

House Committee on House and Governmental Affairs

Minutes of Meeting
2014 Regular Session
March 26, 2014

I. CALL TO ORDER

Representative Tim Burns, chairman of the House Committee on House and Governmental Affairs, called the meeting to order at 9:35 a.m. in Room 2, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

II. ROLL CALL

MEMBERS PRESENT:

Representative Tim Burns, Chairman
Representative Michael E. Danahay, Vice Chair
Representative Taylor F. Barras
Representative John A. Berthelot
Representative Jared C. Brossett
Representative Randal L. Gaines
Representative Gregory A. Miller
Representative Stephen E. Pugh
Representative John M. Schroder, Sr.

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Patricia Lowrey-Dufour, Committee Legislative Analyst
Mark Mahaffey, Committee Attorney
Shawn O'Brien, Committee Secretary
Joyce Trotter, Sergeant at Arms
Andrew Hoz, Committee Clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 292 by Representative Abramson

House Bill No. 292 provides for calling a limited constitutional convention for fiscal purposes and preparations therefor.

There was no discussion on the bill.

At the request of the author, Representative Burns offered a motion to voluntarily defer action on House Bill No. 292 so that it could be rescheduled. Without objection, action on House Bill No. 292 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Burns, Danahay, Gaines, Miller, and Pugh voted yea.

House Bill No. 626 by Representative Abramson

House Bill No. 626 requires certain quasi public and nongovernmental entities to submit information to the legislative auditor and be approved by the Joint Legislative Committee on the Budget prior to receiving state monies or assistance.

There was no discussion on the bill.

At the request of the author, Representative Burns offered a motion to voluntarily defer action on House Bill No. 626 so that it could be rescheduled. Without objection, action on House Bill No. 626 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Burns, Danahay, Gaines, Miller, and Pugh voted yea.

House Bill No. 424 by Representative Thierry

House Bill No. 424 authorizes the legislative auditor to conduct audits of not-for-profit organizations that receive scholarship awards from the Department of Education.

There was no discussion on the bill.

At the request of the author, Representative Burns offered a motion to voluntarily defer action on House Bill No. 424. Without objection, action on House Bill No. 424 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Burns, Danahay, Gaines, Miller, and Pugh voted yea.

House Bill No. 806 by Representative Ivey

House Bill No. 806 provides relative to the official journal of the state.

There was no discussion on the bill.

At the request of the author, Representative Burns offered a motion to voluntarily defer action on House Bill No. 806. Without objection, action on House Bill No. 806 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Burns, Danahay, Gaines, Miller, and Pugh voted yea.

House Bill No. 141 by Representative Pearson

Representative Pearson presented House Bill No. 141, which provides relative to the official journal of the state for purposes of notice of retirement bills. He said that advertising the filing of such bills exclusively in *The Advocate* is no longer necessary due to advancements in technology, nor should they be singled out among other legislation for such advertising.

Representative Burns proposed a motion to adopt a technical amendment, to which there was no objection. Representatives Barras, Berthelot, Burns, Danahay, Gaines, Miller, and Pugh voted 7 yeas and 0 nays to adopt the amendment.

Mr. Norris Babin, *St. Bernard Voice and Plaquemines Gazette*, 234 Mehle St., Arabi, LA 70032, 504-615-1966; Mr. Johnny Koch, Louisiana Press Association (no address provided); Mr. Sam Hanna, Jr., Hanna Newspapers in Ferriday, Winnsboro, and West Monroe (no address given) 318-805-8158; Ms. Julie Cherry, Louisiana AFL-CIO, 429 Government Street, Baton Rouge, LA 70802, 225-383-5741; Ms. Pamela Mitchell, Louisiana Press Association, 404 Europe St., Baton Rouge, LA, 225-344-9309; Mr. Clancy DuBos, *Gambit Weekly*, 3923 Bienville St., New Orleans, LA, 504-451-9058; and Mr. Dan Shea, *The Advocate*, 7290 Bluebonnet Blvd., Baton Rouge, LA 504-352-5090 submitted witness cards in opposition to the bill, but did not speak.

Representative Pugh offered a motion to voluntarily defer action on House Bill No. 141. Without objection, action on House Bill No. 141 was voluntarily deferred by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Gaines, Miller, and Pugh voted yea.

House Bill No. 401 by Representative Barras

Representative Barras presented House Bill No. 401, which provides for technical corrections to various provisions of the Constitution Ancillaries, the La. Revised Statutes, the Code of Civil Procedure, and the Code of Criminal Procedure.

Representative Barras offered a set of technical amendments to the bill.

Representative Barras offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Burns, Danahay, Gaines, Miller, and Pugh voted yea.

Mr. Sam Pleasant, Attorney General's Office, 1885 N. Third Street, Baton Rouge, LA 70802, 225-326-6452, was present to provide information.

Representative Burns offered a motion to report House Bill No. 401 with amendments. Without objection, House Bill No. 401 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Burns, Danahay, Gaines, Miller, and Pugh voted yea.

House Bill No. 439 by Representative Greene

House Bill No. 439 provides with respect to misappropriation of public funds and restitution and recovery related thereto. Mr. Daryl Purpera, Legislative Auditor, presented the bill on behalf of the author.

Representative Danahay offered a set of amendments to add that the attorney general may seek recovery of his costs and attorney fees in a civil suit and to specify that if costs are recovered for an audit that were previously reimbursed, those costs shall be paid to the appropriate agency.

Representative Danahay offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Gaines, Miller, and Pugh voted yea.

Representative Danahay offered a motion to report House Bill No. 439 with amendments. Without objection, House Bill No. 439 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Gaines, Miller, and Pugh voted yea.

House Concurrent Resolution No. 15 by Representative Garofalo

Representative Garofalo presented House Concurrent Resolution No. 15, which applies to congress under U.S. Constitutional Article 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. He noted that the resolution is the same as Representative Lorusso's House Concurrent Resolution No. 6, also on the agenda.

Ms. Alex Smith, Louisiana Strong, 17732 Highland Road, Baton Rouge, LA 70810, 225-328-5936; and Dr. Lennie Rhys, Louisiana Strong, 555 St. Landry St., Baton Rouge, LA, submitted cards in support of the resolution but did not speak.

Ms. Sandra McDade, representing the Eagle Forum (no address provided), testified in opposition to the measure.

Mr. Steve Spires, Louisiana Budget Project (no address provided), spoke in opposition to the resolution.

Representative Danahay offered a motion to involuntarily defer action on House Concurrent Resolution No. 15. Without objection, action on House Concurrent Resolution No. 15 was involuntarily deferred by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Gaines, Miller, and Pugh voted yea.

House Bill No. 874 by Representative Stuart Bishop

Representative Stuart Bishop presented House Bill No. 874, which requires annual and quarterly reports to the legislature regarding litigation instituted by a state agency.

Representative Burns offered a set of amendments to add the office of the lieutenant governor to the list of agencies covered, to provide for definitions, and to make technical changes.

Representative Burns offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Danahay, Gaines, Miller, Pugh, and Burns voted yea.

Mr. Trey Phillips, first assistant attorney general, Department of Justice (no address given), 225-573-7376, informed the committee that the office already produces such information internally and so the bill is consistent with the attorney general's directives.

Ms. Marie Centanni, The Chamber SWLA, 4310 Ryan St., Lake Charles, LA, 225-270-5014; Mr. Brent Gallaher, Midcontinent Oil and Gas Association, 730 North Blvd., Baton Rouge, LA, 225-387-3201; Mr. Robert Schromm, Louisiana Chemical Association, One American Place, #2040, Baton Rouge, LA 70825, 504-250-5978; Ms. Dawn Starns, NFIB (no address provided); Mr. Will Green, LABI (no address provided); and Mr. Jim Harris, Coalition for Common Sense, 521 Laurel Street, Baton Rouge, LA, submitted witness cards in support of the bill but did not speak.

Representative Brossett offered a motion to report House Bill No. 874 with amendments. Without objection, House Bill No. 874 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Burns, Danahay, Gaines, Miller, and Pugh voted yea.

House Concurrent Resolution No. 6 by Representative Lorusso

House Concurrent Resolution No. 6 applies to congress to call a convention of the states limited to proposing amendments to the U.S. Constitution that impose fiscal restraints on the federal

government, limit the power and jurisdiction of the federal government, and limit terms of office for U.S. officials and for members of congress.

There was no discussion on the resolution.

Representative Burns offered a motion to voluntarily defer action on House Concurrent Resolution No. 6. Without objection, action on House Concurrent Resolution No. 6 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Burns, Danahay, Gaines, Miller, and Pugh voted yea.

House Bill No. 409 by Representative Champagne

Representative Champagne presented House Bill No. 409, which provides relative to the authority and duties of the legislative auditor with respect to quasi public bodies that receive state funds.

The Honorable John Kennedy, State Treasurer (no address provided), spoke in support of the bill.

Mr. Daryl Purpera, legislative auditor (no address provided) provided information on the process by which his agency may obtain records from the public bodies.

Representative Brossett offered a motion to report House Bill No. 409 favorably. Without objection, House Bill No. 409 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Burns, Danahay, Miller, Pugh, and Schroder voted yea.

House Bill No. 662 by Representative Pylant

House Bill No. 662 requires legislative authorization for any proposed new contract or contract renewal between a private prison contractor and the Department of Public Safety and Corrections or a local government.

There was no discussion on the bill.

Representative Burns offered a motion to voluntarily defer action on House Bill No. 662. Without objection, action on House Bill No. 662 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Brossett, Burns, Danahay, Pugh, and Schroder voted yea.

IV. OTHER BUSINESS

Discussion of and update from the Division of Administration regarding the contract with Alvarez & Marsal for governmental efficiencies management support, deliverables, and staff augmentation services

Ms. Kristy Nichols, commissioner, and Ms. Ruth Johnson, deputy commissioner, Division of Administration, 1201 North 3rd Street, Suite 7-210, Baton Rouge, LA 70802, 225-342-7000, and Mr. William V. Roberti, Alvarez and Marsal, 600 Madison Avenue, New York, NY 10022, 646-495-4151, made a presentation on initial findings in the division's efforts to recognize efficiencies of state resources and to maximize revenue.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:47 a.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Tim Burns / s".

Tim Burns, Chairman
House and Governmental Affairs

/so

Date Approved: 3-4-15