

Regular Session, 2012

HOUSE BILL NO. 5

BY REPRESENTATIVE PEARSON

RETIREMENT/BDS - COMMISSIONS: Provides relative to meetings of state and statewide retirement system boards and committees

1 AN ACT

2 To enact R.S. 11:186, relative to meetings of state and statewide retirement system boards  
3 and committees; to provide for attendance on behalf of certain ex officio members  
4 during executive sessions of such boards and committees; to provide requirements;  
5 to provide restrictions; to provide an effective date; and to provide for related  
6 matters.

7 Notice of intention to introduce this Act has been published  
8 as provided by Article X, Section 29(C) of the Constitution  
9 of Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 11:186 is hereby enacted to read as follows:

12 §186. Authorization for legislative staff to attend executive sessions

13 A. As ex officio members of each state and statewide retirement system  
14 board, the chairman of the House Committee on Retirement and the chairman of the  
15 Senate Committee on Retirement may each independently authorize legislative staff  
16 from his respective chamber to attend executive sessions of any board or committee  
17 meeting of any state or statewide retirement system.

18 B.(1) Authorizations made pursuant to the provisions of this Section shall  
19 be made in writing, specifically name the legislative staff member or members  
20 authorized to attend such executive sessions, and be submitted to the director of each  
21 state or statewide retirement system whose executive sessions staff shall be  
22 authorized to attend. Such authorizations shall be valid for one calendar year from

1 the date of submission unless modified or revoked as provided in Paragraph (2) of  
2 this Subsection.

3 (2) The chairman of the House Committee on Retirement and the chairman  
4 of the Senate Committee on Retirement may revoke or modify their written  
5 authorizations at any time by providing written notice to the director of the affected  
6 system. A revocation shall immediately terminate the authorization made pursuant  
7 to this Section. A modification shall act as a new written authorization and shall be  
8 valid for one calendar year from the date submitted to the system.

9 C. A legislative staff member authorized to attend meetings pursuant to the  
10 provisions of this Section shall not be considered a "designee" as provided in R.S.  
11 11:181 or R.S. 42:1124.2.1 and shall not be allowed to vote.

12 D. Each board of a state or statewide retirement system and each committee  
13 thereof shall allow duly authorized legislative staff to attend its executive sessions.  
14 Any information or communications received by such staff in an executive session  
15 shall be subject to the same privileges as if the staff person were a member of the  
16 board, and the staff member shall maintain the confidentiality of such information  
17 or communications except to share them with his respective committee chairman.

18 Section 2. This Act shall become effective upon signature by the governor or, if not  
19 signed by the governor, upon expiration of the time for bills to become law without signature  
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
22 effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Pearson

HB No. 5

**Abstract:** Authorizes certain legislative staff to attend executive sessions of state and statewide retirement system board and committee meetings.

Present law creates the state and statewide retirement systems and the boards that govern such systems. Proposed law retains present law.

Present law (R.S. 24:8) authorizes any member of the legislature to attend any meeting (including executive sessions) of any state board, commission, agency, or committee. Proposed law retains present law. Present law further designates the chairman of the House Committee on Retirement and the chairman of the Senate Committee on Retirement as ex officio voting members of each state and statewide retirement system board. Proposed law retains present law.

Present law (R.S. 42:16 and 17) provides that in certain limited circumstances, public bodies may enter into executive session to discuss certain business outside of the public arena. Proposed law retains present law.

Proposed law permits the chairmen of the House and Senate committees on retirement, as legislators and ex officio members of each state and statewide retirement system board, to authorize legislative staff to attend any executive session of any board or committee meeting of any state or statewide retirement system.

Proposed law further requires such authorizations to be in writing, to specifically name the authorized staff, and to be submitted to the directors of each of the boards whose executive sessions staff will be attending. Provides that such written authorizations are valid for one calendar year from the date of submission.

Proposed law permits the chairmen of the retirement committees to revoke or modify their written authorizations at any time. Provides requirements and mechanisms.

Present law (R.S. 11:181) provides that the chairman of each of the legislative committees on retirement may designate someone to attend the system board meetings in his place. Under present law (R.S. 42:1124.2.1) any designee of a member of certain boards and commissions must complete an annual financial disclosure form. Proposed law retains present law and specifically provides that staff authorized to attend executive sessions pursuant to proposed law are not designees as contemplated by present law. Proposed law further provides that such authorized staff shall not be allowed to vote.

Proposed law subjects designated staff to the same privileges with respect to information as members of the retirement system board (including the attorney-client privilege). Requires staff to maintain the confidentiality of any information received in executive session except to share the information with his chairman.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 11:186)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Retirement to the original bill.

1. Applied same information privileges that exist for board members (including attorney-client privilege) to any staff designated under proposed law and requires staff to maintain the confidentiality of information except to communicate it to his chairman.