

## HOUSE COMMERCE COMMITTEE

Minutes of Meeting  
1997 Regular Session  
June 2, 1997

### I. CALL TO ORDER

Representative John Travis, Chairman of the House Commerce Committee, called the meeting to order at 10:06 a.m. in Committee Room 1 of the State Capitol in Baton Rouge, Louisiana.

### II. ROLL CALL

#### **MEMBERS PRESENT:**

Representative John Travis,  
Chairman  
Representative Pete Schneider,  
Vice Chairman  
Representative Dan Flavin  
Representative Mickey Frith  
Representative Herman Hill  
Representative Michael Michot  
Representative Arthur Morrell  
Representative Edwin Murray  
Representative Gil Pinac  
Representative Tank Powell  
Representative Diane Winston

#### **MEMBERS ABSENT:**

Representative Robert Barton  
Representative Sharon Weston

### III. STAFF MEMBERS PRESENT

Cindy Mancuso, Attorney  
Sandy Painting, Secretary  
Ed Cailleateau and Chris Murphy, Sergeants at Arms

### IV. DISCUSSION

#### **Senate Bill No. 1528 by Senator Hollis**

Senator Hollis appeared before the committee to present Senate Bill No. 1528, which prohibits the use of false, misleading, deceptive, and hidden information in advertisements. He stated there was an amendment to be offered to this legislation.

Ms. Cindy Mancuso, attorney, House Commerce Committee, stated that the amendment to Senate Bill No. 1528 would exclude television advertisements.

Representative Travis offered the above described amendment to Senate Bill No. 1528 to which there was no objection. Said amendment was adopted by a vote of 9 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Flavin, Frith, Michot, Morrell, Murray, Pinac, and Powell.

Senator Hollis stated that the purpose of Senate Bill No. 1528 was to protect the consumer.

Representative Powell stated that he had been approached by advertisers for Home Depot and was informed that their advertising costs would be increased by \$250,000 if Louisiana required changes. He stated that national advertisers coming into Louisiana would have to redesign their ads to meet Louisiana requirements.

Mr. Charles Spencer, general counsel, Louisiana Association of Broadcasters, 701 Laurel St., Baton Rouge, Louisiana, 70802, (504) 344-2601, appeared before the committee in opposition to Senate Bill No. 1528. He stated that if this legislation passed, there would be a conflict with federal laws regarding political advertisements.

Mr. Peter Mayer, chairman, Peter Mayer Advertising, 324 Camp St., New Orleans, Louisiana, 70130, (504) 581-7191, appeared before the committee in opposition to Senate Bill No. 1528. He stated that Senate Bill No. 1528 was poorly drafted, vague and burdensome, and would harm retail businesses, financial institutions, and realtors in Louisiana.

Mr. Chris Wegmann, general manager, Gulfstar Communications, 5555 Hilton Avenue, Suite 500, Baton Rouge, Louisiana, (504) 231-1860, appeared before the committee in opposition of Senate Bill No. 1528. He reiterated the previous testimony of Mr. Spencer and Mr. Mayer.

Mr. Millard Cranch, co-owner, Cranch-Hardy & Associates, 7906 Wrenwood Blvd., Baton Rouge, Louisiana, (504) 926-9190, appeared before the committee in opposition to Senate Bill No. 1528. He stated that small businesses who could not afford large advertisements depended on small ads and would be placed at a competitive disadvantage. He urged the committee to vote against this legislation.

Representative Travis stated that this legislation may not be the answer to the problems, but something had to be done to prevent deceptive advertising.

Mr. Johnny Koch, Louisiana Press Association, Baton Rouge, Louisiana, appeared before the committee in opposition to Senate Bill No. 1528. He stated that Louisiana currently has in its laws a violation provision prohibiting an advertisement from containing any assertion, representation, or statement of fact which is untrue, deceptive or misleading and which imposes a civil fine and possible criminal penalty.

Mr. Nick Perez, president, Louisiana Retailers Association, 343 Third St., Baton Rouge, Louisiana, (504) 344-9481, appeared before the committee in opposition to Senate Bill No. 1528. He reiterated the previous testimony and stated that this legislation would not be in the best interest of the consumer. He stated that this legislation redefines "deceptive".

Representative Morrell made a motion to report Senate Bill No. 1528 with amendments. Objection was raised and a roll call vote was taken. This motion failed by a vote of 3 yeas and 8 nays. Those voting yea were Representatives Travis, Hill, and Morrell. Those voting nay were Schneider, Flavin, Frith, Michot, Murray, Pinac, Powell, and Winston.

Representative Michot made a motion to defer action on Senate Bill No. 1528. There was no objection and action was deferred on Senate Bill No. 1528 by a vote of 11 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Flavin, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

### **Senate Bill No. 1249 by Senator Hollis**

Senator Hollis appeared before the committee to present Senate Bill No. 1249, which extends the examination waiver provisions of the residential building contractor's license.

Ms. Cindy Mancuso, attorney, House Commerce Committee, explained an amendment to be offered on Senate Bill No. 1249. She stated that the amendment would delete proposed law provisions terminating examination waiver provisions on January 1, 1998, except for persons holding a license issued by the board prior to February 1, 1996.

Representative Travis offered the above described amendment to Senate Bill No. 1249. There was no objection and said amendment was adopted by a vote of 9 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Frith, Michot, Morrell, Murray, Pinac, Powell, and Winston.

Mr. Johnny Koch, Louisiana Homebuilders Association, Baton Rouge, Louisiana, appeared before the committee in support of Senate Bill No. 1249. He stated that the intent of Senate Bill No. 1249 was to better serve the home building consumer and the homebuilder.

Ms. Stephanie Laborde, attorney, Contractors Licensing Board, 9100 Bluebonnet Centre Blvd., Suite 402, Baton Rouge, Louisiana, 70809, (504) 291-7300, appeared before the committee in support of Senate Bill No. 1249. She stated that this legislation is identical to House Bill No. 562 which was

previously passed.

Representative Frith made a motion to report Senate Bill No. 1249 with amendments. There was no objection and Senate Bill No. 1249 was reported with amendments by a vote of 9 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Frith, Michot, Morrell, Murray, Pinac, Powell, and Winston.

**Senate Bill No. 1167 by Senator Hainkel**

Representative Damico appeared before the committee on behalf of Senator Hainkel to present Senate Bill No. 1167, which creates the Commercial Building Energy Conservation Code.

Representative Travis offered an amendment to Senate Bill No. 1167 which would provide for enforcement and administration of the Commercial Building Energy Conservation Code by the facility planning and control section of the division of administration relative to state- owned facilities. There was no objection and this amendment was adopted by a vote of 9 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Frith, Michot, Morrell, Murray, Pinac, Powell, and Winston.

Mr. Jack Caldwell, Secretary, Department of Natural Resources, Baton Rouge, Louisiana, appeared before the committee in support of Senate Bill No. 1167. He stated that the purpose of the Commercial Building Energy Conservation Code was to save energy costs in commercial buildings.

Mr. Wade Byrd, Department of Natural Resources, Baton Rouge, Louisiana, appeared before the committee for informational purposes only. He stated that the utility savings in three years for new commercial buildings would be approximately 1.2 million dollars per year and four million dollars per year in ten years.

Representative Murray made a motion to report Senate Bill No. 1167 with amendments. There was no objection and Senate Bill No. 1167 was reported with amendments by a vote of 9 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Flavin, Frith, Hill, Michot, Morrell, Murray, and Powell.

**House Bill No. 1006 by Representative Wilkerson**

Representative Wilkerson appeared before the committee to present House Bill No. 1006, which provides relative to regulation and licensure of bail enforcement agents.

Ms. Alice Landry, attorney, House Commercial Regulation Division, explained an amendment to be offered on House Bill No. 1006. She stated that the amendment would prohibit the wearing of clothing which fails to identify an agent as a bail enforcement agent, would remove the prohibition on pursuing a defendant to a misdemeanor charge, and would remove the prohibition on bail enforcement agents removing a person to another city or parish without notifying law enforcement in the area.

Representative Travis offered the above described amendments to House Bill No. 1006 to which there was no objection. These amendments were adopted by a vote of 7 yeas and 0 nays. Those voting yeas were Representatives Travis, Frith, Hill, Michot, Morrell, Murray, and Powell.

Representative Wilkerson stated that the purpose of House Bill No. 1006 was out of concern for the public safety. She stated that this legislation would provide regulation for bounty hunters by placing them under the oversight of the Louisiana State Police.

Representative Travis offered an amendment to House Bill No. 1006 which would provide that seven rather than four members of the board are needed to suspend or revoke a license, or to impose a fine of more than \$500. There was no objection and this amendment was adopted by a vote of 7 yeas and 0 nays. Those voting yeas were Representatives Travis, Frith, Hill, Michot, Morrell, Powell, and Winston.

Sgt. Jimmey Miller, Louisiana State Police, P.O. Box 66614, Baton Rouge, Louisiana, 70896, (504) 925-6184, appeared before the committee for informational purposes only and stated that the state police had no opposition to bounty hunters being regulated under the Louisiana State Police.

Mr. Clem Story, attorney, Association of Louisiana Bail Underwriters, appeared before the committee in opposition to House Bill No. 1006. He stated that this legislation is unnecessary because bounty hunters are currently regulated by the insurance commissioner.

Mr. Chris Williams, P. O. Box 535, Houma, Louisiana, 70361, (504) 873-0888, appeared before the committee for informational purposes only. He stated that he thought House Bill No. 1006 had good intentions but it caused other problems regarding the rules and regulations and regarding to whom problems should be reported.

Mr. Buddy Hodgkins, Louisiana Sheriff's Association, 1175 Nicholson, Baton Rouge, Louisiana, (504) 343-8402, appeared before the committee in opposition to House Bill No. 1006. He stated if this legislation passed, it would allow someone with minimum firearm training to come from out-of-state and be licensed to pursue an individual in Louisiana.

Representative Murray made a motion to report House Bill No. 1006 with amendments. Objection was raised and a roll call vote was taken. House Bill No. 1006 was reported with amendments by a vote of 6 yeas and 4 nays. Those voting yeas were Representatives Travis, Frith, Hill, Morrell, Murray, and Pinac. Those voting nay were Representatives Schneider, Michot, Powell, and Winston.

**House Bill No. 2500 by Representative Dupre**

Representative Dupre appeared before the committee and asked that action be deferred on House Bill No. 2500, which provides relative to bail bonding.

Representative Travis made a motion to defer action on House Bill No. 2500 to which there was no objection. Action was deferred on House Bill No. 2500 by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

**Senate Bill No. 117 by Senator Landry**

Ms. Ann Williamson, attorney, Southwest Commodities, 1881 Wooddale Blvd., Baton Rouge, Louisiana, 70806, (504) 926-3481, appeared before the committee on behalf of Senator Landry to present Senate Bill No. 117, which reduces penalties for public warehouses operating without a certificate and bond from the clerk of court. She stated that this legislation would make some changes to correct current law wherein we are in direct conflict with the corporations law.

There was no further discussion on Senate Bill No. 117.

Representative Flavin made a motion to report Senate Bill No. 117 favorably. There was no objection and Senate Bill No. 117 was reported favorably by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

**Senate Bill No. 1472 by Senator Bean**

Mr. J. H. Martin, Louisiana Fairs and Festivals Association, P.O. Box 15010, Baton Rouge, Louisiana, 70895, (504) 755-3247, appeared before the committee on behalf of Senator Bean to present Senate Bill No. 1472, which increases the allowable cost of playing amusement games at fairs and the value of prizes that can be won.

There was no further discussion on Senate Bill No. 1472.

Representative Murray made a motion to report Senate Bill No. 1472 favorably. There was no objection and Senate Bill No. 1472 was reported favorably by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Flavin, Frith, Hill, Morrell, Murray, Pinac, Powell, and Winston.

**Senate Bill No. 876 by Senator Hainkel**

Mr. Gordon Hood, director, Support Enforcement Services, 618 Main St., 3rd Fl., Baton Rouge, Louisiana, 70804, (504) 342-4780, appeared before the committee on behalf of Senator Hainkel to present Senate Bill No. 876,

which provides for liability exceptions for financial institutions providing financial records and data matches to child support enforcement services.

Representative Travis offered an amendment to Senate Bill No. 876 which would specify that an individual may bring a civil action for damages against any state employee or any person working under a contract with the state if that person knowingly or by reason of negligence discloses a financial record of such individual in violation of the provisions of proposed law. There was no objection and this amendment was adopted by a vote of 10 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Flavin, Frith, Hill, Morrell, Murray, Pinac, Powell, and Winston.

There was no further discussion on Senate Bill No. 876.

Representative Flavin made a motion to report Senate Bill No. 876 with amendments. There was no objection and Senate Bill No. 876 was reported with amendments by a vote of 10 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Flavin, Frith, Hill, Morrell, Murray, Pinac, Powell, and Winston.

**Senate Bill No. 1529 by Senator Hainkel**

Mr. Gary Esolen, New Orleans Tourism Marketing Corporation, 365 Canal St., New Orleans, Louisiana, 70116, (504) 524-4784, appeared before the committee on behalf of Senator Hainkel to present Senate Bill No. 1529, which provides for public-private partnership in economic development corporations. He stated that this legislation reaffirms that private non-profit corporations may not carry out governmental functions and if they receive public money, they must have open readings of public records and be audited by the legislative auditor.

There was no further discussion on Senate Bill No. 1529.

Representative Flavin made a motion to report Senate Bill No. 1529 favorably. There was no objection and Senate Bill No. 1529 was reported favorably by a vote of 10 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Flavin, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

**Senate Bill No. 1404 by Senator Lambert**

Mr. Jack Evans, Jr., Louisiana Realtors Association, 9541 Brookline Ave., Baton Rouge, Louisiana, 70809, (504) 927-2155, appeared before the committee on behalf of Senator Lambert to present Senate Bill No. 1404,

which provides for changes to the "Louisiana Real Estate Certification Law".

Representative Flavin offered an amendment to Senate Bill No. 1404 which would delete all of the proposed law except those provisions dealing with education and experience requirements. There was no objection and this amendment was adopted by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Flavin, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

Mr. Evans stated that the intent of Senate Bill No. 1404 was to attempt to bring those people who are not currently certified under some form of licensure or some control under the state board of certification.

Representative Flavin made a motion to report Senate Bill No. 1404 with amendments. There was no objection and Senate Bill No. 1404 was reported with amendments by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Flavin, Frith, Hill, Michot, Morrell, Murray, Pinac, and Powell

#### **Senate Bill No. 1485 by Senator Lambert**

Representative Travis appeared before the committee on behalf of Senator Lambert to present Senate Bill No. 1485, which authorizes the creation of "Professional Social Work Corporations".

Representative Travis offered a set of technical amendments to Senate Bill No. 1485 to which there was no objection. These amendments were adopted by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Flavin, Frith, Hill, Michot, Morrell, Murray, Pinac, and Powell.

Representative Travis stated that Senate Bill No. 1485 was a duplicate bill to House Bill No. 2384 and asked that a motion be made to designate same.

Representative Frith made a motion to designate Senate Bill No. 1485 as a duplicate bill to House Bill No. 2384. This motion passed by a vote of 10 yeas and 0 nays. Those



voting yea were Representatives Travis, Schneider, Flavin, Frith, Hill, Michot, Morrell, Murray, Pinac, and Powell.

There was no further discussion on Senate Bill No. 1485.

Representative Flavin made a motion to report Senate Bill No. 1485 with amendments. There was no objection and Senate Bill No. 1485 was reported with amendments by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Flavin, Frith, Hill, Michot, Morrell, Murray, Pinac, and Powell.

**Senate Bill No. 1459 by Senator Cox**

Representative Flavin appeared before the committee on behalf of Senator Cox to present Senate Bill No. 1459, which provides relative to the powers of certain convention and visitors bureaus. He stated that this legislation will allow the convention and visitor bureau to borrow money to construct a new tourist bureau. He stated that the funds would come from the two percent dedicated from the hotel/motel tax.

Mr. Tim Stine, former representative, appeared before the committee in opposition to Senate Bill No. 1459. He stated that the tax payers should have some input by having the police jury approve of any bonding program.

Ms. Shelley Johnson, director, Southwest Louisiana Convention and Visitors Bureau, 1211 Lakeshore Dr., Lake Charles, Louisiana, (318) 436-9588, appeared before the committee for informational purposes only. She stated that this legislation would allow them the borrowing authority needed to build a new bureau. She stated that the Southwest Louisiana Convention and Visitor Bureau received a clean audit from the police jury and was in sound financial condition.

Representative Flavin stated that the mayor of Lake Charles was in support of Senate Bill No. 1459 without amendments.

Representative Frith made a motion to report Senate Bill No. 1459 favorably. There was no objection and Senate Bill No. 1459 was reported favorably by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Travis, Flavin, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

**Senate Bill No. 1507 by Senator Barham**

Representative Travis appeared before the committee on behalf of Senator Barham to present Senate Bill No. 1507, which excluded commercial mobile service telecommunications from the supplemental fee for the Public Service Commission's examination and rate analysis and hearings divisions. He stated that a representative from the Public Service Commission was present and supported the bill.

There was no further discussion on Senate Bill No. 1507.

Representative Murray made a motion to report Senate Bill No. 1507 favorably. There was no objection and Senate Bill No. 1507 was reported favorably by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Travis, Flavin, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, 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 12:20 p.m.

Respectfully submitted,

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John Travis, Chairman

Date Approved: \_\_\_\_\_