

# COMMITTEE ON HOUSE AND GOVERNMENTAL AFFAIRS

## Minutes of Meeting 2012 Regular Session April 11, 2012

### I. CALL TO ORDER

Representative Tim Burns, Chairman of the Committee on House and Governmental Affairs, called the meeting to order at 9:32 a.m. in Committee Room 2. The secretary called the roll.

### II. ROLL CALL

#### MEMBERS PRESENT:

Timothy G. Burns, Chairman  
Michael E. Danahay, Vice Chairman  
Taylor F. Barras  
John A. "Johnny" Berthelot  
Stuart J. Bishop  
Jared C. Brossett  
Anthony V. Ligi, Jr.  
Gregory A. Miller  
Stephen E. Pugh

#### MEMBERS ABSENT:

Randal L. Gaines  
Girod Jackson III

#### STAFF MEMBERS PRESENT:

M. Patricia Lowrey-Dufour, Legislative Analyst  
Mark Mahaffey, Attorney  
Shawn O'Brien, Secretary  
Susan Broussard, Sergeant at Arms  
Jonathon Nunley, Committee Clerk

### III. DISCUSSION

#### **House Bill No. 187 by Representative Gisclair**

House Bill No. 187 requires persons who engage in certain automated calls for the purpose of influencing the passage or defeat of legislation to electronically file a notice and reports with the Board of Ethics. Representative Gisclair presented the bill, saying that it would apply to any organized effort making 50 or more automated calls which have the ability to transfer each person so called directly to a legislator's telephone number. He said that such calls provide misleading or inflammatory information and tie up office telephone lines.

Representative Major Thibaut, House District No. 18, testified in favor of the bill, explaining how the practice can prevent other constituents' calls from coming in.

Ms. Julie Cherry and Mr. Ernest Stephens, Louisiana AFL-CIO, 429 Government Street, Baton

Rouge, Louisiana, 225-383-5741, filed cards stating their opposition. Ms. Cherry offered testimony elaborating on the same.

Mr. Nick Felton, president, New Orleans Fire Fighters, 3520 General DeGaulle Drive, New Orleans, Louisiana, 504-366-8564; Mr. Ed Parker, AFSCME, 429 Government Street, Baton Rouge, Louisiana, 225-927-2800; Mr. Chad Lauga, IBEW, 3200 Ridgelake Avenue, Metairie, Louisiana; and Ms. Linda Spradley, LHA, P. O. Box 85125, Baton Rouge, Louisiana, 225-766-1359, filed witness cards opposing the legislation but chose not to testify.

Ms. Kathleen Allen, ethics administrator, Board of Ethics, 617 N. Third Street, 10<sup>th</sup> Floor, Baton Rouge, Louisiana, was available for information and stated that her office had submitted a fiscal note indicating that costs would be nominal to create a system to allow those who originate such calls to electronically file expense reports.

Representative Burns asked the authors to narrow the bill further.

Representative Danahay offered a motion that House Bill No. 187 be voluntarily deferred and rescheduled for further discussion at a later meeting. There was no objection, and Representatives Barras, Berthelot, Bishop, Burns, Danahay, Miller, and Pugh voted 7-0 in favor of the motion.

#### **House Bill No. 365 by Representative Stuart Bishop**

House Bill No. 365 requires candidates for certain offices to receive ethics education prior to qualifying. There was no discussion on the bill.

Representative Bishop made a motion that the committee voluntarily defer action on the bill, which passed 7-0 with Representatives Barras, Berthelot, Bishop, Burns, Danahay, Miller, and Pugh voting yea.

#### **House Bill No. 893 by Representative Fannin**

House Bill No. 893 authorizes an elected sheriff to take office prior to the beginning of a term and to seek office in the future. Representative Fannin presented the bill, asking for a substitute bill to broaden its applicability, as explained by staff.

Ms. Merietta Norton, Secretary of State's Office, P. O. Box 94125, Baton Rouge, Louisiana, 225-342-4479, provided information on the case that necessitated the bill.

Mr. Michael Ranatza, Louisiana Sheriffs' Association, 801 North Blvd., Suite 120, Baton Rouge, Louisiana, 225-343-8402, submitted a card indicating the association's support for the bill.

Representative Miller offered a motion to report House Bill No. 893 by substitute, to which there was no objection. Representatives Barras, Berthelot, Bishop, Burns, Danahay, Miller, and Pugh voted 7-0 in favor of the motion.

**House Bill No. 698 by Representative Anders**

House Bill No. 698 provides for the donation, receipt, and use of compensatory leave by participants in the state employee crisis leave pool in addition to other types of leave that are transferrable. Representative Anders presented the legislation.

Mr. Frank Besson, Louisiana State Troopers Association, 8120 Jefferson Highway, Baton Rouge, Louisiana, 225-928-2000, explained the crisis leave pool and stated that the author had filed the bill on the association's behalf but that it also includes other civil service employees.

Mr. David T. Young, Louisiana State Troopers Association, 8120 Jefferson Highway, Baton Rouge, Louisiana, 225-928-2000, filed a card in support of the bill and did not testify.

Representative Berthelot proposed a motion to report the bill favorably, to which there was no objection. Representatives Barras, Berthelot, Bishop, Burns, Danahay, Miller, and Pugh voted 7-0 to report House Bill No. 698 favorably.

**House Bill No. 711 by Representative Pugh**

House Bill No. 711 provides for the requirements of the notice of candidacy by additionally requiring a candidate to certify that he has filed any campaign finance reports previously due. There was no discussion on the bill.

Representative Pugh moved that action be voluntarily deferred on the bill. There was no objection, and Representatives Barras, Berthelot, Bishop, Burns, Danahay, Miller, and Pugh voted 7-0 in favor of the motion.

**House Bill No. 1020 by Representative Danahay**

For elections affecting ad valorem taxation, House Bill No. 1020 requires that the notice of election, which is published once a week for four consecutive weeks prior to the election, state that a portion of the monies collected shall be remitted to certain state and statewide retirement systems in the manner required by law and that a copy of the notice and proof of publication be included in the proces verbal record of the election. Representative Danahay presented the bill.

Representative Danahay requested an amendment that would change the effective date from upon signature of the governor or lapse of time for gubernatorial action to January 1, 2013, saying that some tax notices for upcoming tax elections have already been sent out.

Mr. Skip McGee, Jr., Louisiana Sheriffs Pension Fund, 1225 Nicholson Drive, Baton Rouge, Louisiana, 225-219-0500; and Mr. Michael Ranatza, Executive Director, and Mr. Gary Bennett, Asst. Executive Director, Louisiana Sheriffs' Association, 801 North Blvd., Suite 120, Baton Rouge, Louisiana, 225-343-8402, were present to support the bill but did not testify.

Representative Burns offered a motion that the amendment be adopted, to which there was no objection. Representatives Barras, Berthelot, Bishop, Burns, Danahay, Miller, and Pugh voted 7-0 to adopt the amendment.

Representative Berthelot offered a motion that the bill be reported with amendments. There was no objection, and the committee reported House Bill No. 1020 with amendments with Representatives Barras, Berthelot, Bishop, Burns, Danahay, Miller, and Pugh voting 7-0 for the motion.

#### **House Bill No. 509 by Representative Lorusso**

House Bill No. 509 prohibits solicitation or acceptance of a thing of value to secure the withdrawal of a candidate from an election. Representative Lorusso presented the bill, saying that it is surprising that such prohibition is not currently in the law.

Ms. Jennifer Ansardi, Jefferson Parish, P. O. Box 55815, Metairie, Louisiana, 504-606-7700, was present to support the bill but did not testify.

Representative Pugh proposed a motion to report the bill favorably, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Miller, and Pugh voted 8-0 to report House Bill No. 509 favorably.

#### **House Bill No. 148 by Representative Jim Morris**

House Bill No. 148 prohibits a person who owes a debt that is past due to a Lawrason Act (mayor-board of aldermen) municipality from qualifying as a candidate for mayor or alderman of the municipality. Representative Morris explained the bill. Some such municipalities bill customers for water, and there appears to be the assumption on the part of some that alderman receive free water, he said.

Saying there might be extenuating circumstances relative to such debts, Representative Miller proposed a motion that action on House Bill No. 148 be voluntarily deferred. There was no objection, and Representatives Barras, Berthelot, Bishop, Brossett, Danahay, Ligi, Miller, and Pugh voted 8-0 in favor of voluntary deferral.

## **IV. OTHER BUSINESS**

### **RULES REVIEW, ETHICS ADMINISTRATION**

#### **(1) Third Party Ethics Training**

Ms. Kathleen Allen, ethics administrator, Board of Ethics, 617 N. Third Street, 10<sup>th</sup> Floor, Baton Rouge, Louisiana, presented rules being promulgated regarding certification of third-party ethics trainers for training which is required annually for every public servant as of January 1, 2012. The rules allow certification of individuals not directly employed by the board to provide the training, she said. Online training tools are being made available, as well as

methods of tracking the third party trainers' certification and employee training activities.

Ms. Allen requested approval of technical changes to the rules before they are promulgated.

Representative Ligi proposed a motion that the committee find the rules acceptable including suggested changes explained along with Ms. Allen's presentation. Without objection, Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 to accept the rules.

(2) Late Filers

Ms. Allen explained rules being promulgated regarding later filers of reports required pursuant to various ethics statutes, including the Code of Governmental Ethics, campaign finance law, and lobbying and disclosure laws.

Representative Brossett made a motion that the rules be found acceptable along with proposed changes as presented. There was no objection to the motion, and Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 to accept the rules.

**V. ANNOUNCEMENTS**

There were no announcements.

**VI. ADJOURNMENT**

The meeting was adjourned at 11:07 a.m.

Respectfully submitted,

Timothy G. Burns, Chairman  
Committee on House and Governmental Affairs

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Adopted: \_\_\_\_\_