home to one-fourth of the nation's energy supply and the industry employs more than 250,000 Louisianans. A 2019 Pelican Institute study found that just two years after the coastal lawsuits began, more than 2,000 job losses were directly attributable to the impact of litigation risk.⁹⁵

Elected officials should focus on encouraging energy investment and jobs, not driving away critical economic contributors for short-term gains that will only go to lawyers. State lawmakers should advance legislation that curbs state-sanctioned lawsuits and clarifies appropriate and reasonable causes of action and damages for oil field remediation cases going forward.

The Legislature should also reform lax venue laws that allow rampant “forum shopping.” As the saying goes, “it’s good to know the law, it’s better to know the judge” – the current system makes it easy for lawyers to “pick their judge” in class action, multi-party, and toxic tort cases. This is good for lawyers, but bad for Louisiana’s economic growth. Prior reform efforts that would have laid down clearer and more consistent rules deserve renewed consideration.⁹⁶

Judicial integrity and transparency remain critical issues in the state. In 2021, only five percent of 526 judicial complaints were acted upon, according to public reports.⁹⁷ Greater transparency around judicial complaints is crucial for continued public faith in Louisiana’s system of justice.

The time is now to press for more legal and regulatory reform in the legislature and stand up for freedom and opportunity in the courts.



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