

House Committee on House and Governmental Affairs

Minutes of Meeting
2016 Regular Session
May 4, 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 9:06 a.m. in Room 2, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

II. ROLL CALL

MEMBERS PRESENT:

Representative Michael E. Danahay, chairman
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 John M. Schroder, Sr.
Representative Robert E. Shadoin

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Beverly Hurst, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Concurrent Resolution No. 13 by Representative Richard

Representative Richard presented House Concurrent Resolution No. 13, which 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.

Richard Lake, WOLF-PAC, 1408 Circle Drive, Chicago, IL 60056, 847-217-8528, spoke in support of House Concurrent Resolution No. 13.

Heather Ross, 1501 Kings Row, Slidell, LA 70461, 985-290-2426, spoke in support of House Concurrent Resolution No. 13.

Robert Johnson, New Orleans, LA (no other information provided), spoke in support of House Concurrent Resolution No. 13.

Joseph Miceli, 2001 Bluebird St., Slidell, LA 70460, 985-445-4057, spoke in support of House Concurrent Resolution No. 13.

Alan Johnson, New Orleans, LA (no other information provided), spoke in support of House Concurrent Resolution No. 13.

Sandra McDade, Eagle Forum, 342 Pine Road (address incomplete), 318-458-1410, spoke in opposition to House Concurrent Resolution No. 13.

Raymond Diamond, LSU law professor, 11926 Lake Sherwood, Baton Rouge, LA, spoke for information only on House Concurrent Resolution No. 13.

Representative Ivey offered a motion to report House Concurrent Resolution No. 13 favorably, to which Representative Danahay objected. The secretary called the roll, and by a vote of 4 yeas and 6 nays, the motion failed to pass. Representatives Ivey, Gregory Miller, Jay Morris, and Shadoin voted yea. Representatives Danahay, Gary Carter, Jimmy Harris, Hill, Jenkins, and Pugh voted nay.

Representative Danahay offered a motion to involuntarily defer action on House Concurrent Resolution No. 13. Without objection, action on House Concurrently No. 13 was involuntarily deferred by a vote of 10 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Hill, Ivey, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, 1 in opposition, and 2 for information only. Witness cards are included in the committee records.

House Concurrent Resolution No. 14 by Representative Richard

Representative Richard presented House Concurrent Resolution No. 14, which applies to congress under U.S. Const. Art. V to call a convention of the states to propose U.S. constitutional amendments to impose fiscal restraints on the federal government, limit federal government power, and provide for term limits for federal officials and members of congress.

Representative Danahay offered a motion to voluntarily defer action on House Concurrent Resolution No. 14. Without objection, action on House Concurrent Resolution No. 14 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Hill, Ivey, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, 2 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 166 by Representative Richard

Representative Richard presented House Bill No. 166, which provides relative to records of the office of the governor.

At the request of the author, Representative Danahay offered a motion to voluntarily defer action on House Bill No. 166. Without objection, action on House Bill No. 166 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Hill, Ivey, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

House Bill No. 921 by Representative Davis

Representative Davis presented House Bill No. 921, which provides relative to applicability of laws governing public entities to nonprofit corporations that support public postsecondary education.

Tim Barfield, CSRS, 6267 Perkins Road, Baton Rouge, LA 70808, 225-229-2132, spoke for information only on House Bill No. 921.

John Davis, 2644 Fairway Drive, Baton Rouge, LA 70809, spoke for information only on House Bill No. 921.

Representative Ivey offered a motion to report House Bill No. 921 by substitute. Without objection, House Bill No. 921 was reported by substitute by a vote of 9 yeas and 0 nays. Representatives Danahay, Jimmy Harris, Hill, Ivey, Jenkins, Gregory Miller, Jay Morris, Pugh, and Shadoin voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 for information only. 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 amendments to make technical changes to the proposed Public Records Law exemption concerning the fitness of a person to hold a license for clarity and to correct the name of the board, to establish the proposed exemption for the examinations and answers thereto as a separate provision to clarify that it is an exception to the Public Records Law and not the proposed exemption relative to the fitness of a person to hold a license, and to specify that a person who has taken an examination administered by the board may inspect his examination. Representative Danahay offered a motion to adopt the amendments. Without objection, the amendments were adopted by a vote of 7 yeas and 0 nays. Representatives Danahay, Jimmy Harris, Hill, Ivey, Jenkins, Gregory Miller, and Pugh voted yea.

Larry Bankston, Contractors Licensing Board, 8708 Jefferson Highway, Baton Rouge, LA 70809, spoke for information only on Senate Bill No. 222.

Representative Danahay offered a motion to report Senate Bill No. 222 with amendments. Without objection, Senate Bill No. 222 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Danahay, Jimmy Harris, Hill, Ivey, Jenkins, Gregory Miller, and Pugh voted yea.

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

House Concurrent Resolution No. 86 by Representative Hoffmann

Representative Hoffmann presented House Concurrent Resolution No. 86, which creates a study group to make recommendations concerning the prospective establishment of an independent health professions scope of practice review committee.

Representative Pugh offered a motion to report House Concurrent Resolution No. 86 favorably. Without objection, House Concurrent Resolution No. 86 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Hill, Ivey, Jenkins, Gregory Miller, Jay Morris, and Pugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support. Witness cards are included in the committee records.

House Bill No. 987 by Representative Mike Johnson

Representative Mike Johnson presented House Bill No. 987, which authorizes a qui tam action for persons who disclose certain cases of fraud.

Representative Danahay offered amendments to add to the Public Records Law a reference to the exception in proposed law to present law relative to public records. 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, Ivey, Jenkins, Gregory Miller, and Jay Morris voted yea.

Representative Jay Morris offered a motion to report House Bill No. 987 with amendments. Without objection, House Bill No. 987 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Hill, Ivey, Jenkins, Jay Morris, and Pugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 2 for information only. Witness cards are included in the committee records.

House Bill No. 429 by Representative Broadwater

Representative Broadwater presented House Bill No. 429, which provides with respect to the purchasing of materials, equipment, and supplies by public school districts.

The bill had been dual-referred to the committee because of a public records exception included therein.

Representative Danahay offered a motion to report House Bill No. 429 favorably. Without objection, House Bill No. 429 was reported favorably 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 as follows: 2 in support. Witness cards are included in the committee records.

House Bill No. 518 by Representative Broadwater

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

The bill had been dual-referred to the committee because of a public records exception included therein.

Representative Danahay offered amendments to remove the proposed authorization for the Board of Examiners of Certified Shorthand Reporters to obtain information in an expunged record and to make technical changes to the terminology in the proposed Public Records Law exemption for consistency. 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, Jimmy Harris, Lance Harris, Hill, Ivey, Jenkins, Jay Morris, Pugh, and Shadoin voted yea.

Representative Pugh offered a motion to report House Bill No. 518 with amendments. Without objection, House Bill No. 518 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Danahay, Jimmy Harris, Lance Harris, Hill, Ivey, Jenkins, Jay Morris, Pugh, and Shadoin voted yea.

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

House Bill No. 162 by Representative Edmonds

Representative Edmonds presented House Bill No. 162, which prohibits communication among a quorum of the members of a public body unless such communication is contemporaneously visible or audible to the public unless the public body is in an executive session authorized by law.

Representative Danahay offered amendments to change the proposed specific prohibition from prohibiting members of certain public bodies from engaging in communication with a quorum of the members of the public body unless such communication is contemporaneously visible or audible to the public to prohibiting a quorum of a body from engaging in contemporaneous interactive electronic communications regarding matters over which the body has supervision, control, jurisdiction, or advisory power. Representative Danahay offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Gary Carter, Danahay, Jimmy Harris, Lance Harris, Hill, Ivey, Jenkins, Jay Morris, Pugh, Schroder, and Shadoin voted yea.

Representative Ivey offered a motion to report House Bill No. 162 with amendments. Without objection, House Bill No. 162 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Hill, Ivey, Jenkins, Jay Morris, Pugh, Schroder, and Shadoin voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 4 in opposition. Witness cards are included in the committee records.

Senate Bill No. 57 by Senator Bishop

Senator Bishop presented Senate Bill No. 57, which prohibits the increase in salary of unclassified employees in the executive branch of state government for a period commencing on the gubernatorial election day and concluding on inauguration day.

Representative Jimmy Harris offered amendments to exempt higher education employees from provisions of the bill, including those working in public post-secondary institutions.

Representative Jimmy Harris offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Hill, Ivey, Jenkins, Jay Morris, Pugh, Schroder, and Shadoin voted yea.

Chris Deer, Department of State Civil Service, 1201 N. 3rd Street, Baton Rouge, LA, spoke for information only on Senate Bill No. 57.

Representative Danahay offered a motion to voluntarily defer action and reschedule Senate Bill No. 57. Without objection, Senate Bill No. 57 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Jenkins, Gregory Miller, Jay Morris, Pugh, and Schroder voted yea.

House Concurrent Resolution No. 59 by Representative Marcelle

Representative Marcelle presented House Concurrent Resolution No. 59, which creates a task force to study and make recommendations concerning the use of body cameras by law enforcement agencies in this state.

The bill had been dual-referred to the committee because of the creation of a task force.

Representative Jenkins offered amendments to add the president of the Senate or his designee, the speaker of the House of Representatives or his designee, a representative of the Louisiana Association of Criminal Defense Lawyers, and the secretary of state or his designee as members of the task force. Representative Jenkins offered a motion to adopt with changes the amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Jenkins, Gregory Miller, Jay Morris, Pugh, and Schroder voted yea.

Representative Pugh offered a motion to report House Concurrent Resolution No. 59 with amendments. Without objection, House Concurrent Resolution No. 59 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Jenkins, Gregory Miller, Jay Morris, Pugh, and Schroder voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support and 1 for information only. Witness cards are included in the committee records.

House Concurrent Resolution No. 39 by Representative Hodges

Representative Pugh presented House Concurrent Resolution No. 39, which continues the Comite River Diversion Canal Task Force for the purpose of studying and making recommendations on the actions necessary to complete the Comite River Diversion Canal Project, on behalf of the author.

Representative Danahay offered amendments to remove from the membership of the task force a representative of the Federal Emergency Management Agency and include in lieu thereof the president of Livingston Parish or his designee. 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, Jenkins, Gregory Miller, Jay Morris, Pugh, and Schroder voted yea.

Representative Pugh offered a motion to report House Concurrent Resolution No. 39 with amendments. Without objection, House Concurrent Resolution No. 39 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Danahay, Gary Carter, Jimmy Harris, Lance Harris, Jenkins, Gregory Miller, Jay Morris, Pugh, and Schroder voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support. Witness cards are included in the committee records.

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, Jimmy Harris, Lance Harris, Jenkins, Gregory Miller, Jay Morris, Pugh, and Schroder voted yea.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 12:33 p.m.

Respectfully submitted,

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

Date adopted: