

House Committee on House and Governmental Affairs

Minutes of Meeting
2013 Regular Session
May 21, 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 9:37 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 Gregory A. Miller
Representative Stephen E. Pugh
Representative John M. Schroder, Sr.
Representative Timothy G. "Tim" Burns, Chairman

MEMBERS ABSENT:

Representative Randal L. Gaines
Representative Girod Jackson III

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, Clerk

III. DISCUSSION OF LEGISLATION

Senate Bill No. 86 by Senator Morrell

Senator Morrell explained Senate Bill No. 86, which provides relative to the Louisiana Mental Health Counselor Licensing Act.

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

Representative Burns 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, Pugh, and Burns voted yea.

Ms. Mary Alice Olsan, LPC Board of Examiners, 8631 Summa Ave., Baton Rouge, LA 70809, 225-765-2515 informed the committee that the bill provides more specifically for fees and authorizes criminal background checks.

Mr. Eric Sunstrom, La. Marriage and Family Therapy, P. O. Box 80106, Baton Rouge, LA and Mr. David Tatman, La. Counseling Association, P. O. Box 82531, Baton Rouge, LA 225-767-7640 submitted witness cards in support of the bill.

Representative Berthelot offered a motion to report Senate Bill No. 86 with amendments. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Pugh, and Burns voted yea.

Senate Bill No. 191 by Senator Morrell

Senator Morrell presented Senate Bill No. 191, which changes the dates for municipal and parochial elections, inaugurations, and qualifying periods, in certain parishes, explaining that such municipal elections in New Orleans fall during the Mardi Gras season.

Representative Burns offered a set of amendments at the author's request to remove the proposed provisions changing the date upon which parochial and municipal officers in a parish containing a municipality with a population of 300,000 or more take office and to make other technical changes.

Ms. Anne Middleton and Linda M. Walker, League of Women Voters (no address provided), and Ms. Joyce Corrington, League of Women Voters, 528 Walnut Street, New Orleans, LA, submitted cards stating their support for the legislation.

Representative Burns 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, Pugh, and Burns voted yea.

Representative Brossett offered a motion to report Senate Bill No. 191 with amendments. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Pugh, and Burns voted yea.

Senate Concurrent Resolution No. 27 by Senator Long

Senator Long presented Senate Concurrent Resolution No. 27, which creates the Joint Human Trafficking Study Commission. He explained the make-up of the commission and its mission to protect the most vulnerable citizens.

Representative Pugh offered a motion to report Senate Concurrent Resolution No. 27 favorably. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Pugh, and Burns voted yea.

Senate Bill No. 20 by Senator Allain

Senator Allain presented Senate Bill No. 20, which provides certain requirements for meetings at which consideration of or action upon proposals by political subdivisions to levy, increase, renew, or continue property or sales taxes, or authorize the calling of an election for submittal of such question to voters are scheduled.

Representative Burns offered a technical amendment to remove proposed changes to present law notice requirements in the bill.

Mr. Kevin Hayes, La. Landowners Association, 450 Laurel Street, Baton Rouge, LA, 225-336-5200, filed a witness card indicating his support of the measure but did not testify.

Mr. Barney Altazar, La. Assessors Association, 731 Lakeland Drive, Baton Rouge, LA, 225-335-3519, submitted a card in opposition to the bill but did not speak.

Representative Burns 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, Pugh, and Burns voted yea.

Representative Brossett offered a motion to report Senate Bill No. 20 with amendments. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Pugh, and Burns voted yea.

Senate Concurrent Resolution No. 19 by Senator Morrish

Senator Morrish and Senator Johns presented Senate Concurrent Resolution No. 19, which expresses the intent of the Louisiana Legislature regarding Act No. 725 of the 2004 Regular Session. The 2004 Act provided relative to the Louisiana Riverboat Economic Development and Gaming Control Act, specifically that a particular elected public official could do business with riverboat gaming licensees as a non-key gaming employee under certain circumstances. Senator Morrish stated that the intent

of Senate Concurrent Resolution No. 19 is to clarify that the earlier legislation applied to both the original and any subsequent employment of any such non-key gaming employees.

Ms. Kathleen M. Allen, Ethics Administration Program, P. O. Box 4368, Baton Rouge, LA, 225-219-5600, informed the committee that the board has taken no position on the resolution because the subject of the original legislation has ethics charges currently filed against him.

Representative Danahay offered a motion to report Senate Concurrent Resolution No. 19 favorably. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Pugh, and Burns voted yea.

House Concurrent Resolution No. 1 by Representative Lopinto

Representative Lopinto authored House Concurrent Resolution No. 1, which expresses intent of the legislature regarding Act No. 725 of the 2004 Regular Session.

There was no discussion on the measure.

Representative Burns offered a motion to voluntarily defer action on House Concurrent Resolution No. 1. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Pugh, and Burns voted yea.

Senate Bill No. 61 by Senator Morrish

Senator Morrish presented Senate Bill No. 61, which provides an exception to Code of Governmental Ethics regarding certain contractual or other relationships by certain municipal elected officials. He said that current law has an adverse effect on officials in small towns.

Representative Burns offered a set of amendments on behalf of the author to remove application of the bill to the Board of Elementary and Secondary Education (BESE).

Representative Burns 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, Pugh, and Burns voted yea.

Ms. Kathleen M. Allen, Ethics Administration Program, P. O. Box 4368, Baton Rouge, LA, 225-219-5600 put in a card for information, saying that while the board did not oppose the bill, there is concern that there is no monetary limit included in the bill, which would apply to most of the municipalities in the population category.

Representative Berthelot offered a motion to report Senate Bill No. 61 with amendments. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Pugh, and Burns voted yea.

House Resolution No. 16 by Representative Hunter

Representative Hunter presented House Resolution No. 16, which requires the number of yea and nay votes to be displayed in the House Chamber after the voting machine is closed.

Representative Berthelot offered a set of amendments to remove provisions requiring an actual running tally to be displayed and to provide instead for the numerical total to be displayed when the voting machine is closed.

Representative Berthelot offered a motion to adopt the amendments. 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.

Representative Berthelot offered a motion to report House Resolution No. 16 with amendments. 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 Concurrent Resolution No. 48 by Representative Smith

Representative Smith presented House Concurrent Resolution No. 48, which requests certain officials and entities responsible for incarcerated inmates to make recommendations to allow certain incarcerated persons to vote.

Representative Brossett offered a motion to report House Concurrent Resolution No. 48 favorably. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Miller, Pugh, Schroder, and Burns voted yea.

House Concurrent Resolution No. 131 by Representative Wesley Bishop

Representative Wesley Bishop presented House Concurrent Resolution No. 131, which creates and recognizes the Legislative TRIO Caucus.

Representative Brossett offered a motion to report House Concurrent Resolution No. 131 favorably. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Miller, Pugh, Schroder, and Burns voted yea.

Senate Bill No. 33 by Senator Brown

Senator Brown presented Senate Bill No. 33, which provides relative to a minority hiring survey by the division of minority affairs in the Department of Insurance.

Mr. Johnny Koch, Louisiana Press Association (LPA), (no address provided), informed the committee that while the LPA is not opposed to the bill, exceptions to the public records law always raise issues of transparency in government transactions. He requested an amendment to make the bill require reporting at least in the aggregate.

Mr. Patrick Bell, La. Department of Insurance, 1702 North Third St., Baton Rouge, LA, 225-342-8393 submitted a card to provide information, but did not speak.

Ms. Pamela Mitchell, LPA, 404 Europe St., Baton Rouge, LA, 225-344-9309 submitted a witness card stating opposition of the LPA to the bill but did not testify.

Representative Brossett offered a motion to report Senate Bill No. 33 favorably. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Pugh, Schroder, and Burns voted yea.

Senate Concurrent Resolution No. 12 by Senator Amedee

Senator Amedee authored Senate Concurrent Resolution No. 12, which creates the State Capitol Complex Task Force. It was presented by Representative Burns.

Representative Burns offered a set of amendments to add residents of the Spanish Town and Capitol View neighborhoods to the task force and to make technical changes associated with such addition as to notification.

Representative Burns 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, Pugh, Schroder, and Burns voted yea.

Representative Burns offered a second additional technical amendments relative to notification of the changes to the task force membership.

Representative Burns 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, Pugh, Schroder, and Burns voted yea.

Ms. Cheryl L. McCormick, 714 North 5th Street, Baton Rouge, LA 225-405-0473, submitted a witness card indicating support of the bill but did not testify.

Representative Berthelot offered a motion to report Senate Concurrent Resolution No. 12 with amendments. 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 Concurrent Resolution No. 3 by Representative Huval

Representative Huval presented House Concurrent Resolution No. 3, which requests a study of the feasibility and practicality of authorizing Internet gaming in Louisiana so that those who wish to gamble on the Internet in the state can do so legally.

Ms. Gina Goings, Boyd Gaming Corporation, 1445 Lakeridge Dr., Baton Rouge, LA, 225-326-1244; Mr. Tom McPherson, Boyd Gaming, 12550 Brookshire Ave., Baton Rouge, LA, 225-272-1669; and

Ms. Deborah Harkins, Margaritaville Casino, 601 Poydras Street, New Orleans, LA, 504-596-2799, submitted witness cards stating their support for the bill. None of the supporters testified.

Ms. Tammy Banks, Young Republican Women, 448 Mozart Drive, Houma, LA, 985-209-3069, and Ms. Beryl Amedee, 200 Rhett Place, Gray, LA, 985-226-7085, put in cards indicating opposition but did not speak.

Ms. Rose Hudson and Mr. John Carruth, Louisiana Lottery Corporation, 555 Laurel St., Baton Rouge, LA 225-297-2002, put in cards for information. They did not speak.

Representative Barras offered a motion to report House Concurrent Resolution No. 3 favorably. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Miller, Pugh, and Schroder voted yea.

House Resolution No. 6 by Representative Abramson

Representative Abramson presented House Resolution No. 6, which revises the rules to remove provisions for the local and consent calendar, major state calendar, and regular calendar, to provide relative to the recommittal of constitutional amendments, and to prohibit lobbying by certain persons with access to the House floor. He noted that the Committee on Civil Law, under House rules, submits a report on the necessity of every constitutional amendment that is dual-referred to the committee, and that the proposed rule provides that the committee also review the ballot language on the same. Further, he noted that the procedure is not meant for the committee to oppose the original bill and that constitutional amendments that necessitate an election without anything else on the ballot cost the state \$6 million for each such election.

Representative Miller offered a set of amendments, explained by the author, to require a higher threshold vote on reporting an instrument out of committee that requires a 2/3s vote to pass on the House floor.

Representative Miller made a motion to adopt the amendments but subsequently withdrew the motion.

Representative Miller proposed an amendment requiring adoption of a motion to authorize the approval of providing tax relief resulting in a net loss of revenue to the state by a favorable vote of at least 60 members prior to any motion to finally pass specified legislative instruments.

Representative Pugh 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, Miller, Pugh, and Burns voted yea.

Representative Danahay offered a motion to report House Resolution No. 6 with amendments. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Miller, Pugh, and Burns voted yea.

House Resolution No. 2 by Representative Edwards

Representative Edwards presented House Resolution No. 2, which would require the favorable vote of at least a majority of the elected members of the House for adoption of a concurrent resolution.

Ms. M.P. Wray and Mr. Steve Monaghan, Louisiana Federation of Teachers, 9623 Brookline Ave., Baton Rouge, LA, submitted witness cards stating their support of the measure.

Ms. Joan E. Hunt, La. State Department of Education, 1201 N. 3rd Street, Baton Rouge, LA, 225-342-3572, put in a card for information but did not speak.

Representative Pugh offered a motion to report House Resolution No. 2 favorably. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Miller, Pugh, Schroder, and Burns voted yea.

House Concurrent Resolution No. 14 by Representative Edwards

Representative Edwards presented House Concurrent Resolution No. 14, which requires the introduction and passage of a concurrent resolution adopted according to the same time frame and procedures (except for veto) as required for the enactment of a bill to approve the MFP formula.

Representative Schroder offered a set of amendments which the author said would ensure that the instrument containing the MFP, having the effect of law, will always follow procedures to cause it to be timely filed. The amendment would require the resolution to be adopted by the same vote and procedures as those to enact a bill, to require the resolution to be prefiled in odd-numbered year sessions, include the resolution in the introducing member's five-bill limit the member is required to prefile in odd-numbered year sessions, and to make the resolution effective June 7, 2013.

Ms. Joan E. Hunt, La. Department of Education, 1201 N. 3rd Street, Baton Rouge, LA, 225-342-3572, provided information on the Supreme Court decision affecting the current year's MFP.

Representative Schroder offered a motion to adopt the amendments. 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.

Ms. Erin Bendily, Board of Elementary and Secondary Education (BESE)/La. Department of Education, 1201 N. 3rd Street, Baton Rouge, LA, requested the adoption of an amendment to preserve the ability of the department to make technical changes to language proposed by BESE for inclusion in the MFP instrument prior to the deadline for introduction of the resolution.

Representative Danahay offered the requested amendments and made a motion to adopt same. 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.

Ms. M.P. Wray and Mr. Steve Monaghan, Louisiana Federation of Teachers, 9623 Brookline Ave., Baton Rouge, LA, submitted witness cards stating support of the measure.

Representative Schroder offered a motion to report House Concurrent Resolution No. 14 with amendments. 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 Concurrent Resolution No. 129 by Representative Broadwater

Representative Broadwater presented House Concurrent Resolution No. 129, which directs each public body that has a custodian of public records to make the identity and contact information of the custodian available to the public.

Ms. Ayn Stehr, National Association of Social Workers, 18906 Spyglass Hill Drive, Baton Rouge, LA, 225-241-0947, submitted a witness card in favor of the resolution.

Representative Danahay offered a motion to report House Concurrent Resolution No. 129 favorably. 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 Resolution No. 31 by Representative Champagne

Representative Champagne presented House Resolution No. 31, which provides for recommitment of any instrument with a specified fiscal impact to the Committee on Appropriations and provides certain requirements for the General Appropriation Bill.

Representative Schroder offered a motion to report House Resolution No. 31 favorably. 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.

IV. OTHER BUSINESS

There was no other business to come before the committee.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

Representative Pugh offered a motion to adjourn. 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.

The meeting was adjourned at 11:54 a.m.

Respectfully submitted,

T. Burns

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

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adopted 5/28/14