

# COMMITTEE ON HOUSE AND GOVERNMENTAL AFFAIRS

## Minutes of Meeting 2012 Regular Session May 8, 2012

### I. CALL TO ORDER

Representative Tim Burns, Chairman of the Committee on House and Governmental Affairs, called the meeting to order at 9:33 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  
Mattie Franklin, Sergeant at Arms  
Jonathon Nunley, Clerk

### III. DISCUSSION

#### Senate Bill No. 417 by Senator Riser

Senate Bill No. 417 provides that a candidate for office serving in the U.S. Armed Forces who is stationed outside the United States should not be required to pay a candidate qualifying fee and may file notice of candidacy electronically. Senator Riser presented the bill.

Representative Pugh proposed a motion to report the bill favorably, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 to report Senate Bill No. 417 favorably.

**Senate Bill No. 281 by Senator Johns**

Senate Bill No. 281 provides for confidentiality of records and reporting of complaints against persons and entities subject to the jurisdiction of the Department of Insurance.

Ms. Virginia G. Benoist, assistant attorney general, Department of Insurance, 1702 North Third Street, Baton Rouge, Louisiana, 225-342-5750, was authorized to present the bill. She said the bill prevents duplicative work relative to complaints entered into the department's database.

Representative Danahay proposed a motion to report the bill favorably, to which there was no objection. Representatives Barras, Berthelot, Brossett, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 9-0 to report Senate Bill No. 281 favorably.

**Senate Bill No. 354 by Senator Amedee**

Senate Bill No. 354 provides for electronic reporting of rule changes to legislative oversight committees under the Administrative Procedure Act.

Ms. Denise Lea, Division of Administration, 1201 North Third Street, Baton Rouge, Louisiana, 225-342-8057, was authorized to present the bill. She said that statements of rule changes must currently be mailed or hand delivered to committees.

Representative Brossett 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 to report Senate Bill No. 354 favorably.

**Senate Bill No. 111 by Senator Johns**

Senate Bill No. 111 authorizes the Louisiana Board of Pharmacy and the office of financial institutions (OFI) to access expunged records under certain circumstances.

Mr. Malcolm Broussard, Executive Director, Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, Louisiana, 225-925-6481, was authorized to present the bill, which he explained adds his board to a short list of agencies that are permitted such access for the purpose of allowing background checks of persons applying for pharmacist permits and licenses.

Ms. Susan Jandle, OFI, 8660 United Plaza, Baton Rouge, Louisiana, 225-925-4660, was present to provide information relative to OFI also being added to the list of agencies with the access for purposes of processing license applications of residential mortgage originators, who cannot be licensed if they have any prior convictions.

Representatives Danahay proposed a motion to report the bill favorably, to which there was no objection. The motion carried 10-0 with Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voting yea.

**Senate Bill No. 107 by Senator Murray**

Senate Bill No. 107 provides for consistency of presentation of political party affiliation on voter identification cards, notices of candidacy, voter registration cards, and precinct registers.

Mr. Kyle Ardoin, Secretary of State's Office, 8585 Archives Blvd., Baton Rouge, Louisiana, 225-922-2880, presented the bill on behalf of the author, explaining that instead of using the word "none" on the registration card to designate no party affiliation, "no party" will be used, versus affiliation with an unrecognized political party which will be labeled "other" rather than being left blank.

Ms. Chrissie Weatherford, Secretary of State's Office, 8585 Archives Blvd., Baton Rouge, Louisiana, 225-922-2880, informed the committee further that the abbreviation for "no party" would be "no pty" because of space limitations on poll books and voter i.d. cards.

Representative Miller 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.

**Senate Bill No. 595 by Senator Crowe**

Senate Bill No. 595, which creates the Business Identity Theft Prevention Act, was presented on behalf of the author by Mr. Kyle Ardoin, Secretary of State's Office, 8585 Archives Blvd., Baton Rouge, Louisiana, 225-922-2880. He said the purpose of the bill would be to create an email notification service to which members of the public could subscribe to be notified if any changes are made to any filings in the commercial division of the department.

Ms. Patricia Lowrey-Dufour, senior legislative analyst, explained amendments that would remove the public records exemption and recognize the limitation on the application of the Public Records Law to the electronic mail address captured or submitted to the secretary of state; provide that the electronic mail addresses shall not be disclosed by the secretary or his staff; provide that it is a duty of the secretary of state to notify any person who subscribes to the electronic mail notification service and who is an officer of a corporation, member or manager of a limited liability company, or partner in a partnership, or any agent thereof, when a filing has occurred which may have removed that person's name from documents and records of that entity held by the secretary of state; and change the effective date from signature of the governor to January 1, 2013.

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 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, Ligi, Miller, and Pugh voted 10-0 to report Senate Bill No. 595 with amendments.

**House Concurrent Resolution No. 107 by Representative Hoffmann**

House Concurrent Resolution No. 107 requests the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs to study financial disclosure and ethics training requirements for elected officials who complete their final terms of office by serving the short period of time in January prior to the beginning of a new term. He noted that the new calendar year triggers a new financial disclosure period, even though the actual time served within the year is little more than one week.

Ms. Kathleen Allen, ethics administrator, Board of Ethics, 617 N. Third Street, 10<sup>th</sup> Floor, Baton Rouge, Louisiana, informed the committee that the provision has raised many questions relative to the need to file personal financial disclosure for the entire year, but it should be addressed in the statutory language rather than by board action.

Representative Danahay offered a motion that House Concurrent Resolution No. 107 be reported favorably, 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. 706 by Senator Gallot**

Senate Bill No. 706 provides for the confidential character of tax records. Mr. Colby Cook, Public Service Commission (PSC), Galvez Building, Baton Rouge, Louisiana, 225-342-4999, presented the bill for the author. He said it provides for sharing of taxpayer information with the PSC, Senate, or House of Representatives in certain circumstances and for limited use.

Representative Burns moved to adopt amendments that provide more specifically that the taxpayer information could be shared with the clerk of the House and secretary of the Senate to inform them of whether a person has filed tax returns or owes a liability for the previous five years, which is necessary background information on legislative appointees.

There was no objection to Representative Burns's motion, which passed 7-0 with Representatives Barras, Berthelot, Brossett, Burns, Danahay, Miller, and Pugh voting yea.

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

**Senate Bill No. 99 by Senator Gallot**

Senate Bill No. 99 allows parish governing authorities to consolidate precincts as soon as all entities in a jurisdiction that uses precincts for redistricting purposes have completed the same, lifting a freeze on precinct boundary changes in effect from 2009 until 2013. Senator Gallot presented the bill, saying that precinct consolidations serve a cost-saving function.

Ms. Patricia Lowrey-Dufour, senior legislative analyst, explained amendments that authorize precinct mergers if the legislature has completed and has received preclearance of its reapportionment and adds a deadline of 45 days after receipt of proposed changes for the

secretary of state, secretary of the Senate, and clerk of the House of Representatives, or their designees, to review the proposed mergers.

Representative Burns offered the amendment and moved that it be adopted. There was no objection, and Representatives Barras, Berthelot, Bishop, Burns, Danahay, Ligi, Miller, and Pugh voted 8-0 in favor of adopting the amendments.

Representative Pugh offered a motion that the bill be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Burns, Danahay, Ligi, Miller, and Pugh voted 8-0 to report Senate Bill No. 99 with amendments.

### **House Concurrent Resolution No. 59 by Representative Carmody**

House Concurrent Resolution No. 59 requires presiding officers to prominently display the most recently calculated total of the Unfunded Accrued Liability (UAL) for the state retirement systems on the home page of the joint legislative website. Representative Carmody presented the resolution.

Representative Ligi made a motion that an amendment be adopted deleting the requirement that the presiding officers cause the number to be displayed in each chamber and instead require that the display of the figure on the joint legislative website include links to an explanation of and any pending legislation addressing the UAL.

There being no objection to Representative Ligi's motion, Representatives Barras, Berthelot, Bishop, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 9-0 in favor of adopting the amendments.

Representative Pugh offered a motion that the committee report House Concurrent Resolution No. 59 with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted in favor of the motion, 9-0.

### **House Bill No. 279 by Representative Simon**

House Bill No. 279 removes certain restrictions relative to contracting, ownership interests, and employment applicable to members and former members of the board of commissioners of the St. Tammany Parish Hospital Service District No. 1. Representative Simon presented the bill.

Mr. Mark Mahaffey, staff attorney, explained amendments that would make the new law applicable to former members of the board in addition to present members, add a stipulation that a contract covered under the new law be related to the licensed physician's practice of medicine or expertise as a licensed physician, and add a requirement that permitted contracts entered into while the physician is a member of the board and for two years thereafter be disclosed to the Board of Ethics within 30 days of the execution of such contract and provides for the content of such disclosure.

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

Ms. Jennifer McMahon, Louisiana Hospital Association, 2450 Severn Avenue, Suite 210, Metairie, Louisiana, 225-892-8383, described the need for the bill.

Ms. Patti Elish, CEO, St. Tammany Parish Hospital, 1201 South Tyler Street, Covington, LA 985-898-4131, provided information on the bill.

Ms. Melissa Hodgson, St. Tammany Parish Hospital, 1201 South Tyler Street, Covington, LA 985-898-4131, filed a card for information on the bill.

Ms. Kathleen Allen, ethics administrator, Board of Ethics, 617 N. Third Street, 10<sup>th</sup> Floor, Baton Rouge, Louisiana, informed the committee that the Board voted to oppose the bill as far as its creating an exception for one hospital service district.

Representative Berthelot offered a motion that the bill be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 9-0 to report House Bill No. 279 with amendments.

#### **Senate Bill No. 606 by Senator Morrell**

Senate Bill No. 606 provides relative to expungement of records. Senator Morrell requested that the bill be rescheduled for hearing at a later date.

Representative Burns moved that Senate Bill No. 606 be voluntarily deferred and rescheduled. There was no objection, and Representatives Barras, Berthelot, Bishop, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 9-0 in favor of the motion.

#### **Senate Bill No. 135 by Senator Morrell**

Senate Bill No. 135 changes the dates for certain municipal and parochial elections. Senator Morrell explained that in the coming year, such elections fall during Carnival season and would be negatively impacted by street closures, alternate uses of voting locations, and low voter turnout.

Representative Burns proposed a motion for the adoption of a technical amendment, to which there was no objection. Representatives Barras, Berthelot, Burns, Danahay, Gaines, Ligi, Miller, 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. Representatives Barras, Berthelot, Brossett, Burns, Danahay, Gaines, Ligi, Miller, and Pugh voted 9-0 to report Senate Bill No. 135 with amendments.

**House Bill No. 793 by Representative Hunter**

House Bill No. 793 provides relative to certain post service restrictions on former school board members. Representative Hunter presented the bill, requesting that it be changed to include only classroom teachers.

Mr. Cloyce Clark, governor's office, P. O. Box 94004, Baton Rouge, Louisiana, filed a card indicating opposition to the bill.

The amendment was not offered, and Representative Miller moved that action on the bill be involuntarily deferred. There being no objection, Representatives Barras, Berthelot, Bishop, Burns, Gaines, Ligi, Miller, and Pugh voted 8-0 to involuntarily defer House Bill No. 793.

**House Bill No. 875 by Representative Hunter**

House Bill No. 875 provides relative to certain actions taken by certain nongovernmental entities and their governing bodies under public meetings law. Representative Hunter explained that the bill if amended would allow for an appeals process for complaints on decisions by the Louisiana High School Athletic Association (LHSAA), the current process being arbitrary and capricious, he said.

No amendment was offered by the committee.

Ms. Kenny Henderson, executive director, LHSAA, 12720 Old Hammond Highway, Baton Rouge, Louisiana, 225-296-5882, explained the roll of the association and spoke in opposition to the bill.

Mr. Brad Lewis, LHSAA, 249 Richmond Street, Bogalusa, Louisiana, 985-735-9003, stated in opposition to the bill that its decisions are not arbitrary and capricious.

Ms. Myra Mansur, Episcopal High School, 3200 Woodland Ridge Blvd., Baton Rouge, Louisiana, 225-292-0718, and Mr. Daryl Glueck, LHSAA, 10100 Goodwood Blvd., Baton Rouge, Louisiana, 225-292-4077, filed cards in opposition to House Bill No. 875.

Representative Gaines offered a motion that House Bill No. 875 be reported favorably, to which Representative Pugh objected. The secretary called the roll. Representatives Gaines and Jackson voted yea; Representatives Barras, Berthelot, Bishop, Burns, Ligi, Miller, and Pugh voted nay, and the motion failed, 2-7.

Representative Pugh made a motion that the committee involuntarily defer action on the bill, to which there was no objection. Representatives Barras, Berthelot, Bishop, Burns, Gaines, Jackson, Ligi, Miller, and Pugh voted 9-0 in favor of the motion.

**Senate Bill No. 410 by Senator Claitor**

Senator Claitor presented Senate Bill No. 410, a constitutional amendment requiring that prior to legislatively creating certain special districts, three rather than two advertisements be placed,

and that the advertising date be changed to 45 days before placing on a ballot, giving the public more information and opportunity to testify before the legislature before a vote on the districts takes place.

Representative Burns moved that a technical amendment be adopted, to which there was no objection. Representatives Barras, Berthelot, Bishop, Burns, Gaines, Jackson, Ligi, Miller, and Pugh voted 9-0 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, Gaines, Jackson, Ligi, Miller, and Pugh voted 9-0 to report Senate Bill No. 410 with amendments.

**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 11:30 a.m.

Respectfully submitted,

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

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