

CONFERENCE COMMITTEE REPORT

SB 490

2022 Regular Session

Cortez

June 6, 2022

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 490 by Senator Cortez, recommend the following concerning the Reengrossed bill:

1. That the set of House Committee Amendments proposed by the House Committee on House and Governmental Affairs and adopted by the House of Representatives on May 11, 2022, be adopted.
2. That the set of House Committee Amendments proposed by the House Committee on Appropriations and adopted by the House of Representatives on May 18, 2022, be adopted.
3. That the set of Legislative Bureau Amendments proposed by the Legislative Bureau and adopted by the House of Representatives on May 18, 2022, be adopted.
4. That House Floor Amendments Nos. 1, 2, 3, and 5 proposed by Representative Ivey and adopted by the House of Representatives on June 1, 2022, be adopted.
5. That House Floor Amendment No. 4 proposed by Representative Ivey and adopted by the House of Representatives on June 1, 2022, be rejected.
6. That the set of House Floor Amendments proposed by Representative Jenkins and adopted by the House of Representatives on June 1, 2022, be rejected.

Respectfully submitted,

Senators:

Representatives:

Senator Patrick Page Cortez

Representative Clay Schexnayder

Senator Sharon Hewitt

Representative John M. Stefanski

Senator Barry Milligan

Representative Jerome "Zee" Zeringue

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Matthew R. DeVille.

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and summary of the bill as proposed by the Conference Committee

PUBLIC BUILDINGS/GROUNDS. Provides for security services in the state capitol building. (gov sig)

Report adopts House amendments to:

1. Make technical changes
2. Provide for the duties and functions of the director of capitol security.
3. Specify the scope of the jurisdiction of the areas to be monitored by capitol security to include the areas of the state capitol complex that are occupied and utilized by the members, officers, and staff of the legislative branch of state government, including areas of ingress and egress for those areas as necessary.
4. Provide that appointments to the council shall be made no later than twenty days after the adjournment of the organizational session of the legislature.
5. Provide that any vacancy in the appointed membership of the council shall be filled in the manner of original appointment for the remainder of the term.
6. Provide that the positions of chairman and vice chairman of the council shall rotate in even-numbered years between the members of the House of Representatives and Senate.
7. Provide that the legislature may, by joint rule, provide for the structure, authority, powers, functions, and duties of the Capitol Security Council, the director or capitol security, capitol security officers, capitol security personnel, and officers of the legislature relative to capitol security.

Report rejects House amendments which would have:

1. Subjected the director of capitol security and any capitol security officer to the direction of the sergeants at arms of the Senate and House of Representatives with regard to their duties as established in the respective rules of each chamber, except in the case of an emergency.
2. Added the sergeants at arms of the Senate and House of Representatives to the membership of the Capitol Security Council as ex officio nonvoting members.

Digest of the bill as proposed by the Conference Committee

Proposed law creates the director of capitol security as the chief security officer for the legislature. Provides for the election of the director upon a favorable majority of the elected members of each house of the legislature after having been interviewed by the Capitol Security Council and recommended for employment by the council by a majority vote. Provides that the director shall serve at the pleasure of the legislature and may be removed by a majority vote of the elected members of each house of the legislature. Provides that any vacancy which occurs while the legislature is not in session shall be filled temporarily by the president of the Senate and the speaker of the House of Representatives, until such time as the vacancy is filled by the legislature.

Proposed law provides that the director shall have 10 years of full-time law enforcement experience, shall be POST-certified, and shall possess qualifications necessary to be commissioned as a special officer. He shall not be a member of the legislature.

Proposed law provides that the salary of the director shall be recommended by the Capitol Security Council. Requires all other necessary expenses and salaries of the council to be submitted to the president of the Senate and speaker of the House of Representatives for approval.

Proposed law provides for the duties of the director. Specifies that the director shall:

- (1) Oversee law enforcement and physical security for the areas within the state capitol complex, as defined in present law, that are occupied and utilized by the members, officers, and staff of the legislative branch of government, including areas of ingress and egress.
- (2) Oversee law enforcement and physical security at any official meeting or function of the legislature, or its committees, regardless of location.
- (3) Develop an annual budget for the operations of the office, subject to approval by the council.
- (4) Recommend employment for security officers and other personnel necessary to ensure the physical security of the parts of the state capitol building and state capitol complex that are used by the legislature.
- (5) Ensure that security officers are POST-certified and possess qualifications necessary to be commissioned as special officers.
- (6) Develop, coordinate, and implement security training for security officers.
- (7) Coordinate and supervise the scheduling and activities of the security officers.
- (8) Respond and act with regard to any security event within his area of jurisdiction.
- (9) Conduct investigations and affect lawful arrests.
- (10) Conduct research, analyze and interpret data, monitor compliance with administrative rules and regulations, make findings of fact, prepare reports, and recommend legislation, policies, and directives which relate to security.
- (11) Act as the legislature's principal point of contact for all law enforcement recommendations to the legislature.
- (12) Develop a comprehensive security plan for the state capitol.
- (13) Carry out all directives issued by either legislative house or the committees relative to security issues.

Proposed law provides that the offices of the director shall be domiciled in the state capitol complex.

Proposed law provides that the director shall be responsible solely to the legislature in his functions and duties and shall be the lead investigative officer in any security breach or occurrence in the state capitol building. Specifies that the designation of the director as chief capitol security officer shall not otherwise affect the duties of the sergeant at arms of the Senate or the House of Representatives.

Proposed law creates the Capitol Security Council composed of the president of the Senate, four members from the Senate appointed by the president, the speaker of the House of Representatives, and four members from the House of Representatives appointed by the speaker. Authorizes the presiding officers of each house of the legislature to select a chairman and vice chairman. Provides that the chairmanship and the vice chairmanship rotate between the Senate and the House of Representatives in even-numbered years. Provides that

in January of each even-numbered year the speaker of the House of Representatives shall designate a member of the House of Representatives on the council to serve as chairman or vice chairman of the council, as applicable, and that the president of the Senate shall designate the member of the senate on the council who shall serve as chairman or vice chairman, as applicable. Provides that the council determines the qualifications of the director of capitol security.

Proposed law provides for the duties of the council and specifies that the council is responsible for adopting a comprehensive security plan for the areas within the state capitol complex that are occupied and utilized by the members, officers, and staff of the legislative branch of state government, including areas of ingress. Requires the council to review and approve the annual budget for the operations of the director prior to submission of the budget to the president and speaker and to fix the salary of the director.

Proposed law invests the council with the power to hold hearings, administer oaths, take public testimony, and pursue punishment for contempt as provided by law.

Proposed law provides that the legislature may, by joint rule, provide for the structure, authority, powers, functions, and duties of the Capitol Security Council, the director or capitol security, capitol security officers, capitol security personnel, and officers of the legislature relative to capitol security.

Present law provides that the deputy secretary of public safety services shall issue a special officer's commission to the sergeant at arms or assistant sergeants at arms of the Senate or the House of Representatives when directed to do so by the president of the Senate or speaker of the House of Representatives.

Proposed law retains present law and further provides that capitol security officers shall also be issued a special officer's commission upon direction of the president of the Senate or speaker of the House of Representatives.

Proposed law adds the director of capitol security and security officers employed by the legislature upon his recommendation to the definition of peace officer.

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

(Amends R.S. 40:1379.1(N) and 1379.5(A); adds R.S. 24:681-685 and 691-694 and R.S. 40:2402(3)(f); repeals R.S. 49:149 through 149.5)