

COMMITTEE ON HOUSE AND GOVERNMENTAL AFFAIRS

Minutes of Meeting 2012 Regular Session May 22, 2012

I. CALL TO ORDER

Representative Tim Burns, Chairman of the Committee on House and Governmental Affairs, called the meeting to order at 9:35 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
John A. "Johnny" Berthelot
Stuart J. Bishop
Jared C. Brossett
Anthony V. Ligi, Jr.
Gregory A. Miller
Stephen E. Pugh

MEMBERS ABSENT:

Taylor F. Barras
Randal L. Gaines
Girod Jackson III

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

House Resolution No. 46 by Representative Abramson

House Resolution No. 46 provides procedures for the House of Representatives to censure or discipline nonmembers for behavior which constitutes an attempt by the nonmember to compel, coerce, or intimidate the member with the intent to influence the member's conduct in relation to his position or duty. Representative Abramson presented the resolution, saying it was in response to the recent actions of an unnamed person relative to legislation he had filed. He said he would continue to review methods by which such a situation can be handled.

At the request of the author, Representative Burns moved that action be voluntarily deferred on the measure, to which there was no objection. Representatives Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 8-0 to defer the proposed rule.

House Resolution No. 12 by Representative Hunter

House Resolution No. 12 requires recommitment of certain legislative instruments. There was no discussion on the bill.

At the request of the author, Representative Burns moved that action be voluntarily deferred on the measure. There was no objection, and Representatives Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 8-0 to defer action on the resolution.

Senate Concurrent Resolution No. 107 by Senator Erdey

Senate Concurrent Resolution No. 107 directs public agencies to provide sexual harassment education and training for its public servants. Senator Erdey presented the measure, saying that the proposed annual training could be done in person or via the Internet.

Representative Brossett made a motion to report the resolution favorably, to which there was no objection. Representatives Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 8-0 in favor of the motion.

Senate Concurrent Resolution No. 11 by Senator Murray

Senate Concurrent Resolution No. 11 creates a special committee to study the process of redistricting or reapportionment.

Ms. Angie Rogers, commissioner of elections, Secretary of State's Office, P. O. Box 94125, Baton Rouge, Louisiana, 225-342-4479, presented the measure on behalf of the author, saying that completion of the latest redistricting is an appropriate time to hear input on the process from stakeholders and that the secretary of state's office will conduct the study.

Representative Berthelot moved that Senate Concurrent Resolution No. 11 be reported favorably, to which there was no objection. Representatives Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 8-0 on the motion.

Senate Bill No. 606 by Senator Morrell

Senate Bill No. 606 provides relative to expungement of records.

Mr. Pete Adams, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, Louisiana, 225-343-0171, presented the bill, saying that the author had agreed to amendments which overcome the association's opposition to the bill.

Representative Burns offered the amendments and moved their adoption. There being no objection, Representatives Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 8-0 in favor of the motion.

Explaining that expungement does not physically destroy records, Mr. Adams stated that the amendments as adopted remove the concept of destruction of records and consolidate statutory

references to procedures for expungement in misdemeanors and felonies by requiring the filing of a written request with the district attorney to certify that requirements are met which the district attorney must approve or deny within 60 days.

Mr. Adams requested additional amendments to delete a provision of the bill removing the arresting law enforcement agency from participation in contradictory hearings concerning expungement.

Representative Burns offered the amendments and made a motion to adopt the same. There was no objection, and Representatives Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 8-0 on the motion.

Representative Brossett made a motion that the bill be reported with amendments, to which there was no objection. Senate Bill No. 606 was reported with amendments by a vote of 8-0 with Representatives Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voting yea.

House Concurrent Resolution No. 145 by Representative Nancy Landry

House Concurrent Resolution No. 145 requests the House and Senate Governmental Affairs Committees to study issues relative to meetings of public bodies, which Representative Landry said addresses problems raised in legislation that failed to pass earlier in the session.

Representative Burns proposed a motion to report the measure favorably, to which there was no objection. Representatives Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 8-0 to report House Concurrent Resolution No. 145 favorably.

Senate Concurrent Resolution No. 93 by Senator Perry

Senate Concurrent Resolution No. 93 requests the Integrated Criminal Justice Information System Policy Board to meet and facilitate the development of an integrated criminal justice information system. Representative Bishop presented the resolution for the author.

Representative Berthelot made a motion that the resolution be reported favorably, to which there was no objection. Representatives Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 8-0 on the motion.

Senate Bill No. 207 by Senator Morrish

Senate Bill No. 207 provides for review of health coverage premium rates.

Mr. Jeff Drozda, Louisiana Association of Health Plans, 17425 Jefferson Highway, Baton Rouge, Louisiana, 225-756-3227, and Ms. Claire Lemoine, Louisiana Department of Insurance (LDOI), 1702 North Third Street, Baton Rouge, Louisiana, 225-342-4242, presented the bill.

Mr. Drozda explained that the bill deals with rate increase procedures for publishing and notifying the public of any such increases above a certain percentage as deemed by the federal

government.

Ms. Lemoine explained public records provisions relative to trade secrets included in the bill.

Mr. Noble Ellington, (LDOI), 1702 North Third Street, Baton Rouge, Louisiana, 225-342-4242, was present for information, and Mr. Charles Castille, Humana, 450 Laurel Street, Baton Rouge, Louisiana, 225-378-5200; Ms. Cheryl McCormick, LAHP, 763 North Street, 225-387-5960; Ms. Lauren Rivera and Mr. Bobby Savoie, AARP Louisiana, 1012 Main Street, Baton Rouge, Louisiana, 225-376-1141, were present in support of the bill but did not testify.

Noting that the bill had been dual-referred for examination of public records provisions, Representative Burns noted that the bill had received a hearing in the Committee on Insurance and offered technical amendments suggested by the staff.

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

Representative Pugh offered a motion that the bill be reported with amendments, to which there was no objection. Senate Bill No. 207 was reported with amendments, 8-0, with Representatives Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voting yea.

Senate Bill No. 707 by Senator Amedee

Senate Bill No. 707 exempts certain records obtained by the Senate for the purpose of election, confirmation, or approval of nominations or appointments from the provisions of public records law. Representative Burns presented the bill.

Ms. Patricia Lowrey-Dufour, senior legislative analyst, explained proposed House amendments that would remove a reference to confidential sources and provide specifically for the privileged nature of the identity of confidential sources, prohibit the disclosure of such except on court order; remove language relative to records in the custody or control of any attorney or counsel for the legislature relative to investigations, etc. by the legislature and provide for records in the custody or control of the legislature; and, relative to privileged or confidential data or records for nominations and appointments, remove specific reference limiting applicability to the Senate and instead refer to the legislature or either house thereof.

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

Representative Berthelot offered a motion that Senate Bill No. 707 be reported with amendments to which there was no objection, and Representatives Berthelot, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 7-0 to report the bill.

Senate Bill No. 106 by Senator Gallot

Senate Bill No. 106 requires the state to allow legislators to use surplus space in state buildings for a legislative office within their district, at no cost to the member. Representative Brossett presented the bill on behalf of the author.

Representative Brossett proposed a motion to report the bill favorably, to which there was no objection. Representatives Berthelot, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 7-0 in favor of the motion.

Senate Bill No. 452 by Senator Walsworth

Senate Bill No. 452 provides that members of the press have access to booking photographs.

Mr. Johnny Koch, Louisiana Press Association (no address provided), was authorized to handle the bill and at the request of the author asked that the committee defer discussion on the same.

Representative Burns made a motion that the committee voluntarily defer action on Senate Bill No. 452, to which there was no objection. Representatives Berthelot, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 7-0 in favor of the motion.

IV. OTHER BUSINESS

There was no other business to come before the committee.

V. ANNOUNCEMENTS

Representative Burns announced that the authors of House Resolution No. 8, House Resolution No. 62, and Senate Bill No. 591 were not present and had not authorized anyone to handle their legislation. No action was taken on the three instruments.

VI. ADJOURNMENT

The meeting was adjourned at 10:36 a.m.

Respectfully submitted,

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

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Adopted: _____