

COMMITTEE ON HOUSE AND GOVERNMENTAL AFFAIRS

Minutes of Meeting 2012 Regular Session April 18, 2012

I. CALL TO ORDER

Representative Tim Burns, Chairman of the Committee on House and Governmental Affairs, called the meeting to order at 9:34 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
Randal L. Gaines
Girod Jackson III
Anthony V. Ligi, Jr.
Gregory A. Miller
Stephen E. Pugh

MEMBERS ABSENT:

STAFF MEMBERS PRESENT:

M. Patricia Lowrey-Dufour, Legislative Analyst
Mark Mahaffey, Attorney
Shawn O'Brien, Secretary
Myron Shaffer, Sergeant at Arms
Sharon Betsill, Sergeant at Arms

III. DISCUSSION

House Bill No. 421 by Representative St. Germain

House Bill No. 421 provides for the effective date of rules promulgated by DOTD. There was no discussion on the bill.

At the request of the author, Representative Burns moved that action be voluntarily deferred on the bill and that it be rescheduled for hearing. There was no objection, and Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Miller, and Pugh voted 8-0 in favor of the motion.

House Bill No. 1167 by Representative Burns

House Bill No. 1167 provides relative to requirements for private contracts with agencies or firms for the collection of local sales and use tax. There was no discussion on the bill.

Representative Burns moved that action be voluntarily deferred on the bill and that it be rescheduled for a later hearing. There was no objection, and Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Miller, and Pugh voted 8-0 in favor of the motion.

House Concurrent Resolution No. 5 by Representative Schroder

House Concurrent Resolution No. 5 continues the Task Force on Legal Representation in Child Protection Cases. Representative Schroder presented the bill, which he had said had also been heard in the Committee on Health and Welfare. The resolution continues the task force for one year to complete work begun in 2003, he said.

Ms. Karen Hallstrom, task force staff, Louisiana Supreme Court, 1555 Poydras Street, New Orleans, Louisiana, stated that the task force appreciates the opportunity to complete its work.

Mr. Dino Paternostro, Louisiana Partnership for Children and Families, P. O. Box 74507, Baton Rouge, Louisiana, 225-756-7904, filed a card in support of the bill.

Representative Burns proposed a motion that the committee report the resolution favorably. There being no objection, Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Miller, and Pugh voted 8-0 in favor of the motion.

House Bill No. 314 by Representative Berthelot

House Bill No. 314 provides for the abolition of certain boards and commissions and was presented by Representative Berthelot. He explained that the included boards and commissions have either not met or not answered the legislative auditor's request for information.

Representative Berthelot requested adoption of an amendment requiring the Board of Regents to consult with the president of the Louisiana Association of Independent Colleges and Universities prior to submitting the list of nominees for selection of a higher education faculty member for the revenue estimating conference.

Representative Berthelot offered a motion that the amendment be adopted, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 in favor of adoption.

Ms. Sarah Allen, director of boards and commissions, Governor's Office, 904 Third Street, Baton Rouge, Louisiana, 225-342-6682, explained that boards with listed contacts were contacted and that most of those included in the bill are defunct.

Representative Brossett offered a motion that the bill be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay,

Ligi, Miller, and Pugh voted 9-0 to report House Bill No. 314 with amendments.

House Bill No. 715 by Representative Leger

House Bill No. 715 authorizes the secretary of state to charge a fee of \$60 for filing applications and issuing certificates to offer cable service or video service in the state. In his presentation of the bill, Representative Leger stated that other businesses pay a fee to register and incorporate their business.

Representative Burns offered technical amendments on behalf of the author which clarify that the nominal fee covers both the filing of applications and the issuing of certificates.

Representative Burns offered a motion that the amendment be adopted, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 in favor of the motion.

Mr. Kyle Ardoin and Ms. Carla Bonaventure, secretary of state's office, 8585 Archives Avenue, Baton Rouge, Louisiana, 225-925-4716, were available to provide information.

Representative Miller offered a motion that the bill be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 to report House Bill No. 715 with amendments.

House Bill No. 46 by Representative Pearson

House Bill No. 46 provides that for purposes of constitutional requirements for notice of introduction of retirement bills, the Official Journal of the State shall include the website of the official journal and the website of the legislature. Representative Pearson presented the bill, saying that it would broaden availability of the information required relative to retirement bills.

Representative Burns proposed a motion for adoption of an amendment that would, instead of providing that for purposes of retirement notice, "Official Journal of the State" includes the website of the official journal and the website of the legislature, provide that "Official Journal of the State" means the official journal as provided for in present law, the website of the official journal, or the website of the legislature.

Representative Burns offered a motion that the amendment be adopted, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 to adopt the amendment.

Representative Bishop moved that the committee report House Bill No. 46 with amendments. There being no objection, Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 in favor of the motion.

House Bill No. 1090 by Representative Ligi

House Bill No. 1090 authorizes the use of electronic means to notify parties of decisions or orders in adjudication proceedings conducted pursuant to the Administrative Procedure Act (APA). Representative Ligi presented the legislation.

Ms. Ann Wise, Division of Administrative Law, P. O. Box 44033, Baton Rouge, Louisiana, 225-342-1800, was present to provide information upon request.

Ms. Jennifer Ansardi, Jefferson Parish, P. O. Box 55815, Metairie, Louisiana, 504-606-7700, submitted a witness card stating her support for the bill.

Representative Pugh proposed a motion to report the bill favorably. There being no objection, Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 10-0 in favor of the motion.

Representative Ligi offered a motion to place House Bill No. 1090 on the Local and Consent Calendar. Without objection, Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 10-0 to approve the calendar motion.

Senate Bill No. 640 by Senator Alario

Senate Bill No. 640 provides relative to attendance of an economist principal at a session or meeting of the Revenue Estimating Conference under certain circumstances. Senator Alario presented the bill. He explained that members of the conference other than the economist member are allowed to appoint proxies to serve in their absence and that a unanimous vote of the conference is required. The change is being proposed to allow for the additional proxy because the economist is currently on medical leave, he said.

Representative Burns offered amendments on behalf of the author to remove provisions authorizing the economist principal's participation in meetings through electronic means; provide that in addition to attending a meeting, the ad hoc member may act on the principal's behalf; provide that if the economist principal is incapacitated and unable to designate an ad hoc member, the president of his college or university shall make such designation; specify that the ad hoc member shall be a faculty member; and make other technical changes.

Representative Burns offered a motion that the amendments be adopted, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 10-0 to adopt the amendments.

Representative Danahay offered a motion that the bill be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 10-0 to report Senate Bill No. 640 with amendments.

The committee, by a vote of 10-0, approved of a motion by Representative Barras to make the bill Special Order of the Day, with Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Jackson, Miller, and Pugh voting in favor thereof.

House Bill No. 313 by Representative James

House Bill No. 313 provides that the president of the Louisiana Council of Juvenile and Family Court Judges appoints two judges from that council to the council of the Louisiana State Law Institute. Representative James presented the bill.

The Honorable Judge Lisa Woodruff White, East Baton Rouge Family Court, 200 North Blvd., Baton Rouge, Louisiana, 225-389-7657, a member of the law institute, stated in support that she had requested the bill be filed.

Representative Ligi proposed a motion to report the bill favorably, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 10-0 in favor of the motion.

Representative Burns made a motion to place the bill on the Local and Consent Calendar, to which Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted without objection, 10-0.

House Bill No. 299 by Representative Harrison

House Bill No. 299, a constitutional amendment, provides that the requirement that the imposition of a new fee or increase in an existing fee requires the enactment of a law by a 2/3 vote by the legislature shall not apply to new tuition amounts or mandatory fees or increases of such by a public postsecondary education management board. Representative Harrison presented the legislation, saying that the TOPS program takes funds away from other areas and that universities need to have more control over their budgets.

Dr. James Caillier, Taylor Foundation, One Lee Circle, New Orleans, Louisiana, 504-589-0470, speaking for information, pointed out that 85% of the state's residents are opposed to any college tuition increase, which he said are already out of control.

Mr. Christian Rhodes, Taylor Energy, 8440 Jefferson, Highway, Suite 301, Baton Rouge, Louisiana, 225-802-7527, submitted a witness card in opposition to the bill.

Representative Ligi moved that House Bill No. 299 be reported favorably, to which Representative Brossett objected. The secretary called the roll. Representatives Barras, Berthelot, Bishop, Burns, Ligi, Miller, and Pugh voted yea, Representatives Brossett, Danahay, and Gaines voted nay, and the bill was reported favorably by a vote of 7-3.

House Bill No. 954 by Representative Danahay

Representative Danahay presented House Bill No. 954 providing for technical corrections to certain provisions throughout the La. Revised Statutes, which he said is an ongoing project performed by the House staff.

Representative Danahay made a motion to adopt additional technical amendments to the bill. There was no objection, and Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 10-0 in favor of the amendments.

Representative Brossett offered a motion that the bill be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 10-0 to report House Bill No. 954 with amendments.

House Bill No. 334 by Representative Brossett

House Bill No. 334 provides relative to the records and subpoena powers of "local ethics entities" in Orleans, East Baton Rouge, and Jefferson parishes, including but not limited to an ethics review board or office of the inspector general.

Representative Brossett presented the bill with Mr. Ed Quartreveau, office of the inspector general, 525 St. Charles Avenue, New Orleans, Louisiana, 504-681-3200. Mr. Quartreveau explained that the bill pertains only to administrative subpoenas which are usually requested by the subpoenaed parties to ensure that as civil servants they are not violating restrictions of confidentiality.

Mr. Christian Rhodes, New Orleans Business Council, 1515 Poydras Street, New Orleans, Louisiana; Ms. Carla Gendusa, 877 Homedale Street, New Orleans, Louisiana; and Ms. Suzanne Wisdom, office of the inspector general, 525 St. Charles Avenue, New Orleans, Louisiana, submitted witness cards indicating support for the bill but did not testify.

Representative Ligi proposed an amendment to add the emergency effective date and moved that it be adopted. With no objection, Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 10-0 on the motion.

Representative Ligi offered a motion that the bill be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 10-0 to report House Bill No. 334 with amendments.

House Concurrent Resolution No. 23 by Representative Ortego

House Concurrent Resolution No. 23 creates the Uniform Bilingual Signage and Map Task Force. Representative Ortego presented the resolution, noting that it had previously been heard by the transportation committee and was dual-referred because it sets up a task force that includes legislators.

Representative Danahay moved that the resolution be reported favorably, to which there was no objection. Representatives Barras, Berthelot, Bishop, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 9-0 in favor of the motion.

House Bill No. 768 by Representative T. Burns

House Bill No. 768 provides with respect to membership on various boards, commissions, and entities that is based on congressional districts. There was no discussion on the bill.

Representative Burns moved to voluntarily defer action on the bill and that it be rescheduled for further discussion at a later meeting. There was no objection to the motion, which passed 9-0 with Representatives Barras, Berthelot, Bishop, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voting yea.

House Bill No. 524 by Representative T. Burns

House Bill No. 524, a constitutional amendment, relative to the membership of constitutional boards and commissions that have members who are selected from congressional districts, retains the existing number of members and provides for implementation of membership from reapportioned congressional districts by filling vacancies first from under-represented congressional districts and then from the state at large. Representative Burns presented the bill.

Representative Ligi proposed a motion to report the bill favorably, to which there was no objection. Representatives Barras, Berthelot, Bishop, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 9-0 in favor of the motion.

House Bill No. 570 by Representative Montoucet

House Bill No. 570 requires certain information relative to shipments of alligator parts or skins and exempts from the Public Records Act certain records held by the Department of Wildlife and Fisheries relative to specific shipments of alligator parts or skins. Representative Montoucet presented the bill.

Representative Danahay proposed a motion for the adoption of technical amendments, including removing specific reference to copies of memoranda and providing instead that the public records exemption applies to copies of all of the various types of listed documentation received by the department. There was no objection to the motion, and Representatives Barras, Berthelot, Bishop, Brossett, Danahay, Gaines, Ligi, Miller, and Pugh voted 9-0 to adopt the amendments.

Representative Ligi offered a motion that the bill be reported with amendments. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted without objection, 10-0, to report House Bill No. 570 with amendments.

House Bill No. 949 by Representative Nancy Landry

House Bill No. 949, for certain public bodies, requires public comment before each item of an agenda at a public meeting and requires that on the question of whether to hold an executive session or whether to add an item to an agenda, the roll shall be called and the vote of each voting member recorded and entered into the minutes.

Representative Landry presented the bill with Mr. Charles R. King, 1421 North Avenue H, Crowley, Louisiana, 337-783-8093, who she said requested the legislation.

Representative Danahay offered amendments to delete provisions relative to a vote on a body going into executive session. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 10-0 to adopt the amendments.

Mr. Johnny Koch, Louisiana Press Association, (no address provided), submitted a card stating support of the bill.

Ms. Julie Cherry, Louisiana AFL-CIO, 429 Government Street, Baton Rouge, Louisiana, 225-383-5749, submitted a card for information and explained how the proposal would negatively impact the public by causing more lengthy meetings.

Ms. Renee Roberts, St. Tammany Parish Government, P. O. Box 628, Covington, Louisiana, 985-898-2700; Mr. Ty Bromell, Police Jury Association, 707 North 7th Street, Baton Rouge, Louisiana, 225-343-2835; and Ms. Paulette Bailey-Wilson, Mr. Mike Cross, and Mr. John Gallagher, Louisiana Municipal Association, 700 North 10th Street, Baton Rouge, Louisiana, submitted cards expressing their opposition to House Bill No. 949.

Mr. Gallagher and Mr. Bromell elaborated on their respective associations' opposition to the bill's provision requiring testimony be given item by item per a public body's meeting agenda.

Representative Bishop offered a motion that the bill be reported with amendments, to which Representative Berthelot objected, whereupon the secretary called the roll. Representatives Bishop, Brossett, and Danahay voted yea; Representatives Berthelot, Burns, Gaines, Miller, and Pugh voted nay; and the motion was rejected, 3-5.

Representative Danahay moved that the committee involuntarily defer action on House Bill No. 949, to which there was no objection. Representative Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Miller, and Pugh voted 8-0 in favor of involuntary deferral.

House Bill No. 1142 by Representative Nancy Landry

House Bill No. 1142 provides relative to committees of public bodies. Representative Landry presented the bill with Mr. Charles R. King, 1421 North Avenue H, Crowley, Louisiana, 337-783-8093, who she said requested the legislation.

Representative Danahay offered amendments on behalf of the author, which Mr. King said would clarify the intent of the bill.

Representative Danahay offered a motion that the amendment be adopted, to which there was no objection. Representatives Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Miller, and Pugh voted 8-0 in favor of adoption.

Mr. Johnny Koch, Louisiana Press Association, (no address provided), submitted a card stating

support of the bill.

Ms. Renee Roberts, St. Tammany Parish Government, P. O. Box 628, Covington, Louisiana, 985-898-2700; Mr. Ty Bromell, Police Jury Association, 707 North 7th Street, Baton Rouge, Louisiana, 225-343-2835; and Ms. Paulette Bailey-Wilson, Mr. Mike Cross, and Mr. John Gallagher, Louisiana Municipal Association, 700 North 10th Street, Baton Rouge, Louisiana, submitted cards expressing opposition to the bill.

Representative Pugh offered a motion that action on the bill be deferred involuntarily, to which Representative Bishop objected. The secretary called the roll. Representatives Burns, Danahay, Gaines, Miller, and Pugh voted yea; Representatives Barras, Berthelot, Bishop, and Brossett voted nay, and the committee involuntarily deferred action on House Bill No. 1142 by a vote of 5-4.

House Bill No. 1143 by Representative Nancy Landry

Relative to meetings of public bodies, House Bill No. 1143 expressly provides that a meeting agenda cannot be changed less than 24 hours prior to the meeting; requires each item on the agenda to be listed separately and described with reasonable specificity; and provides that before the public body may take any action on an item, the presiding officer shall read aloud the description of the item.

Representative Landry presented the bill with Mr. Charles R. King, 1421 North Avenue H, Crowley, Louisiana, 337-783-8093, who she said requested the legislation.

Mr. Johnny Koch, Louisiana Press Association, (no address provided), spoke in support of the bill but stated that it is superfluous.

Representative Gaines proposed a motion to report the bill favorably, to which Representative Miller objected, whereupon the secretary called the roll. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Gaines, and Jackson voted yea; Representatives Danahay, Miller, and Pugh voted nay; and the committee reported House Bill No. 1143 favorably by a vote of 7-3.

IV. OTHER BUSINESS

There was no other business brought before the committee.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:57 a.m.

Respectfully submitted,

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

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Adopted: _____