

House Committee on House and Governmental Affairs

Minutes of Meeting
2014 Regular Session
May 13, 2014

I. CALL TO ORDER

Representative Tim Burns, chairman of the House Committee on House and Governmental Affairs, called the meeting to order at 9:43 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 Gregory A. Miller
Representative Stephen E. Pugh
Representative John M. Schroder, Sr.

MEMBERS ABSENT:

Representative Randal L. Gaines

STAFF MEMBERS PRESENT:

Patricia Lowrey-Dufour, Committee Legislative Analyst
Mark Mahaffey, Committee Attorney
Shawn O'Brien, Committee Secretary
Candace Pointer, Sergeant at Arms
Catherine Collins, Sergeant at Arms
Andrew Hoz, Committee Clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 341 by Representative Harrison

Representative Harrison presented House Bill No. 341, a constitutional amendment changing the maximum number of departments in the executive branch of state government from 20 to 21 in order to create a Department of Elderly Affairs.

Ms. Amy Toloudis, Terrebonne Council on Aging, 995 West Tunnel Blvd., Houma, LA, 985-868-8411; Ms. Diana Edmonson, Terrebonne Council on Aging, P. O. Box 8036, Houma, LA 70360; Jay Williams and Ms. Trudy Bihm, East Baton Rouge Council on Aging, 5790 Florida Blvd., Baton

Rouge, LA, 225-923-8000; Ms. Debi Fleming, Tangipahoa Council on Aging, 106 N. Bay St., Amite, LA, 985-748-7486; Ms. Darlene Schexnayder, Ascension Council on Aging, 10121 Lake Ridge Ave., Gonzales, LA 70737, 225-675-5011; Ms. Charlene Rodriguez, Lafourche Council on Aging, 103 Myrtle Delaune St., Lockport, LA; and Ms. Brenda Gardner, East Feliciana Council on Aging, P. O. Box 986, Clinton, LA, submitted witness cards in support of the legislation.

Representative Pugh offered a motion to report House Bill No. 341 favorably, to which Representative Miller objected. A roll call vote was taken and by a vote of 3 yeas and 4 nays, the motion failed to pass. Representatives Berthelot, Pugh, and Schroder voted yea. Representatives Barras, Danahay, Miller, and Burns voted nay.

There was no final action taken on the bill.

House Bill No. 342 by Representative Harrison

Representative Harrison presented House Bill No. 342, a constitutional amendment which creates and provides for a Department of Elderly Affairs.

Ms. Diana Edmonson, Terrebonne Council on Aging, P. O. Box 8036, Houma, LA 70360; Jay Williams and Ms. Trudy Bihm, East Baton Rouge Council on Aging, 5790 Florida Blvd., Baton Rouge, LA, 225-923-8000; Ms. Debi Fleming, Tangipahoa Council on Aging, 106 N. Bay St., Amite, LA, 985-748-7486; Ms. Darlene Schexnayder, Ascension Council on Aging, 10121 Lake Ridge Ave., Gonzales, LA 70737, 225-675-5011; Ms. Brenda Gardner, East Feliciana Council on Aging, P. O. Box 986, Clinton, LA; Mr. Ernest Stephens, LA AFL-CIO, 429 Government St., Baton Rouge, LA; Mr. Andrew Mull, AARP Louisiana, 301 Marst, Baton Rouge, LA; Ms. Amy Toloudis, Terrebonne Council on Aging, 995 West Tunnel Blvd., Houma, LA, 985-868-8411; and Mr. Ed Parker, AFSCME, 429 Government St., Baton Rouge, LA 70806, submitted witness cards in support of the legislation but did not testify.

Representative Miller offered a motion to voluntarily defer action on House Bill No. 342. Without objection, action on House Bill No. 342 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Miller, Pugh, Schroder, and Burns voted yea.

House Bill No. 477 by Representative Mack

Representative Mack presented House Bill No. 477, which provides an exception to nepotism provisions with respect to the employment of immediate family members of the chief of a fire department.

Ms. Kathleen Allen, Louisiana Board of Ethics, P. O. Box 4368, Baton Rouge, LA 70821, 225-219-5600, informed the committee that the Board had taken no action on the measure.

Mr. John Thomas, Hammond Fire Chief, 30068 Leslie St., Albany, LA, provided information on the bill.

Mr. Ronnie Schillace (no address provided), submitted a witness card for information on the bill.

Mr. Wendell Lindsay, Louisiana Common Cause, 5874 Chandler Dr., Baton Rouge, LA, and Mr. Barry Erwin, CABL, P. O. Box 4308, Baton Rouge, LA, 225-344-2225, filed cards in opposition to the bill.

Representative Burns offered a motion to voluntarily defer action and to reschedule the bill for further discussion. Without objection, House Bill No. 477 action was voluntarily deferred by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, Schroder, and Burns voted yea.

House Bill No. 128 by Representative Havard

Representative Havard presented House Bill No. 128, which establishes the Privatization Review Act.

Mr. Daryl Purpera, legislative auditor (no address provided), 225-339-3800, was available to provide information on the bill but did not speak.

Mr. Wendell Lindsay, Louisiana Common Cause, 5874 Chandler Dr., Baton Rouge, LA 70808; Mr. Mike Myers, Red River United, 1726 Line Ave., Shreveport, LA, 318-424-4579; Ms. Julie Cherry and Mr. Ernest Stephens, Louisiana AFL-CIO, 429 Government Street, Baton Rouge, LA 70802, 225-383-5741; and Mr. Ed Parker, AFSCME, 429 Government Street, Baton Rouge, LA, 225-927-2800, submitted witness cards in support of the bill.

Mr. Charles Jeane, representing the governor's office, filed a witness card in opposition to the bill.

Representative Danahay offered a set of amendments to remove the reference to estimated costs in a provision regarding the comparison of the quality of services 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 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, and Burns voted yea.

Representative Berthelot offered a motion to report House Bill No. 128 with amendments. Without objection, House Bill No. 128 was reported with amendments by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, and Burns voted yea.

Senate Bill No. 134 by Senator Amedee

Senate Bill No. 134 provides relative to the Board of Ethics and Ethics Adjudicatory Board enforcement authority. There was no discussion on the bill.

Representative Burns offered a motion to voluntarily defer action on Senate Bill No. 134, indicating that it would be rescheduled. Without objection, action on Senate Bill No. 134 was voluntarily deferred by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, and Burns voted yea.

Senate Bill No. 199 by Senator Murray

Senate Bill No. 199, provides, relative to personal financial disclosure, that assessment of a late fee for which all appeal delays have expired will become executory and enforced as a money judgment. Representative Burns presented the bill.

Representative Burns offered a set of technical amendments and made a motion to adopt the same. Without objection, the technical amendments were adopted by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, and Burns voted yea.

Ms. Kathleen Allen, Louisiana Board of Ethics, P. O. Box 4368, Baton Rouge, LA 70821, 225-219-5600, informed the committee that the bill places personal financial disclosure late fees in the same posture as those for campaign finance filings.

Mr. Barry Erwin, CABL, P. O. Box 4308, Baton Rouge, LA, 225-344-2225, filed a witness card in support of the bill.

Representative Pugh offered a motion to report Senate Bill No. 199 with amendments. Without objection, Senate Bill No. 199 was reported with amendments by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, and Burns voted yea.

Senate Bill No. 270 by Senator Amedee

Senate Bill No. 270, which provides relative to personal financial disclosure under the Campaign Finance Disclosure Act and Code of Governmental Ethics, was presented by Ms. Kathleen Allen, Louisiana Board of Ethics, P. O. Box 4368, Baton Rouge, LA 70821, 225-219-5600, on behalf of the author. She informed the committee that the board had recommended the bill.

Mr. Michael Ranatza, executive director, Louisiana Sheriffs' Association, 1175 Nicholson Drive, Baton Rouge, LA, 225-343-8402, submitted a witness card in support of the bill.

Representative Pugh offered a motion to report Senate Bill No. 270 favorably. Without objection, Senate Bill No. 270 was reported favorably by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, and Burns voted yea.

House Concurrent Resolution No. 119 by Representative Connick

Representative Connick presented House Concurrent Resolution No. 119, which directs the legislative auditor to perform an audit of the Louisiana State Racing Commission regarding horse racing facilities and offtrack wagering facilities located in the parishes of Orleans and Jefferson.

Mr. Daryl Purpera, legislative auditor (no address provided), 225-339-3800, was available to provide information on the bill but did not speak.

Representative Berthelot offered a motion to report House Concurrent Resolution No. 119 favorably. Without objection, House Concurrent Resolution No. 119 was reported favorably by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, and Burns voted yea.

House Bill No. 328 by Representative Lopinto

Representative Lopinto presented House Bill No. 328, which provides for confidentiality of information relating to the execution of a death sentence.

Mr. Jimmy LeBlanc, Department of Public Safety and Corrections (no address provided), provided information on the bill.

Warden Burl Cain, Angola State Penitentiary, Angola, LA, 225- 655-2928, was available to provide information on the bill.

Mr. Michael Ranatza, executive director, Louisiana Sheriffs' Association, 1175 Nicholson Drive, Baton Rouge, LA 225-343-8402, submitted a witness card in support of the bill.

Representative Burns offered an amendment to add a reference to the proposed law in the Public Records Law and to clarify that the confidentiality provided for applies to information contained in department records.

Representative Burns offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, and Burns voted yea.

Mr. Sidney Garmon, La. Coalition for Alternatives to the Death Penalty, P. O. Box 30712, New Orleans, LA; Mr. Norris Henderson, VOTE, 3400 Carrollton Ave., New Orleans, LA 70185; and Ms. Pamela Mitchell, Louisiana Press Association, 404 Europe St., Baton Rouge, LA 70802, 225-344-9309, submitted witness cards indicating their opposition to the bill but did not testify.

Mr. Walter Sanchez, LACDL, 901 Lakeshore Dr., Suite 105, Lake Charles, LA, 337-933-4405; and Mr. George Steimel, LACDL, 15453 Patricia Dale, Baton Rouge, LA, 225-278-5604, spoke in opposition to the bill.

Representative Burns offered a motion to report House Bill No. 328 with amendments. Without objection, House Bill No. 328 was reported with amendments by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, and Burns voted yea.

House Bill No. 283 by Representative Smith

Representative Smith presented House Bill No. 283, which provides relative to registration and voting by a person convicted of a felony.

Mr. Norris Henderson, VOTE, 3400 Carrollton Ave., New Orleans, LA; and Mr. Bryce Reilly, Voice of the Ex-Offender, 1004 Gov. Nicholls St., #G, New Orleans, LA, testified in favor of the legislation.

Ms. Julie Cherry, Louisiana AFL-CIO, 429 Government Street, Baton Rouge, LA 70802, 225-383-5741; and Mr. Ed Parker, AFSCME, 429 Government Street, Baton Rouge, LA 225-927-2800, submitted cards in support of the bill.

Mr. E. Pete Adams, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA 70802, submitted a witness card in opposition to the bill.

Honorable Tom Schedler, Secretary of State (no address provided), provided information on the bill.

Representative Danahay offered a motion to involuntarily defer action on House Bill No. 283. Without objection, action on House Bill No. 283 was involuntarily deferred by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, and Burns voted yea.

Senate Concurrent Resolution No. 69 by Senator Morrish

Senate Concurrent Resolution No. 69 creates the "Erin's Law" task force. There was no discussion on the measure.

Representative Burns offered a motion to voluntarily defer and reschedule Senate Concurrent Resolution No. 69. The motion was adopted by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, and Burns voted yea.

Senate Bill No. 272 by Senator Murray

Senate Bill No. 272 provides that changes to the forms by the Supervisory Committee on Campaign Finance and personal financial disclosure forms by the Board of Ethics shall be accomplished through approval of the Committees on Senate and Governmental Affairs and House and Governmental Affairs.

Ms. Kathleen Allen, Louisiana Board of Ethics, P. O. Box 4368, Baton Rouge, LA 70821, 225-219-5600, presented the bill on behalf of the author.

Representative Burns offered amendments to the bill that: relative to provisions of present law that require the Supervisory Committee on Campaign Finance Disclosure to provide for the reporting of totals of information required by present law to be reported, removes requirement for adoption of a rule and removes provisions for the preparation and distribution of forms by rule through the Administrative Procedure Act; removes proposed law additions to present law rulemaking authority of the supervisory committee that provided for approval of legislative governmental affairs committees for the development and amendment of forms and provides instead for a review and approval process for forms by the legislative governmental affairs committees; removes provisions of proposed law amending provisions of the Code of Governmental Ethics relative to specific financial disclosure statements that provided for approval of legislative governmental affairs committees for the development and amendment of forms and provides instead for a review and approval process for forms by the legislative governmental affairs committees; adds provisions providing that all forms, instructions, and explanations promulgated or prescribed by the board of ethics or the supervisory committee prior to the effective date of proposed law shall remain in effect until the board of ethics or the supervisory committee prepares or prescribes new forms, instructions, or explanations and such forms, instructions, and explanations receive approval in accordance with proposed law.

Representative Burns made a motion to adopt the proposed amendments, and without objection, the amendments were adopted by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, and Burns voted yea.

Representative Berthelot offered a motion to report Senate Bill No. 272 with amendments. Without objection, Senate Bill No. 272 was reported with amendments by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, and Burns voted yea.

Senate Bill No. 274 by Senator Cortez

Senate Bill No. 274 provides relative to annual mandatory ethics training requirements.

Ms. Kathleen Allen, Louisiana Board of Ethics, P. O. Box 4368, Baton Rouge, LA 70821, 225-219-5600, explained the bill to the committee on behalf of Senator Cortez.

Representative Burns offered a technical amendment to the bill and made a motion to adopt the same. Without objection, the amendment was adopted by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, and Burns voted yea.

Representative Pugh offered a motion to report Senate Bill No. 274 with amendments. Without objection, Senate Bill No. 274 was reported with amendments by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, and Burns voted yea.

Senate Bill No. 394 by Senator Morrell

Senate Bill No. 394 prohibits persons having outstanding fines, fees, or penalties pursuant to Code of Governmental Ethics from serving on any boards and commissions.

Ms. Kathleen Allen, Louisiana Board of Ethics, P. O. Box 4368, Baton Rouge, LA 70821, 225-219-5600, explained the bill to the committee on behalf of Senator Morrell.

Mr. Barry Erwin, CABL, P. O. Box 4308, Baton Rouge, LA, 225-344-2225, filed a card in support of the bill.

Representative Danahay offered a motion to report Senate Bill No. 394 favorably. Without objection, Senate Bill No. 394 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, Schroder, and Burns voted yea.

House Concurrent Resolution No. 116 by Representative Fannin

Representative Fannin presented House Concurrent Resolution No. 116, which urges and requests the Legislative Auditor's Office to conduct a performance audit of the Louisiana Lottery Corporation.

Ms. Rose Hudson, Louisiana Lottery Corporation, 555 Laurel St., Baton Rouge, LA, 225-297-2002, provided information on the bill relative to the cost of performance audits.

Mr. Daryl Purpera, legislative auditor (no address provided), submitted a card for information but was not present to speak.

Representative Pugh offered a motion to report House Concurrent Resolution No. 116 favorably. Without objection, House Concurrent Resolution No. 116 was reported favorably by a vote of 5 yeas and 0 nays. Representatives Barras, Berthelot, Danahay, Pugh, 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

The meeting was adjourned at 11:35 a.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Tim Burns / s". The signature is written in a cursive style.

Tim Burns, Chairman
House and Governmental Affairs

/so

Date Approved: : 3-4-15