

House Committee on House and Governmental Affairs

Minutes of Meeting
2013 Regular Session
April 30, 2013

I. CALL TO ORDER

Representative Timothy G. "Tim" Burns, Chairman of the Committee on House and Governmental Affairs, called the meeting to order at 9:05 a.m. in Room 2 in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

II. ROLL CALL

MEMBERS PRESENT:

Representative Taylor F. Barras
Representative John A. Berthelot
Representative Jared C. Brossett
Representative Michael E. Danahay, Vice Chair
Representative Girod Jackson III
Representative Gregory A. Miller
Representative Stephen E. Pugh
Representative John M. Schroder, Sr.
Representative Timothy G. "Tim" Burns, Chairman

MEMBERS ABSENT:

Representative Randal L. Gaines

STAFF MEMBERS PRESENT:

Patricia Lowrey-Dufour, Legislative Analyst
Mark Mahaffey, Attorney
Shawn O'Brien, Secretary

ADDITIONAL ATTENDEES PRESENT:

Mattie Franklin, Sergeant at Arms
Andrew Hoz, Committee Clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 531 by Representative Havard

Representative Havard presented House Bill No. 531, a constitutional amendment providing relative to increasing the financial burden of public school systems. He asked that the committee defer action on the bill.

Mr. Tom Tate, LAE, 8322 One Calais Place, Baton Rouge, Louisiana, 225-921-5637, had filed a card indicating support for the bill.

Ms. Liz Mangham, 543 Spanish town Road, Baton Rouge, Louisiana, 225-381-0166; Ms. Brigitte Nieland, LABI, 3113 Valley Creek Drive, Baton Rouge, Louisiana, 225-928-5388; Ms. Stephanie Desselle, CABL, 251, Florida Blvd., Suite 400, Baton Rouge, Louisiana 70801, 225-344-2225; and Mr. Dale Hoffpauir, Louisiana Family Forum, 655 St. Ferdinand, Baton Rouge, Louisiana 70802, 225-344-8533, had filed cards in opposition to the bill.

Representative Burns offered a motion to voluntarily defer action on House Bill No. 531. Without objection, the motion passed by a vote of 8 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Miller, Pugh, Schroder, and Burns voted yea.

House Bill No. 253 by Representative Leopold

Representative Leopold presented House Bill No. 253, which provides relative to law enforcement officers at polling places.

Mr. Fabian Blache and Mr. Kevin Hayes, Louisiana Association of Chiefs of Police, 700 North 10th Street, Suite 250, Baton Rouge, Louisiana, 225-387-3261; Mr. John Gallagher, Louisiana Municipal Association, 700 N. 10th Street, Baton Rouge, Louisiana 70802; and Ms. Jennifer Ansardi, Jefferson Parish, P. O. Box 55815, Metairie, Louisiana, 504-606-7700 filed witness cards indicating support for the bill.

Ms. Deborah Cunningham Foshee, Jefferson Parish Attorney (no address provided), 504-736-6303, informed the committee that the bill would allow government buildings that serve as polling places to have their law enforcement officers keep their firearms on their person.

Mr. Deano Bonano, Jefferson Parish Council, 1221 Elmwood Park Blvd., Jefferson, LA 70123, 504-736-6614; Mr. E. Ross Buckley, Jr., Jefferson Parish (no address provided), 504-736-6300; and Ms. Liz Lambert, Jefferson Parish, 1221 Elmwood Park Blvd., Jefferson, LA 70123, filed witness cards for information but did not testify.

Representative Schroder offered a motion to report House Bill No. 253 favorably. Without objection, the motion passed by a vote of 9 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Jackson, Miller, Pugh, Schroder, and Burns voted yea.

Representative Schroder offered a motion to place House Bill No. 253 on the local & consent calendar. Without objection, the motion passed by a vote of 9 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Jackson, Miller, Pugh, Schroder, and Burns voted yea.

House Bill No. 308 by Representative Adams

Representative Adams presented House Bill No. 308, which authorizes the use of consent agendas at public meetings of parishes and municipalities that have more than 50 items on their agenda.

Mr. Deano Bonano, Jefferson Parish Council, 1221 Elmwood Park Blvd., Jefferson, LA 70123, 504-736-6614 and Ms. Deborah Cunningham Foshee, Jefferson Parish Attorney (no address provided), 504-736-6303, informed the committee of the need for the bill.

Mr. E. Ross Buckley, Jr., Jefferson Parish (no address provided), 504-736-6300; and Ms. Liz Lambert, Jefferson Parish, 1221 Elmwood Park Blvd., Jefferson, LA 70123, filed witness cards for information but did not testify.

Representative Burns offered a technical amendment suggested by staff.

Representative Burns offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 9 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Jackson, Miller, Pugh, Schroder, and Burns voted yea.

Mr. John Gallagher, Louisiana Municipal Association, 700 N. 10th Street, Baton Rouge, LA 70802, 225-344-5001; Ms. Jennifer Ansardi, Jefferson Parish, P. O. Box 55815, Metairie, Louisiana, 504-606-7700; and Ms. Renee Roberts, St. Tammany Parish, P. O. Box 628, Covington, Louisiana, 225-405-8086, filed cards indicating their support of the bill but did not testify.

Mr. Charles King, 1421 North Avenue H, Crowley, LA 70526, 337-783-8093, filed a card in opposition to the bill, stating that the bill applies to only one jurisdiction of many that hold public meetings and can preclude the public from testifying in jurisdictions that define their items differently.

Representative Jackson offered a motion to report House Bill No. 308 with amendments. Without objection, the motion passed by a vote of 9 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Jackson, Miller, Pugh, Schroder, and Burns voted yea.

House Bill No. 98 by Representative Thompson

Representative Thompson presented House Bill No. 98, which provides with respect to concealed handgun permits issued by sheriffs.

Representative Burns offered a set of amendments to add a reference to the proposed public records exemption in the Public Records Law and to make technical changes.

Representative Burns offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 9 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Jackson, Miller, Pugh, Schroder, and Burns voted yea.

Major Leland Falcon, Louisiana State Police, 7919 Independence Blvd., Room C-7, Baton Rouge, LA 70806, 225-925-4762 filed a card to provide information at the committee's request.

Representative Berthelot offered a motion to report House Bill No. 98 with amendments. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Jackson, Miller, and Burns voted yea.

House Bill No. 209 by Representative Garofalo

Representative Garofalo presented House Bill No. 209, which provides authority for legislative fiscal staff to access certain information from state agencies during the budget process.

Representative Brossett offered a set of amendments, explained by committee staff, to clarify and specify which staff would have access to specific confidential records and from which department personnel for purposes of confecting the budget. The amendments would also specify that legislative fiscal office staff would be required to protect the confidentiality of such records.

Representative Brossett offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Jackson, Miller, and Burns voted yea.

Representative Brossett offered a motion to report House Bill No. 209 with amendments. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Miller, and Burns voted yea.

House Resolution No. 1 by Representative Danahay

Representative Danahay presented House Resolution No. 1, which provides relative to the timing of concurrence and final passage of the General Appropriation Bill.

Representative Danahay offered a set of amendments to make the provisions of the proposed resolution effective beginning on June 7, 2013.

Representative Danahay offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Miller, and Burns voted yea.

Representative Danahay offered a motion to report House Resolution No. 1 with amendments, to which Representative Burns objected. The secretary called the roll and the motion passed by a vote of 5 yeas and 1 nays. Representatives Barras, Berthelot, Brossett, Danahay, and Miller voted yea. Representative Burns voted nay.

House Bill No. 436 by Representative Garofalo

Representative Garofalo presented House Bill No. 436, a Constitutional Amendment which provides relative to final passage of the general appropriation bill.

Representative Brossett offered a motion to report House Bill No. 436 favorably. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Miller, Schroder, and Burns voted yea.

House Bill No. 87 by Representative Carmody

Representative Carmody presented House Bill No. 87, a Constitutional Amendment which exempts public postsecondary education tuition and fees from requirements for imposing a new or increasing an existing fee.

Mr. James Purcell, Commissioner of Higher Education, State Board of Regents, Claiborne Building, Baton Rouge, LA, 225-342-4253, provided information in support for the bill.

Mr. Clinton "Bubba" Raspberry, State Board of Regents, Claiborne Building, Baton Rouge, LA, 225-342-4253, provided information in support of the bill.

Dr. James Caillier, One Lee Circle, New Orleans, LA, 70130, 504-589-0471 provided information on the bill relative to tying any tuition increase to accountability by the schools.

Mr. Joshua Borill, 1200 Camellia Blvd., Lafayette, LA 70508, 337-989-0071; Messrs. Jim Nickel and Bud Courson, Louisiana Flagship Coalition, 453 Lafayette Street, Baton Rouge, LA, 70802; Ms. Erin Monroe Wesley, Baton Rouge Area Chamber, 564 Laurel Street, Baton Rouge, LA 70801; Ms. Camille Conaway, Blueprint Louisiana, 9331 Bluebonnet Blvd., Baton Rouge, LA, 225-769-2676; Mr. Barry Erwin, CABL, P. O. Box 4308, Baton Rouge, LA 70821, 225-344-2225; Mr. Rodney Braxton, LSU System Foundation, 543 Spanish Town Road, Baton Rouge, LA 70802, 225-381-

0166; and Ms. Marie Centanni, Chamber SWLA, 1011 Lakeshore Drive, Lake Charles, LA, 225-270-5014, submitted cards indicating their support of the bill but did not testify.

Representative Miller offered a motion to report House Bill No. 87 favorably. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Jackson, and Miller voted yea.

House Bill No. 44 by Representative Hazel

Representative Arnold presented House Bill No. 44, which provides an exception to confidentiality provisions of public records law for requests made by specified entities for certain information in personnel records of certain public employees.

Mr. Chad Major, Professional Firefighters of Louisiana, (address illegible), 225-572-8483, Baton Rouge, LA, spoke in favor of the legislation.

Mr. Bernie Ouber, Professional Firefighters of Louisiana (no address provided) submitted a card indicating support for the bill.

Mr. Steven Stocksill, Firefighters Retirement System, 3100 Brentwood Drive, Baton Rouge, LA 70809, 225-925-4060, was present to provide information but did not speak.

Representative Berthelot offered a motion to report House Bill No. 44 favorably. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Jackson, Miller, and Burns voted yea.

Representative Berthelot offered a motion to place House Bill No. 44 on the local & consent calendar. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Jackson, Miller, and Burns voted yea.

House Bill No. 175 by Representative Smith

Representative Smith presented House Bill No. 175, which provides relative to registration and voting by a person convicted of a felony.

Mr. Norris Henderson, V.O.T.E., 7832 Ligustrum Drive, New Orleans, LA, 70126, testified with the author in favor of her bill.

Mr. Kenneth Johnston, V.O.T.E., 4307 Elba St., New Orleans, LA 70125 spoke in favor of the bill as a parolee, saying that many like him deserve the right to vote.

Mr. Earl Brown, 655 North Street, Baton Rouge, LA 70802, 225-336-0058; Mr. Checo Yancy, LA Cure, P. O. Box 181, Baton Rouge, LA 70821; Ms. Sandra Slifer, League of Women Voters of La.,

116 Tulip Drive, Covington, LA, 985-875-9388; Ms. Eileen deHaro, League of Women Voters of St. Tammany, 2034 Rue Rickney, Mandeville, LA, 985-624-9553; Ms. Katie Schwartzmann, Southern Poverty Law Center, 1055 St. Charles Ave., Suite 505, New Orleans, LA 504-486-3982; Ms. Jane Burgin, Southern Poverty Law Center, P. O. Box 1436, Abita Springs, LA 70420; Mr. Ernest Stephens, LA AFL-CIO, 429 Government Street, Baton Rouge, LA 70802; Ms. Linda Fjeldsjo, Catholic Charities, 1750 Laurel Street, Baton Rouge, LA, 225-336-4406; Ms. Frances Kelley, Equality LA and Women for Progress, 935 Linden St., Shreveport, LA 71104, 318-780-4138; Dylan Waguespack, Louisiana Progress, 1855 Brightside Drive, Apt. R6, Baton Rouge, LA 70820, 504-450-7496; Mr. Rob Tasman, Louisiana Conference of Catholic Bishops, 2431 S. Acadian Thruway, Suite 250, Baton Rouge, LA 70808, 225-344-7120; Mr. K. Brad Ott, P. O. Box 71221, New Orleans, LA 70172; Mr. Ben Smith, V.O.T.E., 8941 Morrison Rd., New Orleans, LA 70127, 504-245-0304; and Jordan Shannon, Puentes New Orleans, 1050 S. Jeff Davis Pkwy., New Orleans, LA 70125, 504-821-7228, submitted witness cards indicating their support for House Bill No. 175 but did not testify.

Mr. Nolan Boutte, Crime Fighters, (address illegible) Destrehan, LA, 985-764-8506, offered comments in opposition to the legislation.

Ms. Natalie LaBorde, governor's office, submitted a witness card indicating opposition to House Bill No. 175 but did not testify.

Representative Jackson offered a motion to report House Bill No. 175 favorably, to which Representative Miller objected. The secretary called the roll, and by a vote of 2 yeas and 5 nays, the motion failed to pass. Representatives Brossett and Jackson voted yea; Representatives Barras, Berthelot, Danahay, Miller, and Burns voted nay.

Representative Miller offered a motion to involuntarily defer action on House Bill No. 175. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Jackson, Miller, and Burns voted yea.

House Bill No. 19 by Representative Richard

Representative Richard and Senator Gallot presented House Bill No. 19, which provides relative to records of the office of the governor, making all records of the governor's office subject to public records laws; providing that certain records of the executive office of the governor relating to intra office communications are privileged; requiring the governor to transfer certain records of his office, at the conclusion of his term of office, to the archives division of the Department of State; providing that any privilege from disclosure shall lapse 10 years after the creation of the record or, if creation date is unknown, from date of receipt by archives.

Mr. Carl Redman, Louisiana Press Association Freedom of Information Committee, 7290 Bluebonnet, Baton Rouge, LA 70810, 225-388-0277, testified in favor of House Bill No. 19, noting the difference in availability of governor's office records compared to other public records.

Mr. K. Brad Ott, Advocates for Louisiana Public Healthcare, P. O. Box 71221, New Orleans, LA, 504-269-4991, spoke in support of the bill, giving illustrations of alleged secrecy in budgetary proceedings affecting public hospitals that he said should have been open to the affected public.

Mr. Bruce Parker, Louisiana Progress, (no address provided), Baton Rouge, LA; Dylan Waguespack, Louisiana Progress, 1855 Brightside Drive, Apt. R6, Baton Rouge, LA; Adrian Porch, Equality Louisiana (no address provided); Ms. Cassie Hughes, Louisiana Press Association, 8440 Jefferson Highway, Baton Rouge, LA, 225-929-7033; Ms. M. P. Wray, Louisiana Federation of Teachers, 9623 Brookline Avenue, Baton Rouge, LA; Ms. Sharon Plourde, 627 Foy, Mandeville, LA 985-674-2907; Ms. Jeanne Moran, Southeast Louisiana Hospital, Slidell, LA; Ms. Linda Jenkins, Committee to Save SELH, 25288 Jenkins Road, Covington, Louisiana, 985-892-7847; Ms. Pam Mitchell and Mr. Johnny Koch, Louisiana Press Association, 404 Europe St., Baton Rouge, LA, 25-344-9309; Ms. Peggy Stemmans, Earl K. Long Hospital, 19619 Deer Park, Baton Rouge, LA; Ms. Martha Johnson, 6141 St. Gabriel Court, Baton Rouge, LA 70811; Mr. John Armstrong, 9225 Strasbourge Drive, Baton Rouge, LA 70809, 225-927-2255; Ms. Eileen deHaro, League of Women Voters St. Tammany, 2034 Rue Pickney, Mandeville, LA 70448, 985-624-9553; Ms. Sandra Slifer, President, League of Women Voters of Louisiana, 116 Tulip Drive, Covington, LA 70433, 985-875-9388; and Ms. Frances Kelley, Equality LA, 935 Linden Street, Shreveport, LA 71104, 318-780-4138, filed witness cards indicating their support for House Bill No. 19 but did not testify.

Mr. Robert Travis Scott and Mr. Terry Ryder, PAR, 4664 Jamestown Avenue, Baton Rouge, LA 70808, 225-926-8414, were present to provide information on the bill. Mr. Scott noted a 2009-passed, six-month privilege provision applied to budget-related records of agencies under the governor's office which he said should be repealed. He discussed the denial of records by executive branch agencies using an overly broad application of the governor's office's deliberative process privilege. Such interpretations are inappropriately used to deny access to public records, he said.

Mr. Ryder provided information on a court case that illustrates the need for the bill.

Ms. Jean Armstrong, Leaders with Vision, 728 Worth Blvd., Baton Rouge, LA 225-927-2255, spoke in support of the bill.

Ms. Jennifer Valois, 111 Mercury Street, Lafayette, LA 70503 spoke in favor of the bill relative to the institutional value of all records of the governor's office.

Mr. Thomas Enright, governor's office, State Capitol 4th Floor, Baton Rouge, LA, 225-342-8212, stated in opposition to the bill that the governor had passed the first significant changes to the public records law in 2009 and that opening records of the governor's security detail could endanger the governor or his family.

Ms. Natalie LaBorde governor's office, State Capitol 4th Floor, Baton Rouge, LA, 225-342-8212, submitted a card indicating the opposition of their office to the bill.

Representative Brossett offered a motion to report House Bill No. 19 favorably, to which Representative Burns objected. The secretary called the roll, and by a vote of 3 yeas and 6 nays, the motion failed to pass. Representatives Berthelot, Brossett, and Schroder voted yea. Representatives Barras, Danahay, Jackson, Miller, Pugh, and Burns voted nay.

Representative Burns offered a motion to involuntarily defer action on House Bill No. 19. Without objection, the motion passed by a vote of 9 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Jackson, Miller, Pugh, Schroder, and Burns voted yea.

IV. OTHER BUSINESS

There was no other business to come before the committee.

V. ANNOUNCEMENTS

Representative Burns welcomed a group of students from Ponchatoula Junior High School.

VI. ADJOURNMENT

The meeting was adjourned at 11:59 a.m.

Respectfully submitted,



Timothy G. "Tim" Burns, Chairman
House and Governmental Affairs

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Adopted 5/28/14