

House Committee on House and Governmental Affairs

Minutes of Meeting
2016 Regular Session
April 27, 2016

I. CALL TO ORDER

Representative Michael E. Danahay, chairman of the House Committee on House and Governmental Affairs, called the meeting to order at 9:00 a.m. in Room 2, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

II. ROLL CALL

MEMBERS PRESENT:

Representative Gary M. Carter, Jr.
Representative Jimmy Harris
Representative Lance Harris
Representative Dorothy Sue Hill
Representative Barry Ivey
Representative Sam L. Jenkins, Jr.
Representative Gregory A. Miller
Representative John C. "Jay" Morris, III
Representative Stephen E. Pugh, vice chairman
Representative Robert E. Shadoin
Representative Michael E. Danahay, chairman

MEMBERS ABSENT:

Representative John M. Schroder, Sr.

STAFF MEMBERS PRESENT:

Patricia Lowrey-Dufour, legislative analyst
Mark Mahaffey, attorney
Shawn O'Brien, secretary

ADDITIONAL ATTENDEES PRESENT:

Beverly Hurst, sergeant at arms
Abigail Reynolds, clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 1102 by Representative Bishop

Representative Bishop presented House Bill No. 1102, which provides relative to gestational carriers.

The bill had been recommitted to the committee for vetting of the public records exception.

Representative Danahay offered amendments to expressly provide for the confidentiality of forms completed by a physician pursuant to proposed law and to make technical changes. Representative Danahay offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Hill, Jenkins, Jay Morris, Pugh, and Shadoin voted yea.

Alana Newman, Coalition against Reproductive Trafficking, P. O. Box 1268, Lake Charles, LA 70602, spoke in opposition to House Bill No. 1102.

Jennifer Roback Morse, Ruth Institute, 5641 Spring Lane, Lake Charles, LA 70605, spoke in opposition to House Bill No. 1102.

Gene Mills, LA Family Forum, 655 St. Ferdinand St., Baton Rouge, LA 70802, 225-344-8533, spoke in opposition to House Bill No. 1102.

Representative Gregory Miller offered a motion to report House Bill No. 1102 with amendments. Without objection, House Bill No. 1102 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Hill, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

Witness cards submitted by individuals who did not speak are follows: 5 in support and 5 in opposition. Witness cards are included in the committee records.

Senate Bill No. 372 by Senator Peacock

Senator Peacock presented Senate Bill No. 372, which provides for actuarial notes on prefiled bills.

Representative Jenkins offered a motion to report Senate Bill No. 372 favorably. Without objection, Senate Bill No. 372 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Hill, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

Senate Bill No. 68 by Senator Walsworth

Senator Walsworth presented Senate Bill No. 68, which provides relative to the Legislative Youth Advisory Council.

Marian Luzier, Louisiana Youth Advisory Council, 33134 Weiss Road, Walker, LA 70785, spoke in support of Senate Bill No. 68.

Representative Danahay offered a motion to report Senate Bill No. 68 favorably. Without objection, Senate Bill No. 68 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Danahay, Gary Carter, Lance Harris, Hill, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

House Concurrent Resolution No. 11 by Representative Horton

House Concurrent Resolution No. 11 memorializes congress to take actions necessary to impose term limits on members of the United States House of Representatives and the United States Senate.

Representative Danahay offered a motion to voluntarily defer action on House Concurrent Resolution No. 11. Without objection, action on House Concurrent Resolution No. 11 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Danahay, Gary Carter, Lance Harris, Hill, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

House Concurrent Resolution No. 13 by Representative Richard

House Concurrent Resolution No. 13 applies to the U.S. Congress to call a convention for the purpose of proposing amendments to the U.S. Constitution to address concerns raised by the 2010 decision of the Citizens United v. Federal Election Commission.

Representative Danahay offered a motion to voluntarily defer action on House Concurrent Resolution No. 13. Without objection, action on House Concurrent Resolution No. 13 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Danahay, Gary Carter, Lance Harris, Hill, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

Witness cards submitted by individuals who did not speak are follows: 1 in support. Witness cards are included in the committee records.

House Bill No. 518 by Representative Broadwater

House Bill No. 518 provides an exemption for certain information concerning the fitness of a person to be certified by the Board of Examiners of Certified Shorthand Reporters.

Representative Danahay offered a motion to voluntarily defer action on House Bill No. 518. Without

objection, action on House Bill No. 518 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Danahay, Gary Carter, Lance Harris, Hill, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

Senate Bill No. 64 by Senator Luneau

Senate Bill No. 64 provides an exception for an attorney serving on a civil service commission.

Representative Danahay offered a motion to voluntarily defer action on Senate Bill No. 64. Without objection, action on Senate Bill No. 64 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Danahay, Gary Carter, Lance Harris, Hill, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

House Bill No. 668 by Representative Carmody

Representative Carmody presented House Bill No. 668, which provides for the protection of vulnerable adults from financial exploitation.

Scott Jolly, office of financial institutions, 8660 United Plaza Blvd., Baton Rouge, LA 70809, spoke for information only on House Bill No. 668.

Representative Jenkins offered a motion to report House Bill No. 668 favorably. Without objection, House Bill No. 668 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Hill, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

Witness cards submitted by individuals who did not speak are follows: 1 for information only. Witness cards are included in the committee records.

House Bill No. 354 by Representative Jenkins

Representative Jenkins presented House Bill No. 354, which allows a public servant to accept admission, lodging, and transportation to and from certain events while serving as director of a national or regional nonprofit professional public procurement association.

Representative Jenkins offered amendments to add officers of professional associations to the list of those who can accept admission, lodging, and transportation for attendance at certain professional events.

Representative Jenkins offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Hill, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

Kathleen M. Allen, Louisiana Board of Ethics, P. O. Box 4368, Baton Rouge, LA 70821, 225-219-5600, spoke for information only on House Bill No. 354.

Jack Adger, address illegible, spoke for information only on House Bill No. 354.

Representative Jenkins offered a motion to report House Bill No. 354 with amendments, to which Representative Lance Harris objected. The secretary called the roll, and by a vote of 4 yeas and 4 nays, the motion failed to pass. Representatives Hill, Jenkins, Jay Morris, and Shadoin voted yea. Representatives Danahay, Lance Harris, Gregory Miller, and Pugh voted nay.

Representative Jenkins offered a motion to voluntarily defer action on House Bill No. 354. Without objection, action on House Bill No. 354 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Danahay, Lance Harris, Hill, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

Later in the meeting, Representative Jenkins moved to reconsider the vote by which action had been voluntarily deferred on House Bill No. 354. Without objection, the committee voted to reconsider said vote by a vote of 8 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Hill, Jenkins, Jay Morris, and Pugh voted yea.

Representative Jenkins offered a motion to report House Bill No. 354 with amendments, to which Representative Lance Harris objected. The secretary called the roll, and the motion failed by a vote of 4 yeas and 4 nays. Representatives Gary Carter, Jimmy Harris, Jenkins, and Jay Morris voted yea. Representatives Danahay, Lance Harris, Hill, and Pugh voted nay.

Representative Jenkins offered a motion to voluntarily defer action on House Bill No. 354 to which Representative Lance Harris objected. Representative Lance Harris offered a substitute motion to involuntarily defer action on House Bill No. 354, to which Representative Jenkins objected. The secretary called the roll on the substitute motion to involuntarily defer action on House Bill No. 354, and the substitute motion passed by a vote of 5 yeas and 3 nays. Representatives Danahay, Lance Harris, Hill, Jay Morris, and Pugh voted yea. Representatives Carter, Jimmy Harris, and Jenkins voted nay.

Witness cards submitted by individuals who did not speak are follows: 1 in support. Witness cards are included in the committee records.

Senate Bill No. 222 by Senator Claitor

Senator Claitor presented Senate Bill No. 222, which provides that certain records in the custody of the Louisiana State Licensing Board for Contractors are exempt from the Public Records Law.

Representative Danahay offered a motion to voluntarily defer action on Senate Bill No. 222. Without objection, action on Senate Bill No. 222 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Danahay, Lance Harris, Hill, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

Senate Bill No. 151 by Senator Claitor

Senator Claitor presented Senate Bill No. 151, which repeals certain provisions declared unconstitutional that regard attorney fees in lawsuits filed against public officials.

Representative Gregory Miller offered a motion to report Senate Bill No. 151 favorably. Without objection, Senate Bill No. 151 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Hill, Jenkins, Gregory Miller, Jay Morris, and Shadoin voted yea.

House Bill No. 473 by Representative Hensgens

Representative Hensgens presented House Bill No. 473, which provides relative to certain prohibited conflicts for members of the State Board of Elementary and Secondary Education (BESE) and the state superintendent of education.

Representative Danahay offered amendments to specify that the proposed post service restrictions do not apply to any former BESE member whose term ended on or before January 11, 2016, or to any related legal entity of such a former BESE member. Representative Danahay offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Hill, Jenkins, Gregory Miller, Jay Morris, and Shadoin voted yea.

Kathleen M. Allen, La. Board of Ethics, P. O. Box 4368, Baton Rouge, LA 7021, 225-219-5600, spoke for information on the amendment.

Brett Geymann, P. O. Box 12703, Lake Charles, LA, spoke in support of House Bill No. 473 (no witness card submitted).

Representative Shadoin offered amendments to remove the proposed prohibition on a member of BESE and the state superintendent of education from being a member of or serving in any capacity in a nongovernmental organization if such service or membership requires adherence to or adoption of education standards, conditions, or policies unless they have been approved by the legislature in the manner provided by law. Representative Danahay offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Hill, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

James Crumling, Acadiana Patriots, 203 Grand Prairie Drive, Lafayette, LA 70506, spoke in support of House Bill No. 473.

John White, state superintendent of education, 1201 Third Street, Baton Rouge, LA spoke in opposition to House Bill No. 473.

Dr. Holly Boffy, no address provided, spoke in opposition to House Bill No. 473.

Dr. Gary L. Jones, 3899 Highway 457, Alexandria, LA 71302, 318-563-4433, spoke in opposition to House Bill No. 473.

Dr. Keith Leger, Stand for Children Louisiana, 2735 Magnolia Lane, Lake Charles, LA 70605, spoke in opposition to House Bill No. 473.

Representative Jimmy Harris offered amendments to provide that the proposed post-service restrictions on former BESE members and former state superintendents regarding transactions and assistance involving BESE and the Department of Education apply only if the transaction or assistance is for compensation. Representative Jimmy Harris offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Hill, Ivey, Jay Morris, Pugh, and Shadoin voted yea.

Representative Jay Morris offered a motion to report House Bill No. 473 with amendments, to which Representative Shadoin objected. The secretary called the roll, and the motion passed by a vote of 8 yeas and 2 nays. Representatives Danahay, Jimmy Harris, Lance Harris, Hill, Ivey, Jenkins, Jay Morris, and Pugh voted yea. Representatives Gary Carter and Shadoin voted nay.

Witness cards submitted by individuals who did not speak are as follows: 10 in opposition and 1 for information only. Witness cards are included in the committee records.

House Bill No. 965 by Representative Robert Johnson

Representative Robert Johnson presented House Bill No. 965, which provides relative to the disclosure of information regarding certain contracts with the state or political subdivisions for the purposes of Tier 3 annual financial disclosure statements.

Kathleen M. Allen, Louisiana Board of Ethics, P. O. Box 4368, Baton Rouge, LA 70821, 225-219-5600, spoke for information only on House Bill No. 965.

Representative Jay Morris offered a motion to report House Bill No. 965 favorably. Without objection, House Bill No. 965 was reported favorably by a vote of 10 yeas and 0 nays.

Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Hill, Ivey, Jenkins, Jay Morris, Pugh, and Shadoin voted yea.

House Bill No. 149 by Representative Talbot

Representative Talbot presented House Bill No. 149, which prohibits public servants from engaging in certain activities with public funds and assets.

Representative Danahay offered amendments to change the phrase "public servant in state government" to "public servant in a state agency". Representative Danahay offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Ivey, Jenkins, Jay Morris, Pugh, and Shadoin voted yea.

Representative Danahay offered amendments to remove the proposed prohibition on a public servant using or obligating the funds or assets of his governmental entity for promoting, achieving, establishing, or restoring a favorable public image of, or for advocacy of any agency. Representative Danahay offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Ivey, Jenkins, Jay Morris, Pugh, and Shadoin voted yea.

Representative Ivey offered a motion to report House Bill No. 149 with amendments. Without objection, House Bill No. 149 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Hill, Ivey, Jenkins, Jay Morris, and Pugh voted yea.

Witness cards submitted by individuals who did not speak are follows: 3 in opposition and 1 for information only. Witness cards are included in the committee records.

House Bill No. 280 by Representative Broadwater

Representative Broadwater presented House Bill No. 280, which provides with respect to group self-insurance funds for workers' compensation.

Representative Pugh offered a motion to report House Bill No. 280 favorably. Without objection, House Bill No. 280 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Danahay, Jimmy Harris, Lance Harris, Hill, Ivey, Jenkins, Jay Morris, and Pugh voted yea.

Witness cards submitted by individuals who did not speak are follows: 3 in support and 1 for information only. Witness cards are included in the committee records.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 12:04 p.m.

Respectfully submitted,

Chairman Michael E. Danahay
House Committee on House and Governmental Affairs

Date adopted: