

# COMMITTEE ON HOUSE AND GOVERNMENTAL AFFAIRS

## Minutes of Meeting 2012 Regular Session April 25, 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  
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  
Susan Broussard, Sergeant at Arms

### III. DISCUSSION

#### **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. Representative Pugh presented the bill.

Representative Pugh proposed amendments that would limit the applicability of the bill to a candidate for a major or district office as well as make technical changes.

Representative Burns moved that the committee adopt the amendments. There being no

objection, Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 in favor of the motion.

Mr. Cloyce Clark, governor's office, (no address provided), asked for passage of the bill.

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. 711 with amendments.

### **House Bill No. 1095 by Representative Leger**

House Bill No. 1095 makes the state a party to the "Agreement among the States to Elect the President by National Popular Vote" compact which provides that the presidential electors of each member state are allocated to the national popular vote winner of such election. In his presentation of the bill, Representative Leger pointed out that the electoral college is not a constitutionally created entity and that the founders left it to the states to allocate their electoral votes as they deemed fit.

Mr. Raymond N. Haynes, National Popular Vote, (address illegible), Temecula, CA, 916-709-9781, assisted in the author's presentation. He said the founding fathers decreed that to influence the national government, the states would have the right to redistrict their congressional districts, elect its senators, and determine the method by which the president is elected. He said that presidential candidates pay no attention to states that are not battleground states, regardless of their size.

Mr. Johnny Koch, National Popular Vote, (no address provided); Mr. York Forsyth, College Republicans-UNO, 4312 State Street Drive, New Orleans, Louisiana, 337-962-2039; Mr. Christian Rhodes, National Popular Vote, 1515 Poydras Street, New Orleans, LA, 225-802-7567; and Mr. Scott Kirkpatrick, Support Popular Vote, 8440 Jefferson Highway, Baton Rouge, Louisiana, filed cards indicating support for the bill but did not testify.

Mr. John Couvillon, JMC Enterprises of Louisiana, 1025 Chippenham Drive, Baton Rouge, Louisiana, expressed his opposition to the bill based on its impact on checks and balances.

Mr. Charlie Buckels, 202 Sommerset, Lafayette, Louisiana, 337-981-3000, spoke in opposition to the bill, saying that it is not the case that some votes do not count in the current system and that under the proposal the president could be elected with 30-35% of the total vote.

Mr. Charlie Davis, Louisiana Family Forum, (no address provided) 225-485-7395, testified against the bill, noting unintended consequences of the system.

Mr. Jason Dore, Republican Party of Louisiana, 1817 Olive Street, Baton Rouge, Louisiana; Pat Bergeron, 10155 Perkins Rowe, Suite 31H, Baton Rouge, Louisiana; Mr. Dale Hoffpaurr, Louisiana Family Forum, 655 St. Ferdinand, Baton Rouge, Louisiana; Ms. Connie Bernard, Republican State Central Committee, 930 High Lake Drive, Baton Rouge, Louisiana, 225-763-9739; Ms. Elizabeth Kogler, 10447 Barringer Foreman Road, Baton Rouge, Louisiana, 225-752-0504; and Mr. James Stoner, 809 Horton Street, Gretna, LA, 504-366-1006, submitted

witness cards stating opposition to House Bill No. 1095 but did not testify.

Mr. Cloyce Clark, governor's office, (no address provided), was present to give information if requested.

Representative Jackson offered a motion that the bill be reported favorably, to which Representative Ligi objected and proposed a substitute motion that the committee involuntarily defer action on the measure.

Upon Representative Brossett's objection to the substitute motion, the secretary called the roll. Representatives Bishop, Burns, Ligi and Miller voted yea; Representatives Barras, Berthelot, Brossett, Danahay, Gaines, and Jackson voted nay; and the substitute motion failed by a vote of 4-6.

There being no further objection to Representative Jackson's motion to report House Bill No. 1095 favorably, Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Jackson, Ligi, and Miller voted 10-0 to report the bill favorably.

#### **House Bill No. 421 by Representative St. Germain**

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

At the request of the author, Representative Burns moved that action be voluntarily deferred on the bill. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Jackson, Ligi, and Miller voted 10-0 in favor of the motion.

#### **House Bill No. 1035 by Representative Seabaugh**

House Bill No. 1035 provides for the designation of super watchers in certain elections. Representative Seabaugh presented the bill, saying that it better defines what a super watcher may do, in some cases taking the place of individual poll watchers where none are available.

Ms. Elizabeth Kogler, 10447 Barringer Foreman Road, Baton Rouge, Louisiana, 225-752-0504; and Ms. Connie Bernard, Republican State Central Committee, 930 High Lake Drive, Baton Rouge, Louisiana, 225-763-9739, filed cards in support of the bill.

Ms. Debbie Hudnall, Louisiana Clerks of Court Association, 11745 Bricksome Avenue, Baton Rouge, Louisiana, 225-293-1162, opposed the bill, saying that super watchers disrupt the voting process and noting that candidates and parties are all entitled to watchers.

Mr. Kyle Ardoin, Secretary of State's Office, P. O. Box 94125, Baton Rouge, Louisiana, 225-342-4479, confirmed various clerks of court's opposition to the bill.

Representative Berthelot moved that action on the bill be voluntarily deferred and rescheduled so that the author could address concerns. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, and Miller voted 8-0 in favor of the motion.

**House Bill No. 598 by Representative Franklin**

House Bill No. 598 provides geographic boundaries for election sections in the City Court of Lake Charles and provides for the assignment of judgeships in those districts for election purposes. Representative Franklin noted in his presentation that the bill is local in nature.

Mr. Mark Mahaffey, staff attorney, explained technical amendments to the bill.

Representative Danahay moved the adoption of the technical amendments, to which there was no objection. Representatives Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, and Miller voted 8-0 to adopt the amendments.

Mr. Ken Schexnider, 2222 22<sup>nd</sup> Street, Lake Charles, Louisiana, 337-478-2979, spoke in support of the proposal, saying that parity does not exist in the courts of Lake Charles with respect to racial population.

Mr. Marshall Simien, Jr., City of Lake Charles, 2131 Fitzenreiter Road, Lake Charles, Louisiana, 337-497-0022, appearing in support, provided census information supporting the proposal.

Mr. Samuel Tolbert, (no address provided), testified in support of House Bill No. 598.

Mr. Tim Leger and the Honorable Judge John Hood, Lake Charles City Court, P. O. Box 1664, Lake Charles, Louisiana, 337-491-1305, submitted cards indicating their opposition to the bill but did not speak.

The Honorable Judge Tom Quirk, retiring judge, Lake Charles City Court, P. O. Box 1664, Lake Charles, Louisiana, 337-491-1305, testified in opposition to the bill, citing a case that deems the bill unconstitutional.

Representative Jackson offered a motion that the bill be reported with amendments, to which Representative Danahay objected, whereupon the secretary called the roll. Representatives Brossett, Gaines, and Jackson voted yea; Representatives Barras, Berthelot, Bishop, Burns, Danahay, Ligi, and Miller voted nay; and the motion failed, 3-7.

Representative Danahay made a motion that the committee involuntarily defer action on the bill, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Jackson, Ligi, and Miller voted 10-0 in favor of the motion.

**House Bill No. 580 by Representative Abramson**

House Bill No. 580 requires a public body which has an official website to give notice of a meeting via such site in addition to posting a notice at its principal office or where the meeting is held or publication in the official journal. Representative Abramson presented the bill.

Representative Burns offered a motion to adopt amendments that would strengthen and clarify language relative to the website's notice being an additional notice and posted for no less than

the 24 hours immediately preceding the meeting. There being no objection, Representatives Barras, Berthelot, Bishop, Brossett, Burns, Gaines, Ligi, and Miller voted 8-0 to adopt the amendments.

The chairman read cards in support but not wishing to speak from Mr. John Walters, Associated Builders and Contractors, 19251 Highland Road, Baton Rouge, Louisiana, 225-752-1415; Mr. Robert Reiger, Adams and Reese, 450 Laurel Street, #1900, Baton Rouge, Louisiana, 225-336-5200; and Kerry Everitt, AARP, 301 Main Street, Suite 1012, Baton Rouge, Louisiana, 225-324-3297 and from Mr. David Marcello, The Public Law Center, 6329 Freret Street, New Orleans, Louisiana, 504-862-8847, who filed a card to provide information if requested.

Representatives 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, and Miller voted 9-0 to report House Bill No. 580 with amendments.

#### **House Bill No. 756 by Representative Abramson**

House Bill No. 756 exempts certain materials created pursuant to academic research and higher education from disclosure under the Public Records Act. In his presentation, Representative Abramson stated that such materials should remain confidential so as to maintain the integrity of academic institutions and educational requirements.

Mr. David Marcello, The Public Law Center, 6329 Freret Street, New Orleans, Louisiana, 504-862-8847, testified in support of the bill. He requested that the committee consider amendments that would leave items to be exempted from the Public Records Act test questions and teaching materials used by faculty and not provided to students.

Staff explained that the amendment would delete provisions relative to admission applications, disciplinary proceedings against students, and records produced or collected in connection with study or research on certain issues and also make technical changes.

Representative Burns made a motion to adopt the amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, and Miller voted 9-0 to adopt the amendments.

Representatives 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, and Miller voted 9-0 to report House Bill No. 756 with amendments.

#### **House Bill No. 510 by Representative Burford**

House Bill No. 510 redistricts the justice of the peace courts and constable districts in DeSoto Parish. Representative Burford presented the bill.

Representative Berthelot made a motion to adopt amendments that would provide for the specific precincts in DeSoto Parish placed within each justice of the peace and constable

district. There was no objection, and Representatives Barras, Berthelot, Brossett, Burns, Danahay, Gaines, Ligi, and Miller voted 8-0 in favor of the motion.

Representative Berthelot offered a motion that the bill be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Brossett, Burns, Danahay, Gaines, Ligi, and Miller voted 8-0 to report House Bill No. 510 with amendments.

#### **House Bill No. 1036 by Representative Brossett**

House Bill No. 1036 increases the compensation of absentee by mail and early voting commissioners for certain elections. Representative Brossett presented the bill, citing a particular presidential election that required thousands of absentee ballots to be counted and caused the commissioners to work for many unanticipated hours with only a short break. These special commissioners should be paid fairly and equally, he said, ensuring there will be enough commissioners available to carry out the process.

Representative Burns moved to adopt an amendment making the bill permissive in nature. There was no objection to his motion, which passed 9-0 with Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, and Miller voting yea.

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, and Miller voted 9-0 to report House Bill No. 1036 with amendments.

#### **House Bill No. 1113 by Representative Johnson**

Representative Johnson presented House Bill No. 1113, which provides an exception to the Public Records Law for documents in the possession of the Louisiana Licensed Professional Counselors (LPC) Board of Examiners.

Ms. Mary Alice Olsan, LPC Board, 8631 Summa Avenue, Baton Rouge, Louisiana, 225-765-2515, informed the committee that the bill results from an oversight in the original 1987 legislation that created a public records exemption for similar boards to protect sensitive information of those receiving counseling, she said.

Representative Miller offered an amendment to delete memoranda of other records from the list of public records exceptions in the bill and moved that it be adopted. There was no objection, and Representatives Barras, Berthelot, Bishop, Brossett, Burns, Gaines, Ligi, and Miller voted 8-0 in favor of his motion.

Mr. Calvin Williams, Louisiana Association, 112 Fawn Circle, West Monroe, Louisiana, 318-512-6226; Mr. R. Bruce Galbraith, Louisiana Counseling Association, 800 Darlene Avenue, Metairie, Louisiana, 504-734-0448; Mr. David Tatman, Louisiana Counseling Association, P. O. Box 82531, Baton Rouge, Louisiana, 225-767-7640; Mr. Eric Sunstrom, LAMFT, P. O. Box 80106, Baton Rouge, Louisiana, 225-767-9908; Mr. Howie Brownell, LAMFT, 330 West Virginia Avenue, Vivian, Louisiana, 318-375-3775; and Mr. Cindy Nardini, Louisiana

Counseling Association, 5399 Mar-Bud Trace, Pineville, Louisiana, 318-449-8571, filed witness cards noting their support of the bill but did not testify.

Ms. Pamela Mitchell, Louisiana Press Association, 404 Europe Street, Baton Rouge, Louisiana, 225-344-9309, filed a card in opposition to the bill but did not speak.

Representative Miller offered a motion that the bill be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Gaines, Ligi, and Miller voted 8-0 in favor of the motion.

### **House Bill No. 1102 by Representative Ligi**

House Bill No. 1102 authorizes disclosure by the Department of Revenue of the name, address, and last four digits of the social security number of taxpayers in electronic format to the Louisiana Clerks' of Court Association for use in updating jury rolls. Representative Ligi presented the bill, noting that it had been dual referred after a hearing by the Committee on Ways and Means.

Representative Burns proposed a motion that the committee adopt technical amendments. There was no objection, and Representatives Barras, Berthelot, Bishop, Burns, Danahay, Gaines, Ligi, and Miller voted 8-0 in favor of the motion.

Representative Ligi offered a motion that the bill be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Burns, Danahay, Gaines, Ligi, and Miller voted 8-0 to report House Bill No. 1102 with amendments.

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

House Bill No. 365 requires candidates for statewide office and for the state legislature to obtain one hour of ethics education and training prior to filing a notice of candidacy and further requires them to file a certification of the training with their notice of candidacy. Representative Bishop presented the bill.

Representative Bishop requested an amendment that would change the deadline to file the certification to the same as for filing the personal financial disclosure statement required by the Campaign Finance Disclosure Act, remove the provision that the certification be designed in conjunction with the secretary of state, and require the certification form and an informational notice be included in candidate packets.

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

Ms. Tracy Barker, Louisiana Board of Ethics, P. O. Box 4368, Baton Rouge, Louisiana, 225-219-5600, was present to provided information upon request.

Ms. Ayn W. Stehr, National Association of Social Workers Louisiana Chapter, 18906 Spyglass Hill Drive, Baton Rouge, Louisiana, 225-241-0947, filed a card indicating support for the bill but did not speak.

Representative Miller offered a motion that the bill be reported with amendments. There was no objection to the motion, which passed 9-0 with Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, and Miller voting yea.

#### **House Bill No. 357 by Representative Brown**

House Bill No. 357 provides for the territorial jurisdiction and election districts of the justice of the peace courts and constables in LaSalle Parish. Representative Brown presented the bill, noting the unanimous approval of the LaSalle Parish Police Jury of making the precincts more uniform.

Representative Miller proposed a motion to adopt technical amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, and Miller voted 9-0 in favor of adoption.

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, Gaines, Ligi, and Miller voted 9-0 to report House Bill No. 357 with amendments.

#### **House Bill No. 1022 by Representative Richard**

House Bill No. 1022 provides that a matter not on the agenda of a public body may be taken up upon the affirmative vote of 2/3s of the members of the public body present at the meeting instead of upon a unanimous vote. Representative Richard presented the bill.

Mr. Johnny Koch, Louisiana Press Association (no address provided); spoke in opposition to the bill, saying that it circumvents the purpose of having an agenda.

Ms. Rebecca Bradley, Louisiana Hospital Association, 9521 Brookline Avenue, Baton Rouge, Louisiana, 225-928-0026; Ms. Pamela Mitchell, Louisiana Press Association, 404 Europe Street, Baton Rouge, Louisiana, 225-344-9309; Ms. Cassie Hughes, Louisiana Press Association, 8440 Jefferson Highway, Baton Rouge, Louisiana, 225-929-7033; and Mr. Carl Redman, The Advocate, 7290 Bluebonnet, Baton Rouge, Louisiana, 225-388-0277, submitted witness cards indicating their opposition to the measure but did not testify.

Representative Berthelot made a motion to involuntarily defer action on the bill, to which there was no objection. Representatives Berthelot, Brossett, Burns, Jackson, Ligi, and Miller voted 6-0 in favor of the motion.



**House Bill No. 768 by Representative Tim Burns**

House Bill No. 768 provides relative to the number of members of various boards and commissions and for transition provisions to comply with changes in congressional districts. Representative Burns presented the bill.

Representative Ligi offered a motion to adopt technical amendments, to which there was no objection. Representatives Berthelot, Brossett, Burns, Jackson, Ligi, and Miller voted 6-0 in favor of the motion.

Representative Brossett offered a motion that the bill be reported with amendments. There was no objection, and Representatives Berthelot, Brossett, Burns, Jackson, Ligi, and Miller voted 6-0 in favor of the motion.

**House Bill No. 694 by Representative Robideaux**

House Bill No. 694 establishes a program to authorize the granting of ad valorem tax exemption contracts by the Board of Commerce and Industry for certain businesses. Representative Burns presented the bill on behalf of the author, noting that it had been dual-referred because of a public records exception.

Ms. Lea Anne Greco, Louisiana Economic Development (LED), Capitol Annex, 225-342-4322, provided information on the bill, saying the intent is that in bringing in the local entity, existing confidentiality will not be lost during negotiations.

Representative Burns presented amendments which Ms. Patricia Lowrey-Dufour, senior legislative analyst, explained would cross reference the proposed exception in the public records statutes. It would also make clear that a record in the custody of the parish governing authority pertaining to a project under consideration that would be confidential pursuant to the existing exception for the LED if in the custody of the department is confidential to the same extent as though it were in the custody of the department. The amendments also specify that the required minimum \$25 million expenditure be made by the business or an affiliate or partner on its behalf; specify that the secretary executes the contract on behalf of the State Board of Commerce and Industry; provide that the secretary notify the assessor and the governing authority if a contract is renewed, and change references to "tax year" to instead read "calendar year", she explained.

Representative Ligi made a motion to adopt the amendments, to which there was no objection. Representatives Berthelot, Bishop, Brossett, Burns, Jackson, Ligi, and Miller voted 7-0 to adopt the amendments.

Mr. John Gallagher, Louisiana Municipal Association, 700 North 10<sup>th</sup> Street, Baton Rouge, Louisiana, 225-344-5001; Mr. Dino Paternostro, GNO, Inc. 365 Canal Street, New Orleans, Louisiana, 504-756-7904; Mr. Ty Bromell, Police Jury Association, 707 North 7<sup>th</sup> Street, Baton Rouge, Louisiana, 225-343-2835, and Ms. Rina Thomas, governor's office (no address provided), submitted cards stating their support for the bill but did not testify.

Representative Burns offered a motion that the bill be reported with amendments, to which there was no objection. Representatives Berthelot, Bishop, Brossett, Burns, Jackson, Ligi, and Miller voted 7-0 to report House Bill No. 694 with amendments.

**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 11:43 a.m.

Respectfully submitted,

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

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