

COMMITTEE ON HOUSE AND GOVERNMENTAL AFFAIRS

Minutes of Meeting 2012 Regular Session May 15, 2012

I. CALL TO ORDER

Representative Tim Burns, Chairman of the Committee on House and Governmental Affairs, called the meeting to order at 9:42 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
Gregory A. Miller
Stephen E. Pugh

MEMBERS ABSENT:

Girod Jackson III
Anthony V. Ligi, Jr.

STAFF MEMBERS PRESENT:

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

III. DISCUSSION

Senate Bill No. 21 by Senator Guillory

Senate Bill No. 21 is a constitutional amendment to provide for pre-filing and notice deadlines for bills affecting public retirement systems. Senator Guillory presented the bill, saying it was a recommendation of the Streamlining Commission.

Representative Burns offered technical amendments on behalf of the author and moved that they be adopted. There being no objection, Representatives Barras, Berthelot, Bishop, Danahay, Burns, Miller, and Pugh voted 7-0 to adopt the amendments.

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

Pugh voted 7-0 to report Senate Bill No. 21 with amendments.

Senate Bill No. 381 by Senator Broome

Senate Bill No. 381 changes the name of the Louisiana Serve Commission to the Volunteer Louisiana Commission. Senator Broome presented the legislation.

Mr. Nicholas Auck, Louisiana Serve Commission, 1051 North Third Street, Baton Rouge, Louisiana, 225-342-6209, was present to provide information if requested.

Representative Danahay moved that the committee report the bill favorably, to which there was no objection. Representatives Barras, Berthelot, Bishop, Danahay, Burns, Miller, and Pugh voted 7-0 in favor of the motion.

Senate Bill No. 750 by Senator Broome

Senate Bill No. 750 requires the consideration of certain poverty impact issues and issuance of a poverty impact statement prior to the adoption, amendment, or repeal of rules by a state agency. Senator Broome presented the legislation.

Representative Berthelot offered a motion that the bill be reported favorably. There was no objection, and Representatives Barras, Berthelot, Bishop, Danahay, Burns, Miller, and Pugh voted 7-0 to report Senate Bill No. 750 favorably.

Senate Bill No. 253 by Senator Walsworth

Senate Bill No. 253 provides for the office of the inspector general to employ its own legal counsel and obtain legal counsel from the attorney general. Senator Walsworth presented the bill.

Inspector General Stephen Street and Mr. Robert Collins, inspector general's office, 150 Third Street, Baton Rouge, Louisiana, 225-342-4639, were present to provide information on the bill upon request.

Representative Pugh proposed a motion to report the bill favorably, to which there was no objection. Representatives Barras, Berthelot, Bishop, Burns, Danahay, Gaines, Miller, and Pugh voted 8-0 in favor of the motion to report.

Senate Bill No. 84 by Senator Martiny

Senate Bill No. 84 provides with respect to physicians as public servants. Senator Martiny presented the bill, explaining that it would allow a physician, once he leaves service on a board, to contract with a hospital only for the purpose of their purchasing his practice and allowing him to practice his speciality.

Representative Bishop offered amendments to move the exception from the general exception provisions of the ethics code to the post-service restrictions in the ethics code and provide for

an effective date.

Ms. Kathleen Allen, ethics administrator, Board of Ethics, 617 N. Third Street, 10th Floor, Baton Rouge, Louisiana, informed the committee that as with other ethics exceptions, the board is opposed to Senate Bill No. 84.

Representative Bishop moved adoption of the amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Burns, Danahay, Gaines, Miller, and Pugh voted 8-0 in favor of the motion.

Ms. Jennifer McMahon, Louisiana Hospital Association, 2450 Severn Avenue, Suite 210, Metairie, LA, 225-892-8383, filed a witness card stating support of the bill.

Representative Bishop offered a motion that the bill be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Burns, Danahay, Gaines, Miller, and Pugh voted 8-0 to report Senate Bill No. 84 with amendments.

Senate Bill No. 268 by Senator LaFleur

Senate Bill No. 268 authorizes the Department of State to temporarily close certain public facilities and museums when funds are not appropriated or otherwise made available from other sources for the operation.

The Honorable Tom Schedler, Secretary of State P. O. Box 94125, Baton Rouge, Louisiana, 225-342-4479, presented the bill for the author, noting that museums run by his office are the only entities therein not constitutionally protected and therefore necessarily more subject to the impact of budget cuts. He noted that other means are being investigated to avoid closure, such as solicitation of private funding, and asked to be given latitude where necessary to raise alternate funding.

Mr. Kyle Ardoin, secretary of state's office, 8585 Archives Blvd., Baton Rouge, Louisiana, 225-922-2880, provided additional information on the bill.

Ms. Patricia Lowrey-Dufour, senior legislative analyst, explained an amendment that would clarify that the Department of State may close the specified museums if insufficient funds for their operation are appropriated rather than if no funds are appropriated.

Representative Berthelot proposed a motion for the adoption of the amendment as explained by staff. There was no objection, and Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Miller, and Pugh voted 9-0 on the motion.

Representative Berthelot moved that the bill be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Miller, and Pugh voted 9-0 to report Senate Bill No. 268 with amendments.

Senate Bill No. 248 by Senator Adley

Senate Bill No. 248 provides for changes to the nomination process for the Board of Ethics. Ms. Mary Ann Coleman, coordinator for the nominating committee of the board (no address provided), 225-289-9885, presented the bill on behalf of the author. She explained that it would make eligible for nomination and service persons who are public employees solely by virtue of being an appointed member of a public board or commission, but would provide that the earlier membership terminates upon taking the oath of office as a member of the Board of Ethics.

Ms. Kathleen Allen, ethics administrator, Board of Ethics, 617 N. Third Street, 10th Floor, Baton Rouge, Louisiana, answered questions from the committee.

Representative Burns offered technical amendments and moved that they be adopted. There being no objection, Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Miller, and Pugh voted 9-0 to adopt the amendments.

Representative Brossett offered a motion that Senate Bill No. 248 be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Miller, and Pugh voted 9-0 in favor of the motion.

Senate Bill No. 754 by Senator Mills

Senate Bill No. 754 provides an exception to the provisions of law relative to ethical standards for public servants. Mr. Joe Mapes, Louisiana Farm Bureau, 731 Lakeland Avenue, Baton Rouge, Louisiana, 225-939-2261, was authorized to present the bill for the author.

Representative Pugh offered amendments which were explained by staff and which Mr. Mapes said merely make the intent of the bill more clear relative to conflicts of interest of certain grain operators.

Representative Pugh moved that the committee adopt the amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Burns, Danahay, Gaines, Miller, and Pugh voted 8-0 to adopt the amendments.

Mr. Jim Monroe, Louisiana Farm Bureau, 9516 Airline Highway, Baton Rouge, Louisiana, 225-922-6208, explained the need for the amendments.

Ms. Sandy Mapes, Ms. Barbara Haynes, and Mr. Ronnie Anderson, Louisiana Farm Bureau, 731 Lakeland Drive, Baton Rouge, Louisiana, submitted cards indicating their support for the bill.

Representative Burns suggested an additional amendment to narrow applicability of the bill to the Greater Baton Rouge Port Commission, which Mr. Mapes said better expresses the original intent of the bill.

Ms. Kathleen Allen, ethics administrator, Board of Ethics, 617 N. Third Street, 10th Floor,

Baton Rouge, Louisiana, informed the committee of a related advisory opinion from 2009.

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

Representative Pugh offered a motion that the bill be reported with amendments, to which there was no objection. With Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, and Pugh voting yea, 8-0, the committee reported Senate Bill No. 754 with amendments.

Senate Bill No. 88 by Senator Buffington

Relative to the Administrative Procedures Act, Senate Bill No. 88 requires state agencies to provide written public notice to the *Louisiana Register* upon submission of certain reports to the legislature triggering the legislative oversight period. The bill was presented by Mr. Greg Waddell, Louisiana State Medical Society, 6767 Perkins Road, Suite 100, Baton Rouge, Louisiana, 225-763-8500, on behalf of the author.

Mr. Waddell requested that an amendment be offered to instead provide that the agency publish such public notice on its website or submit it to the office of the state register for such publication.

Representative Burns offered the amendment and made a motion that the committee adopt the same. There was no objection to the motion, and Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, and Miller voted 8-0 to adopt the amendment.

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, and Miller voted 8-0 to report Senate Bill No. 88 with amendments.

Senate Bill No. 735 by Senator Peterson

Senate Bill No. 735 provides for creation of the position of deputy commissioner of consumer advocacy within the Louisiana Department of Insurance. Representative Brossett presented the bill on behalf of Senator Peterson, saying it provides for the selection of such personnel with the advice and concurrence of the legislative insurance committees, for the salary of the positions, and for the staffing of the office. Additional satellite offices would be opened contingent on available funding, he said.

Representative Gaines proposed a motion to report the bill favorably, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Danahay, Gaines, and Miller voted 7-0 to report Senate Bill No. 735 favorably.

Senate Bill No. 422 by Senator Claitor

Senate Bill No. 422 provides relative to legislative review of emergency rules or fees under the Administrative Procedure Act. Senator Claitor presented the bill, saying that it clarifies when the period begins to run for legislative action on such rules.

Representative Miller moved that technical amendments be adopted, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, and Miller voted 8-0 to adopt the technical amendments.

Representative Berthelot offered a motion that the bill be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, and Miller voted 8-0 to report Senate Bill No. 422 with amendments.

Senate Bill No. 729 by Senator Claitor

Senate Bill No. 729 provides for an exception to the prohibition of contractual agreements for any contract with any plan providing medicaid services to medicaid recipients. Senator Claitor presented the bill.

Representative Bishop proposed an amendment to add the Early Steps Program as a provider to which the bill would apply and moved that it be adopted. There was no objection to the motion, which passed 8-0 with Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, and Miller voting yea.

Representative Bishop offered a motion that the bill be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, and Miller voted 8-0 to report Senate Bill No. 729 with amendments.

Senate Bill No. 591 by Senator Claitor

Senate Bill No. 591 authorizes the creation of the Candidates Others PACS Education Trust Interest Credit program. Senator Claitor presented the bill, saying the program would be similar to one where lawyers rather than banks earn interest on clients' funds held by them for use in a special fund for civil justice issues. The proposed program would specifically allow legislators to opt in to have the interest from their campaign accounts accrue to a special account to help fund the TOPS program.

Ms. Kathleen Allen, ethics administrator, Board of Ethics, 617 N. Third Street, 10th Floor, Baton Rouge, Louisiana, stated that the board expressed concern over their expertise in creating and overseeing such a fund.

The committee discussed amendments but took no action on the bill.

Representative Burns moved that action on Senate Bill No. 591 be voluntarily deferred for rescheduling at the next meeting. There being no objection, Representatives Barras, Berthelot,

Bishop, Burns, Danahay, Gaines, Miller, and Pugh voted 8-0 on the motion.

House Resolution No. 62 by Representative Broadwater

House Resolution No. No. 62 is a proposed House Rule to provide that a bill on the local and consent calendar which becomes controversial by virtue of any substantive amendment being filed before or during floor debate moves the bill to its normal order on the regular calendar. Representative Broadwater presented the proposed rule.

Representative Burns moved that action on House Resolution No. 62 be voluntarily deferred to be rescheduled for additional discussion at the next meeting. With no objection, Representatives Barras, Berthelot, Bishop, Burns, Danahay, Gaines, Miller, and Pugh voted 8-0 on the motion.

House Resolution No. 46 by Representative Abramson

House Resolution No. 46 provides procedures to discipline persons who attempt to intimidate members of the House. There was no discussion on the instrument.

Representative Burns moved that action on House Resolution No. 46 be voluntarily deferred and that it be rescheduled for the next meeting. With no objection, Representatives Barras, Berthelot, Bishop, Burns, Danahay, Gaines, Miller, and Pugh voted 8-0 on the motion.

IV. OTHER BUSINESS

There was no other business to come before the committee.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:25 a.m.

Respectfully submitted,

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

/so

Adopted: _____