

Regular Session, 2012

SENATE BILL NO. 2

BY SENATOR GUILLORY

RETIREMENT SYSTEMS. Provides for attendance of legislative staff at certain executive sessions of public retirement boards. (gov sig)

1 AN ACT
2 To enact R.S. 11:186, relative to state and statewide retirement systems; to provide relative
3 to meetings of system boards of trustees; to provide for representation during
4 executive sessions of the boards and committees of such systems; to provide for
5 written authorization; to provide restrictions; to provide an effective date; and to
6 provide for related matters.

7 Notice of intention to introduce this Act has been published.

8 Be it enacted by the Legislature of Louisiana:

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

10 **§186. Authorization for staff to attend executive sessions**

11 **A. As ex officio members of each of the state and statewide retirement**
12 **system boards, the chairman of the House Committee on Retirement and the**
13 **chairman of the Senate Committee on Retirement may each independently**
14 **authorize legislative staff to attend any executive session of any board meeting**
15 **or committee meeting of any state or statewide retirement system board or**
16 **committee.**

17 **B.(1) An authorization made pursuant to the provisions of this Section**

1 shall be made in writing, specifically name the legislative staff member or
2 members authorized to attend such executive sessions, and be submitted to the
3 director of the state or statewide retirement system board whose executive
4 sessions staff shall be authorized to attend. Such authorization shall be valid for
5 one calendar year from the date of submission, unless modified or revoked as
6 provided in Paragraph (2) of this Subsection.

7 (2) The chairman of the House Committee on Retirement and the
8 chairman of the Senate Committee on Retirement are authorized to revoke or
9 modify any written authorization made pursuant to this Section at any time by
10 providing written notice to the director of the affected board. A revocation
11 shall immediately terminate the authorization made pursuant to this Section.
12 A modification shall act as a new written authorization and shall be valid for
13 one calendar year from the date submitted.

14 C. Any information or communication which, pursuant to the provisions
15 of this Section, is provided to or presented in the presence of authorized staff
16 shall be subject to the same rights, duties, and privileges which apply to the
17 chairmen as members of the board, including the attorney-client privilege.

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

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

The original instrument was prepared by Laura Gail Sullivan. The following digest, which does not constitute a part of the legislative instrument, was prepared by Margaret M. Corley.

DIGEST

Guillory (SB 2)

Present law creates the state and statewide retirement systems and the boards which govern these systems.

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.

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.

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

Proposed law further requires any such authorization to be in writing, to specifically name the authorized staff, and to be submitted to the director of the board whose executive sessions staff will be attending. Provides that such written authorization is valid for one calendar year from the date of submission.

Proposed law permits a chairman to revoke or modify a written authorization at any time. Provides requirements and mechanisms.

Proposed law provides that information communicated, provided, or presented in the presence of authorized staff pursuant to provisions of proposed law is subject to the same rights, duties, and privileges which apply to the chairmen, including the attorney-client privilege.

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.

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

(Adds R.S. 11:186)

Summary of Amendments Adopted by Senate

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

1. Specifies that information communicated to authorized staff pursuant to provisions of proposed law is subject to the same rights, duties, and privileges which apply to the chairmen, including the attorney-client privilege.