HOUSE COMMERCE COMMITTEE

Minutes of Meeting 1997 Regular Session May 13, 1997

I. CALL TO ORDER

Representative John Travis, Chairman of the House Commerce Committee, called the meeting to order at 9:15 a.m. in Committee Room 1 of the State Capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

MEMBERS ABSENT:

Representative Tank Powell

Representative John Travis,

Chairman

Representative Pete Schneider,

Vice Chairman

Representative Robert Barton

Representative Dan Flavin

Representative Mickey Frith

Representative Herman Hill

Representative Michael Michot

Representative Arthur Morrell

Representative Edwin Murray

Representative Gil Pinac

Representative Sharon Weston

Representative Diane Winston

III. STAFF MEMBERS PRESENT

T. Michael White, Attorney Cindy Mancuso, Attorney Sandy Painting, Secretary Ed Cailleteau and Louis Miceli, Sergeants at Arms

IV. DISCUSSION

House Bill No. 2379 by Representative Durand

Representative Durand appeared before the committee to present House Bill No. 2379, which provides for the development of a logo indicating authentic Cajun-Creole cooking. She stated that the Department of Culture, Recreation, and Tourism had been asked to develop the logo. She stated the logo would mainly be used by out-of-state restaurants as an assurance to patrons that a particular dish

had the Cajun-Creole seal of approval.

There was no further discussion on House Bill No. 2379.

Representative Weston made a motion to report House Bill No. 2379 favorably. There was no objection to this motion and House Bill No. 2379 was reported favorably by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Frith, Michot, Murray, Pinac, Weston, and Winston.

Representative Pinac made a motion to have House Bill No. 2379 placed on the consent calendar. There was no objection and this motion passed by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Frith, Michot, Murray, Pinac, Weston, and Winston.

House Bill No. 2491 by Representative Clarkson

Representative Travis made a motion on behalf of Representative Clarkson to defer action on House Bill No. 2491, which provides for mandatory disclosures upon the sale of residential real property. There was no objection to this motion and action was deferred on House Bill No. 2491 by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Frith, Michot, Murray, Pinac, Weston, and Winston.

House Bill No. 2477 by Representative Wright

Representative Wright appeared before the committee to present House Bill No. 2477, which provides for educational qualifications required of applicants for the Certified Public Accountant (CPA) examination. He stated that some of the effects of House Bill No. 2477 would be to limit the number of new CPA's, to add additional costs to the state's annual budget, and to limit opportunities to minorities and lower and middle-income students. He stated that the CPA Society was against House Bill No. 2477.

Mr. Grady Hazel, executive director, Society of Louisiana CPA's, Baton Rouge, Louisiana, appeared before the committee in opposition to House Bill No. 2477. He stated that the original legislation passed in 1990 was part of a national effort to increase the number of hours required to sit for the examination. He stated that at that time Louisiana was one of twelve states that had this requirement and is now one of thirty-five. He stated that if this legislation passed, it would be an impediment to Louisiana students to compete in that we are surrounded by states who have this requirement and Louisiana students could not get a reciprocal license to practice in our surrounding states. He stated that the additional hour requirement will soon be a national requirement.

Mr. Dave Cagnolatti, Harris, Deville & Associates, representing the Louisiana CPA's, (504) 344-0381, appeared before the committee in opposition of House Bill No. 2477. He reiterated the testimony of Mr. Hazel.

Representative Murray stated that schools should change their accounting curriculum if students were completing school without sufficient knowledge to practice as a CPA.

Representative Weston made a motion to report House Bill No. 2477 favorably. Objection was raised and a roll call vote was taken. House Bill No. 2477 was reported favorably by a vote of 6 yeas and 4 nays. Those voting yea were Representatives Travis, Frith, Hill, Morrell, Murray, and Weston. Those voting nay were Representatives Barton, Flavin, Pinac, and Winston.

Senate Bill No. 508 by Senator Romero

Senator Romero appeared before the committee to present Senate Bill No. 508, which increases membership of the Board of Commerce and Industry. He stated that the legislation would increase the membership from 19 to 20 members. He stated that the extra member would come from a recommendation of the Louisiana Police Jury Association.

There was no further discussion on Senate Bill No. 508.

Representative Flavin made a motion to report Senate Bill No 508 favorably. There was no objection to this motion and Senate Bill No. 508 was reported favorably by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Flavin, Frith, Hill, Morrell, Murray, Pinac, Weston, and Winston.

House Bill No. 2384 by Representative Riddle

Representative Riddle appeared before the committee to present House Bill No. 2384, which enacts the Professional Social Work Corporations Act. He stated that this legislation would allow social workers to form a corporation.

There was no further discussion on House Bill No. 2384.

Representative Riddle made a motion to report House Bill No 2384 favorably. There was no objection to this motion and House Bill No. 2384 was reported favorably by a vote of 9 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Flavin, Frith, Hill, Morrell, Murray, Pinac, and Weston.

Senate Bill No. 1394 by Senator Jones

Representative Weston appeared before the committee on behalf of Senator Jones to present Senate Bill No. 1394, which creates the Tri-State Delta Economic Compact. She stated that the Tri-State Delta Economic Compact would include ten parishes in Louisiana, ten counties in Mississippi, and ten counties in Arkansas. She stated that this legislation

would establish the economic compact and would allow for promotional encouragement and participation in industrial development to stimulate economy in the delta area.

Representative Travis recommended that this issue be handled by Resolution wherein the governor would have the discretion of naming the parishes.

Representative Murray stated that the parishes were not named in the legislation. He made a motion to report Senate Bill No. 1394 favorably. There was no objection to this motion and Senate Bill No. 1394 was reported favorably by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Flavin, Frith, Hill, Morrell, Murray, and Weston.

Senate Concurrent Resolution No. 80 by Senator Jones

Representative Weston appeared before the committee on behalf of Senator Jones to present Senate Concurrent Resolution No. 80, which authorizes the governor to enter into cooperative endeavor agreements with Arkansas and Mississippi for economic development of the tri-state delta region.

There was no discussion on Senate Concurrent Resolution No. 80.

Representative Frith made a motion to report Senate Concurrent Resolution No. 80. There was no objection to this motion and Senate Concurrent Resolution No. 80 was reported favorably by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Flavin, Frith, Hill, Morrell, Murray, and Weston.

House Bill No. 652 by Representative Holden

Representative Travis made a motion to defer action on House Bill No. 652 at the request of Representative Holden. House Bill No. 652 provides relative to hotel room rates in the greater New Orleans area during the Bayou Classic. There was no objection to this motion and action was deferred on House Bill No. 652 by a vote of 7 yeas and 0 nays. Those voting yea were Representative Travis, Barton, Flavin, Frith, Hill, Morrell, and Murray.

Senate Bill No. 46 by Senator Dardenne

Representative Barton appeared before the committee on behalf of Senator Dardenne to present Senate Bill No. 46, which requires certain licensed gaming operators to post Louisiana hotline numbers. He stated that current law requires that hotline numbers be posted in riverboat casinos and video poker parlors and that Senate Bill No. 46 would require that hotline numbers for problem and compulsive gamblers be also posted at race tracks, OTB's, and charitable gaming facilities.

Representative Barton offered an amendment to Senate Bill No. 46 which would specifically include lottery retail sales facilities for the posting of hotline numbers. There was no objection and this amendment was adopted by a vote of 7 yeas and 0 nays. Those voting yea were Representative Travis, Barton, Flavin, Frith, Hill, Morrell, and Murray.

There was no further discussion on Senate Bill No. 46.

Representative Flavin made a motion to report Senate Bill No. 46 with amendments. There was no objection and Senate Bill No. 46 was reported with amendments by a vote of 7 yeas and no nays. Those voting yea were Representative Travis, Barton, Flavin, Frith, Hill, Morrell, and Murray.

Senate Bill No. 749 by Senator Cox

Representative Flavin appeared before the committee on behalf of Senator Cox to present Senate Bill No. 749, which requires annual continuing education for renewal of water well and other drilling licenses. He stated that this legislation would allow for six hours of continuing education.

Mr. Charles Hedges, Louisiana Ground Water Association, 316 Highland Rd., Baton Rouge, Louisiana, 70810, (504) 752-4790, appeared before the committee in support of Senate Bill No. 749. He stated that the passage of Senate Bill No. 749 would upgrade the profession because of the new technology and information available.

Representative Flavin made a motion to report Senate Bill No. 749 favorably. There was no objection and Senate Bill No. 749 was reported favorably by a vote of 7 yeas and no nays. Those voting yea were Representative Travis, Flavin, Frith, Hill, Morrell, Murray, and Pinac.

House Bill No. 2365 by Representative Glover

Representative Glover appeared before the committee to present House Bill No. 2365, which creates the State Licensing Board for Locksmiths and provides for its powers, duties, membership, licensing procedures and fees, and provides for violations and penalties. He stated that the state of Louisiana currently has no rules and regulations for governing the operation of locksmiths.

Mr. James L. Queen, 1219 Grimmett Dr., Shreveport, Louisiana, 71107, (318) 222-8864, appeared before the committee in support of House Bill No. 2365 and stated that the makeup of the board covered representation of the entire state of Louisiana.

Representative Travis offered an amendment to House Bill No. 2365 which removes the requirement that appointments to the State Licensing Board for Locksmiths be submitted to the Senate for confirmation. There was no objection to this amendment and it was adopted by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Flavin, Frith, Hill, Morrell, Murray, and Pinac.

Representative Travis offered a technical amendment to the section heading of House Bill No. 2365 to which there was no objection and this amendment was adopted by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Flavin, Frith, Hill, Morrell, Murray, and Pinac.

Representative Flavin made a motion to report House Bill No. 2365 with amendments. There was no objection and House Bill No. 2365 was reported with amendments by a vote of 8 yeas and no nays. Those voting yea were Representative Travis, Barton, Flavin, Frith, Hill, Morrell, Murray, and Pinac.

Senate Bill No. 1219 by Senator Jordan

Senator Jordan appeared before the committee to present Senate Bill No. 1219, which provides relative to changes to the Auctioneers Licensing Board and auctioneers law. He stated that Senate Bill No. 1219 would allow the Auctioneers Licensing Board to choose its chairman annually, would allow for only the chairman or executive director to administer the oath, would grant the board authority to assess costs for conducting hearings, and sets a date that payment is to be made to the consignor.

Representative Travis questioned the change in the bill for disbursing funds within sixty days instead of thirty days from the date of sale.

Mr. Mark Stips, counsel, Auctioneers Licensing Board, Lafayette, Louisiana, (318) 483-0090, appeared before the committee and stated that the change from thirty days to sixty days would strengthen the legislation and clarify the disbursement of funds.

Mr. Bobby Green, chairman, Louisiana Auctioneers Licensing Board, Monroe, Louisiana, (318)345-1690, appeared before the committee and asked that a clarification of "date of sale" be added to this legislation.

Representative Travis offered an amendment to Senate Bill No. 1219 which would delete the proposed provision allowing the auctioneer to pay the consigner within thirty days of receipt of funds and not later than sixty days from the date of sale at action and instead requires the payment within thirty days from the date of sale and defines "date of sale" as the date that the funds or other consideration are exchanged. There was no objection to this amendment and it was adopted by a vote of 7 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Murray, Pinac, and Winston.

Representative Murray offered an amendment to Senate Bill No. 1219 which would replace present law providing that the surety on the auctioneers bond is also liable in solido for all money and property unaccounted for, as well as the auctioneer and the auction house. There was no objection and this amendment was adopted by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Frith, Hill, Michot, Murray, Pinac, and Winston.

Representative Frith made a motion to report Senate Bill No. 1219 with amendments. There was no objection and Senate Bill No. 1219 was reported with amendments by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Frith, Hill, Michot, Murray, Pinac, and Winston.

House Bill No. 1948 by Representative Wiggins

Representative Barton appeared before the committee on behalf of Representative Wiggins to present House Bill No. 1948, which provides relative to fees collected by the Louisiana Licensed Professional Counselors Board of Examiners.

Mr. Gary Grand, chairman, Louisiana Licensed Professional Counselors Board of Examiners, 8631 Summa Avenue, Baton Rouge, Louisiana, (504)

765-2515, appeared before the committee in support of House Bill No. 1948. He stated that an increase in fees was needed due to an increase in expenses such as rent and utilities.

Representative Travis offered an amendment to House Bill No. 1948 which would reduce the late fee to be paid for license renewals from \$80 to \$50. There was no objection and

this amendment was adopted by a vote of 9 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Frith, Hill, Michot, Morrell, Murray, Pinac, and Winston.

Representative Murray offered an amendment to House Bill No. 1948 which would delete the requirement that all fees for licensing be paid to the board by certified check or money order. There was no objection and this amendment was adopted by a vote of 7 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Morrell, Murray, and Pinac.

Representative Murray offered an amendment to House Bill No. 1948 which would require the prevailing party in any disciplinary action to be reimbursed for all attorney fees and costs incurred in connection with such action. There was no objection and this amendment was adopted by a vote of 7 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Morrell, Murray, and Pinac.

Representative Murray made a motion to report House Bill No. 1948 with amendments. There was no objection and House Bill No. 1948 was reported with amendments by a vote of 7 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Morrell, Murray, and Pinac.

House Bill No. 2496 by Representative Morrell

Representative Morrell appeared before the committee and asked that action be deferred on House Bill No. 2496, which would change the composition of the Louisiana State Racing Commission.

Representative Travis made a motion on behalf of Representative Morrell to defer action on House Bill No. 2496 to which there was no objection. Action was deferred on House Bill No. 2496 by a vote of 7 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Morrell, Murray, and Pinac.

Senate Bill No. 1457 by Senator Greene

Representative Marionneaux appeared before the committee on behalf of Senator Greene to present Senate Bill No. 1457, which provides for a procedure for the suspension and ultimate revocation, after court approval, of certain state licenses and permits, if the holder is convicted of a felony or of engaging in felonious activity.

Representative Travis offered an amendment to Senate Bill No. 1457 which would except the licenses issued under Title 3 from the provisions of proposed law. There was no

objection and this amendment was adopted by a vote of 7 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Morrell, Murray, and Pinac.

Representative Travis offered a set of amendments to Senate Bill No. 1457 which would allow for the revocation of a license for those who have been convicted of, entered a plea of guilty to or nolo contendre to a felony related to obtaining or keeping the license or permit. These amendments would also delete the provision requiring every issuing agency to promulgate rules and regulations prior to July 1, 1998 and requiring the attorney general to propose procedures by December 31, 1997 for enforcement and would provide for enforcement of an order of an administrative law judge as well as the issuing agency. There was no objection to these amendments and they were adopted by a vote of 7 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Morrell, Murray, and Pinac.

Representative Michot made a motion to report Senate Bill No. 1457 with amendments. There was no objection and Senate Bill No. 1457 was reported with amendments by a vote of 7 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Morrell, Murray, and Pinac.

Senate Concurrent Resolution No. 75 by Senator Lambert

Representative Travis appeared before the committee to present Senate Concurrent Resolution No. 75 on behalf of Senator Lambert, which creates the Lower Mississippi River Waterway Safety Study Commission.

Representative Travis offered an amendment to Senate Concurrent Resolution No. 75 which would add the following membership to the Lower Mississippi River Waterway Commission: the presidents of the Associated Branch Pilots of the Port of New Orleans, the Crescent River Port Pilots Association, and the New Orleans-Baton Rouge Steamship Pilots Association and one member each from the Plaquemines Port, Harbor and Terminal District, the companies which transport by barge liquid cargo such as oil or chemicals, companies which transport by barge dry cargo such as grain or coal, companies which own or operate deep-draft ships on the Mississippi River, companies which own or operate passenger vessels on the Mississippi River, and the New Orleans Steamship Association. There was no objection and this amendment was adopted by a vote of 8 yeas and 0 nays. Those voting yea were Representatives

Travis, Frith, Hill, Michot, Morrell, Murray, Pinac, and Winston.

Representative Murray offered an amendment to Senate Concurrent Resolution No. 75 which would add to the membership of the Lower Mississippi River Waterway Commission a member each from the New Orleans Longshoreman Union and the Freight Handlers Union. There was no objection and this amendment was adopted by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Morrell, Murray, Pinac, and Winston.

Representative Murray made a motion to report Senate Concurrent Resolution No. 75 with amendments. There was no objection and Senate Concurrent Resolution No. 75 was reported with amendments by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Morrell, Murray, Pinac, and Winston.

Senate Bill No. 630 by Senator Hainkel

Representative Travis appeared before the committee on behalf of Senator Hainkel to present Senate Bill No. 630, which provides for certificate of payment from the Department of Environmental Quality for liquidation of a corporation.

Ms. Cindy Mancuso, attorney, House Commerce Committee, explained to the committee that Senate Bill No. 630 was a duplicate bill of House Bill No. 1759 by Representative Damico.

Representative Travis made a motion that Senate Bill No. 630 be declared a duplicate bill to House Bill No. 1759. There was no objection and this motion was passed by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Morrell, Murray, Pinac, and Winston.

Representative Murray made a motion to report Senate Bill No. 630 favorably. There was no objection and Senate Bill No. 630 was reported favorably by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Morrell, Murray, Pinac, and Winston.

Senate Bill No. 497 by Senator Heitmeier

Mr. Randy Haynie, Louisiana Interior Designers Association, P.O. Box 44032, Baton Rouge, Louisiana, 70804, (504) 336-4143, appeared before the committee on behalf of Senator Heitmeier to present Senate Bill No. 497, which provides for a definition of "registered interior designer" under the interior design licensing statute and raises fees in licensing of all interior designers. He stated that the fee increases will raise an additional \$24,000 per year for the organization.

There was no further discussion on Senate Bill No. 497.

Representative Morrell made a motion to report Senate Bill No. 497 favorably. There was no objection and Senate Bill No. 497 was reported favorably by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Morrell, Murray, Pinac, and Winston.

Senate Bill No. 182 by Senator Dardenne

Mr. Grady Hazel, executive director, Louisiana Certified Public Accountants (CPAs), Baton Rouge, Louisiana, (504) 344-0381, appeared before the committee on behalf of Senator Dardenne to present Senate Bill No. 182, which provides reciprocity of licenses between states for CPAs. He stated that this legislation would provide that any state with licensing requirements substantially equal or identical to Louisiana, then licenses can be granted if that state reciprocates with the same type of language in their statutes.

There was no further discussion on Senate Bill No. 182.

Representative Murray made a motion to report Senate Bill No. 182 favorably. There was no objection and Senate Bill No. 182 was reported favorably by a vote of 7 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Morrell, Murray, Pinac, and Winston.

House Bill No. 1102 by Representative Travis

Representative Travis appeared before the committee to present House Bill No. 1102, which creates the regional initiatives program within the Department of Economic Development to financially assist substate economic development organizations.

Mr. Harold Price, Department of Economic Development, (504) 342-5361,

appeared before the committee for informational purposes only. He stated that applicants can apply under this program to the secretary of the department for funding up to seventy-five percent with the applicant matching twenty-five percent, half of which can be in-kind contributions. He stated that the department was seeking through this legislation to build economic development capacity at the regional level.

Representative Travis stated that he was concerned as to why a separate program should be created.

Mr. Vic Lafont, executive director, South Louisiana Economic Council, appeared before the committee in support of House Bill No. 1102. He stated that this legislation would allow rural areas all over the state to participate in the financial assistance to be provided by this program.

Mr. Gregg Gothreaux, president, Lafayette Economic Development Authority, 2014 W. Pinhook Rd. #100, Lafayette, LA 70508, (318) 234-2986, appeared before the committee in support of House Bill No. 1102. He stated that funding by his organization was not allowed to cross parish lines and that the creation of this initiative program would assist all areas without this limitation.

Representative Travis offered an amendment to House Bill No. 1102 which would require the secretary to report semi-annually to the House Commerce Committee concerning all aspects of the program. There was no objection and this amendment was adopted by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Morrell, Murray, Pinac, and Winston.

Representative Travis offered an amendment to House Bill No. 1102 which would make provisions of proposed law null, void and of no effect on June 30, 1999. There was no objection and this amendment was adopted by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Morrell, Murray, Pinac, and Winston.

Representative Winston made a motion to report House Bill No. 1102 with amendments. There was no objection and House Bill No. 1102 was reported with amendments by a vote of 7 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Murray, Pinac, and Winston.

House Bill No. 2070 by Representative Jetson

Representative Travis appeared before the committee on behalf of Representative Jetson and made a motion to defer action on House Bill No. 2070, which prohibits the discrimination of river pilots based on age. There was no objection and action was deferred on House Bill No. 2070 by a vote of 7 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Murray, Pinac, and Winston.

House Bill No. 2351 by Representative Jetson

Representative Travis appeared before the committee on behalf of Representative Jetson and made a motion to defer action on House Bill No. 2351, which creates a single board of review for all commissioned pilots. There was no objection and action was deferred on House Bill No.

2351 by a vote of 7 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Murray, Pinac, and Winston.

House Resolution No. 40 by Representative Jetson

Representative Travis appeared before the committee on behalf of Representative Jetson and made a motion to defer action on House Resolution No. 40, which requests the House Commerce Committee to study the Louisiana maritime industry. There was no objection and action was deferred on House Resolution No. 40 by a vote of 7 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Murray, Pinac, and Winston.

Senate Bill No. 1399 by Senator Campbell

Representative Travis appeared before the committee on behalf of Senator Campbell and made a motion to defer action on Senate Bill No. 1399, which authorizes municipalities to create a trust fund for public cemeteries and to provide that such funds can only be used for expenses of the cemeteries. There was no objection and action was deferred on Senate Bill No. 1399 by a vote of 7 yeas and 0 nays. Those voting yea were Representatives Travis, Frith, Hill, Michot, Murray, Pinac, and Winston.

V. OTHER BUSINESS

There was no other business discussed.

VI. ANNOUNCEMENTS

There were no announcements.

VII. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:50 a.m.
Respectfully submitted,
John Travis, Chairman
Date Approved: