

HOUSE COMMERCE COMMITTEE

Minutes of Meeting
1997 Regular Session
April 8, 1997

I. CALL TO ORDER

Representative John Travis, Chairman of the House Commerce Committee, called the meeting to order at 9:07 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 Robert Barton
Representative Sydnie Mae Durand
Representative Dan Flavin
Representative Mickey Frith
Representative Butch Gautreaux
Representative Herman Hill
Representative Michael Michot
Representative Edwin Murray
Representative Gil Pinac
Representative Tank Powell

MEMBERS ABSENT:

Representative Arthur Morrell
Representative Sharon Weston

III. STAFF MEMBERS PRESENT

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

IV. DISCUSSION

House Bill No. 279 by Representative LeBlanc

At the request of Representative LeBlanc, Representative Travis appeared before the committee to defer action on House Bill No. 279, which is relative to the prohibited words in corporate names. Representative Travis made a motion to defer action on House Bill No. 279, to which there was no objection. Action was deferred on House Bill No. 279 by a vote of 9 yeas and 0 nays. Those voting

yea were Representatives Travis, Schneider, Barton, Flavin, Frith, Hill, Murray, Pinac, and Powell.

House Bill No. 272 by Representative Ansardi

On behalf of Representative Ansardi, Mr. V. J. Bella, State Fire Marshal, state of Louisiana, Baton Rouge, Louisiana, presented House Bill No. 272, which provides for the renewal of unexpired fire protection sprinkler system contractors' licenses. He asked for the committee's favorable passage.

There was no further discussion on House Bill No. 272.

Representative Schneider made a motion to report House Bill No. 272 favorably. There was no objection and House Bill No. 272 was reported favorably by a vote of 9 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Flavin, Frith, Hill, Murray, Pinac, and Powell.

Representative Schneider made a motion to place House Bill No. 272 on the consent calendar, to which there was no objection. This motion passed by a vote of 9 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Flavin, Frith, Hill, Murray, Pinac, and Powell.

House Bill No. 920 by Representative Diez

On behalf of Representative Diez, Mr. V. J. Bella, State Fire Marshal, state of Louisiana, Baton Rouge, Louisiana, presented House Bill No. 920, which would repeal certain requirements for manufactured housing dealer licenses.

Representative Travis advised the committee that there was an amendment to be offered to House Bill No. 920.

Mrs. Cindy Mancuso, attorney, House Commerce Committee, explained the amendment to House Bill No. 920, which deletes the requirement that applicants for a salesman license be domiciled in Louisiana.

Representative Travis offered the above described amendment to House Bill No. 920, to which there was no objection. This amendment was adopted by a vote of 9 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Flavin, Frith, Hill, Murray, Pinac, and Powell.

Representative Murray questioned why the domiciliary requirement was being removed from the legislation.

Mr. V. J. Bella, State Fire Marshal, state of Louisiana, Baton Rouge, Louisiana, appeared before the committee to respond to Representative Murray's inquiry. He stated that the domiciliary requirements were being removed so that people who lived near a state line could still work in the neighboring state and be licensed.

There was no further discussion on House Bill No. 920.

Representative Frith made a motion to report House Bill No. 920 with amendments. There was no objection, and House Bill No. 920 was reported with amendments by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

House Bill No. 921 by Representative Diez

On behalf of Representative Diez, Mr. V. J. Bella, State Fire Marshal, state of Louisiana, Baton Rouge, Louisiana, presented House Bill No. 921, which repeals provisions requiring inspections, seals, labels, certification, and serial numbers on manufactured housing. He stated that the state law is no longer needed as the current federal law is being enforced.

There was no further discussion on House Bill No. 921.

Representative Powell made a motion to report House Bill No. 921 favorably. There was no objection and House Bill No. 921 was reported favorably by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

House Bill No. 922 by Representative Diez

On behalf of Representative Diez, Mr. Jerry Jones, deputy assistant secretary, State Fire Marshal's office, state of Louisiana, Baton Rouge, Louisiana, presented House Bill No. 922, which provides relative to the establishment of fire marshal offices where documents concerning the Uniform Standards Code will be held. He advised the committee that there was an amendment to be offered to House Bill No. 922.

Mrs. Cindy Mancuso, attorney, House Commerce Committee, explained the amendment to House Bill No. 922, which retains present law office locations in New Orleans and Shreveport. She stated these offices were deleted in the bill drafting process in error.

Representative Travis offered the above described amendment to House Bill No. 922, to which there

was no objection. This amendment was adopted by a vote of 10 yeas and 0 nays. Those voting yeas were Representatives Travis, Barton, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

Representative Barton made a motion to report House Bill No. 922 with amendments. There was no objection, and House Bill No. 922 was reported with amendments by a vote of 10 yeas and 0 nays. Those voting yeas were Representatives Travis, Barton, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

House Bill No. 923 by Representative Diez

On behalf of Representative Diez, Mr. Jerry Jones, deputy assistant secretary, State Fire Marshal's office, state of Louisiana, Baton Rouge, Louisiana, appeared before the committee and presented House Bill No. 923, which repeals the Uniform Standards Code for Remanufactured Housing. He stated that there was no need for this law, as there is no one in the remanufactured housing business.

There was no further discussion on House Bill No. 923.

Representative Gautreaux made a motion to report House Bill No. 923 favorably. There was no objection and House Bill No. 923 was reported favorably by a vote of 11 yeas and 0 nays. Those voting yeas were Representatives Travis, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

House Bill No. 1690 by Representative Crane

Representative Crane appeared before the committee to present House Bill No. 1690, which changes the name of the office of State Fire Marshal to the office of fire and building safety.

Representative Travis advised the committee that there was an amendment to be offered to House Bill No. 1690.

Mrs. Cindy Mancuso, attorney, House Commerce Committee, explained the amendment to House Bill No. 1690, which would change the name of the office of the State Fire Marshal to the office of code enforcement and building safety.

Representative Travis offered the above described amendment to House Bill No. 1690, to which there was no objection. This amendment was adopted by a vote of 11 yeas and 0

nays. Those voting yea were Representatives Travis, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

Representative Crane stated that House Bill No. 1690 strictly changed the name of the office of the State Fire Marshal.

There was no further discussion on House Bill No. 1690.

Representative Hill made a motion to report House Bill No. 1690 with amendments. There was no objection, and House Bill No. 1690 was reported with amendments by a vote of 11 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

Representative Schneider made a motion to place House Bill No. 1690 on the consent calendar, to which there was no objection. This motion passed by a vote of 11 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

House Bill No. 955 by Representative Triche

Representative Triche appeared before the committee to present House Bill No. 955, which provides for powers and duties of the State Fire Marshal and fire prevention bureaus.

Mr. Jerry Jones, deputy assistant secretary, State Fire Marshal's office, state of Louisiana, Baton Rouge, Louisiana, appeared before the committee to further explain House Bill No. 955. He stated that this legislation imposes a requirement on the fire marshal to retain the inspection responsibility for new construction and renovation projects as it currently is responsible for the liability.

Representative Murray expressed his concern regarding the service of process being made by a deputy fire marshal and not the sheriff's office.

Mr. V. J. Bella, State Fire Marshal, appeared before the committee and stated that the sheriff's office was not in opposition to this legislation and would be willing to agree to an amendment.

Representative Murray offered an amendment to House Bill No. 955 which would delete the provision allowing any deputy fire marshal to make service of process. There was no objection to this amendment, and it was adopted by a vote of 12 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

Representative Schneider made a motion to report House Bill No. 955 with amendments. There was no objection, and House Bill No. 955 was reported with amendments by a vote of 12 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

House Bill No. 956 by Representative Triche

Representative Triche appeared before the committee to present House Bill No. 956, which provides for the imposition of civil penalties by the State Fire Marshal for violations.

Representative Travis offered an amendment to House Bill No. 956, which allows the State Fire Marshal to promulgate, in accordance with the Administrative Procedure Act, a schedule of fines applicable to each area of enforcement responsibility. There was no objection and this amendment was adopted by a vote of 12 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

Representative Pinac stated that the \$10,000 fine that could be imposed for violation of any statute, rule, regulation, or code, or any order issued by the fire marshal should be reduced.

Representative Barton asked the fire marshal's office when a fine schedule would be in place.

Mr. Jerry Jones, deputy assistant secretary, State Fire Marshal's office, state of Louisiana, Baton Rouge, Louisiana, stated that his office hoped to have some public hearings for input on a reasonable fine schedule.

Mr. H. H. Larkin, Fire Protection Service, P. O. Box 667, LaPlace, Louisiana, (504) 651-0002, appeared before the committee in opposition to House Bill No. 956 due to the amount of the fines that could be imposed by the fire marshal.

Representative Murray offered an amendment to House Bill No. 956 which reduces the maximum civil fines the State Fire Marshal can impose from \$10,000 to \$1,000. There was no objection and this amendment was adopted by a vote of 12 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

Represent Flavin made a motion to defer action on House Bill No. 956, to which there was objection and a roll call vote was taken. This motion failed by a vote of 4 yeas and 7 nays.

Those voting yea were Representatives Barton, Flavin, Michot, and Pinac. Those voting nay were Representatives Travis, Schneider, Frith, Gautreaux, Hill, Murray, and Powell.

Representative Murray made a motion to report House Bill No. 956 with amendments. There was no objection and House Bill No. 956 was reported with amendments by a vote of 11 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

House Bill No. 1193 by Representative Triche

Representative Triche appeared before the committee to present House Bill No. 1193, which revises the definition of "structure" to specifically exclude a duplex.

Mr. Jerry Jones, deputy assistant secretary, State Fire Marshal's office, state of Louisiana, Baton Rouge, Louisiana, appeared before the committee and stated that for years there has been in existence an administrative rule which states that the fire marshal does not have authority over one or two family dwellings and which is in conflict with the statutes. He stated that this legislation was to simply bring the statute in line with the rule that states the fire marshal does not have authority over a two family residential dwelling.

Representative Flavin made a motion to report House Bill No. 1193 favorably. There was no objection and House Bill No. 1193 was reported favorably by a vote of 11 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

House Bill No. 1194 by Representative Triche

Representative Triche appeared before the committee to present House Bill No. 1194, which deletes the exception to boiler regulations for the city of New Orleans and provides for inspection of boilers.

Mrs. Cindy Mancuso, attorney, House Commerce Committee, explained an amendment to be offered to House Bill No. 1194. She stated the amendment would delete the provisions dealing with annual inspections of boilers and certificates of inspection and fees for inspection.

Representative Travis offered the above described amendment to House Bill No. 1194, to which there was no objection. Said amendment was adopted by a vote of 11 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Barton, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

Mr. Bob Cate, chief boiler inspector, State Fire Marshal's office, 5150 Florida Blvd., Baton Rouge, Louisiana 70806, (504) 925-4911, appeared before the committee for informational purposes only. He stated that under current law the State Fire Marshal was responsible for all boiler inspections in Louisiana with the exception of New Orleans. He stated that this legislation would allow the fire marshal to perform inspections in the city of New Orleans just like the rest of the state of Louisiana.

Representative Pinac asked if a business in New Orleans would be charged by the city inspectors and the State Fire Marshal.

Mr. Cate stated that there would be a charge by both the city inspectors and the State Fire Marshal.

Representative Murray asked if the State Fire Marshal thought the city of New Orleans was not doing a satisfactory job on the inspections.

Mr. Cate stated that several complaints had been made against the city of New Orleans regarding their boiler inspections.

Representative Triche stated that the intent of this legislation was to bring New Orleans back into line with everyone else in the state of Louisiana and if they wanted to do their own independent inspections, it should be in addition to the inspections performed by the State Fire Marshal's office.

Mr. Sean O'Neal, city of New Orleans, 2403 Carondelet St., New Orleans, Louisiana 70130, (504) 891-3290, appeared before the committee in opposition to House Bill No. 1194. He stated that this legislation was not necessary at this time.

Representative Travis asked Mr. O'Neal why New Orleans should be treated differently from the rest of the state.

Mr. O'Neal stated that it was not an issue of being treated differently and that inspections are being made with no safety problems. He stated that under this legislation there would be a duplication of inspections.

Mr. Curtis Mann, city of New Orleans, 7E04 City Hall, New Orleans, Louisiana 70112, (504) 565-8228, appeared before the committee in opposition to House Bill No. 1194 and reiterated the testimony of Mr. O'Neal. He stated that the city of New Orleans operated under its own Home Rule Charter.

Representative Travis stated he did not understand why the State Fire Marshal should not perform the boiler inspections in New Orleans as they do in every other city in the state of Louisiana and that there were other cities with Home Rule Charters other than New Orleans.

Representative Murray made a motion to defer action on House Bill No. 1194.

Representative Schneider made a substitute motion to report House Bill No. 1194 with amendments.

Representative Murray stated that the amendments previously adopted should be reconsidered.

Representative Travis stated that the two previous motions would have to be withdrawn if the amendments were to be reconsidered.

Representative Schneider withdrew his motion to report House Bill No. 1194 with amendments.

Representative Murray withdrew his motion to defer action on House Bill No. 1194.

Representative Schneider made a motion to reconsider the amendments previously adopted on House Bill No. 1194. There was no objection and this motion was adopted by a vote of 12 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

Representative Schneider made a motion to adopt all previously discussed amendments except the one dealing with adding other internationally recognized codes of construction registered with the National Board of Boiler and Pressure Vessel Inspectors. There was no objection and these amendments were adopted by a vote of 12 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

Representative Murray made another motion to defer action on House Bill No. 1194.

Representative Schneider made a substitute motion to report House Bill No. 1194 with amendments. Objection was raised and a roll call vote was taken. House Bill No. 1194 was reported with amendments by a vote of 11 yeas and 1 nay. Those voting yea were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Pinac, and Powell. Representative Murray voted nay.

House Bill No. 1275 by Representative Diez

On behalf of Representative Diez, Mr. Jerry Jones, deputy assistant secretary, State Fire Marshal's office, state of Louisiana, Baton Rouge, Louisiana, appeared before the committee to present House Bill No. 1275, which provides minimum standards for the installation of manufactured homes and mobile homes. He stated that this legislation simply imposes a requirement for manufactured housing to be set up in accordance with the manufacturer's recommendations.

Representative Travis advised the committee that there were amendments to be offered to House Bill No. 1275.

Mrs. Cindy Mancuso, attorney, House Commerce Committee, explained the amendment to House Bill No. 1275 which would not include the connecting of utility systems in the definition of "set up".

Representative Travis offered the above described amendment to House Bill No. 1275. There was no objection and this amendment was adopted by a vote of 12 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

Representative Travis offered another amendment to House Bill No. 1275, which would remove from the violations section "local inspector", as inspections would be performed by a state inspector. This request was made by the Louisiana Manufactured Housing Association. There was no objection and this amendment was adopted by a vote of 12 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

Representative Barton made a motion to report House Bill No. 1275 with amendments. There was no objection and House Bill No. 1275 was reported with amendments by a vote of 12 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

House Bill No. 513 by Representative Dimos

On behalf of Representative Dimos, Representative Travis presented House Bill No. 513, which authorizes nonprofit corporations to hold meetings and conference by telephonic means.

Mrs. Cindy Mancuso, attorney, House Commerce Committee, explained an amendment to be offered to House Bill No. 513. She stated that the amendment would specify that provisions apply to nonpublic, nonprofit corporations and would allow the holding of a meeting by means of facsimile, as well as conference calls.

Representative Travis offered the above described amendment to House Bill No. 513. There was no objection and this amendment was adopted by a vote of 12 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

There was no further discussion on House Bill No. 513.

Representative Michot made a motion to report House Bill No. 513 with amendments. There was no objection and House Bill No. 513 was reported with amendments by a vote of 12 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

House Bill No. 1838 by Representative Windhorst

Representative Windhorst appeared before the committee to present House Bill No. 1838, which repeals provisions relative to the board of review.

Mr. V. J. Bella, State Fire Marshal, state of Louisiana, Baton Rouge, Louisiana, appeared before the committee in support of House Bill No. 1838. He stated this board of review for manufactured housing had not met in over ten years and that there simply was no need for this board.

There was no further discussion on House Bill No. 1838.

Representative Frith made a motion to report House Bill No. 1838 favorably. There was no objection and House Bill No. 1838 was reported favorably by a vote of 12 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

House Bill No. 888 by Representative Thompson

Representative Thompson appeared before the committee to present

House Bill No. 888, which defines "lawfully constructed and maintained" with regard to exemption from the National Fire Protection Association's Life Safety Code.

There was no further discussion on House Bill No. 888.

Representative Flavin made a motion to report House Bill No. 888 favorably. There was no objection and House Bill No. 888 was reported favorably by a vote of 9 yeas and 0

nays. Those voting yea were Representatives Travis, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, and Pinac.

House Bill No. 1115 by Representative Thompson

Representative Thompson appeared before the committee and requested that action be deferred on House Bill No. 1115, which would require certain alterations or repairs of structures to conform to the requirements of the code for new construction.

Representative Frith made a motion to defer action on House Bill No. 1115, to which there was no objection. Action was deferred on House Bill No. 1115 by a vote of 9 yeas and 0 nays. Those voting yea were Representatives Travis, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, and Pinac.

House Bill No. 1155 by Representative Thompson

Representative Thompson appeared before the committee to present House Bill No. 1155, which provides for fees charged for the handling of certain plans and documents by the State Fire Marshal. He stated that the fees were currently being charged in the rules and that this legislation would put the fees in the law. He stated that the architects were in support of this legislation.

Representative Barton asked how much of the operating budget of the State Fire Marshal's office was through self-generating funds.

Mr. V. J. Bella, State Fire Marshal, state of Louisiana, Baton Rouge, Louisiana, appeared before the committee in support of House Bill No. 1155. He stated that approximately one and one half million dollars of the budget was self-generated funds.

Representative Barton asked Mr. Bella if any growth in revenue from fees was anticipated.

Mr. Bella stated he expected only a small increase in revenues from the fees collected.

Representative Barton made a motion to report House Bill No. 1155 favorably. There was no objection and House Bill No. 1155 was reported favorably by a vote of 11 yeas and 0 nays. Those voting yea were

Representatives Travis, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Murray, Pinac, and Powell.

House Bill No. 1682 by Representative Travis

Representative Travis appeared before the committee to present House Bill No. 1682, which provides relative to the filing of an annual report with the secretary of state by partnerships.

Ms. Sheri Morris, attorney, Office of the Secretary of State, P.O. Box 94125, Baton Rouge, Louisiana 70804, (504) 342-2065, appeared before the committee for informational purposes and further explained House Bill No. 1682. She stated that currently only business corporations file annual reports with the office of the secretary of state and that the intent of this legislation is to require those partnerships which wish to file their partnership with the secretary of state to comply with the same rules of business corporations.

Representative Powell stated that there were too many fees being charged by the secretary of state and saw no need for this legislation.

Representative Murray asked for the number of partnerships currently registered with the state of Louisiana.

Ms. Helen Cumbo, Secretary of State, 3851 Essen Lane, Baton Rouge, Louisiana 70809, (504) 925-4716, appeared before the committee for informational purposes only. She stated that she did not have the current number of registered partnerships but would provide this information to Representative Murray. She estimated that there were approximately fifteen to twenty thousand domestic and approximately ten thousand foreign partnerships.

Representative Barton requested that a fiscal note on House Bill No. 1682 be provided before this matter is addressed on the House Floor.

Representative Gautreaux made a motion to report House Bill No. 1682 favorably. There was no objection and House Bill No. 1682 was reported favorably by a vote of 11 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Pinac, and Powell.

House Bill No. 1683 by Representative Travis

Representative Travis appeared before the committee to present House Bill No. 1683, which provides relative to the articles of incorporation of

nonprofit corporations. He stated that this legislation required that nonprofit corporations file articles of incorporation with a physical address and not a post office address.

There was no further discussion on House Bill No. 1683.

Representative Barton made a motion to report House Bill No. 1683 favorably. There was no objection and House Bill No. 1683 was reported favorably by a vote of 11 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Pinac, and Powell.

House Bill No. 1846 by Representative Travis

Representative Travis appeared before the committee to present House Bill No. 1846, which provides relative to corporate names.

Ms. Sheri Morris, attorney, Office of Secretary of State, P.O. Box 94125, Baton Rouge, Louisiana 70804, (504) 342-2065, appeared before the committee for informational purposes and further explained House Bill No. 1846. She stated that this legislation would provide that the standards for corporate names be changed from "deceptively similar" to "distinguishable from" and would delete the prohibition for nonprofit corporations against using several words for the name of a corporation.

Representative Gautreaux clarified that this legislation would facilitate the name change of the police jury association.

Representative Gautreaux made a motion to report House Bill No. 1846 favorably. There was no objection and House Bill No. 1846 was reported favorably by a vote of 11 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Barton, Durand, Flavin, Frith, Gautreaux, Hill, Michot, Pinac, and Powell.

House Bill No. 1847 by Representative Travis

Representative Travis appeared before the committee to present House Bill No. 1847, which requires the filing of an annual report containing certain information, methods of dissolution, and filing fees to be paid by limited liability companies.

Ms. Sheri Morris, attorney, Office of Secretary of State, P.O. Box 94125, Baton Rouge, Louisiana 70804, (504) 342-2065, appeared before the

committee to further explain House Bill No. 1847. She stated that this legislation would require limited liability companies to also file annual reports.

Representative Powell asked how the new revenues would be used.

Ms. Helen Cumbo, Office of Secretary of State, 3851 Essen Lane, Baton Rouge, Louisiana 70809, (504) 925-4716, appeared before the committee for informational purposes and

stated that the revenues would be used for the cost of the processing of the annual reports.

Mr. Dave Cagnolatti and Mr. Grady Hazel, Louisiana Certified Public Accountants, (504) 344-0381, appeared before the committee and stated that they had some concerns with this legislation and would like to discuss it with the chairman after the meeting, but were not in opposition at this time.

Representative Gautreaux made a motion to report House Bill No. 1847 favorably. There was no objection and House Bill No. 1847 was reported favorably by a vote of 8 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Barton, Durand, Frith, Gautreaux, Michot, and Pinac.

House Bill No. 1944 by Representative Travis

Representative Travis appeared before the committee to present House Bill No. 1944, which provides relative to annual reports.

Ms. Sheri Morris, attorney, Office of Secretary of State, P.O. Box 94125, Baton Rouge, Louisiana 70804, (504) 342-2065, appeared before the committee for informational purposes and further explained House Bill No. 1944. She stated that this legislation relates to revocation proceedings. She stated that if a corporation fails to file its annual report for three consecutive years, the secretary of state's office has the authority to revoke that corporation's articles of incorporation and delete that corporation name.

There was no further discussion on House Bill No. 1944.

Representative Gautreaux made a motion to report House Bill No. 1944 favorably. There was no objection and House Bill No. 1944 was reported favorably by a vote of 8 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Barton, Durand, Frith, Gautreaux, Michot, and Pinac.

House Bill No. 1947 by Representative Travis

Representative Travis appeared before the committee to present House Bill No. 1947, which provides relative to certificates of authority for foreign corporations.

Ms. Sheri Morris, attorney, Office of Secretary of State, P.O. Box 94125, Baton Rouge, Louisiana 70804, (504) 342-2065, appeared before the committee for informational purposes and to further explain House Bill No. 1947. She stated that this legislation requires that application for certificates of authority must be made on a form prescribed and furnished by the secretary of state's office.

There was no further discussion on House Bill No. 1947.

Representative Frith made a motion to report House Bill No. 1947 favorably. There was no objection and House Bill No. 1947 was reported favorably by a vote of 8 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Barton, Durand, Frith, Gautreaux, Michot, and Pinac.

House Bill No. 1759 by Representative Damico

Representative Damico appeared before the committee to present House Bill No. 1759, which provides for certificate of payment from the Department of Environmental Quality for the liquidation of a corporation.

Mrs. Cindy Mancuso, attorney, House Commerce Committee, appeared before the committee to explain an amendment to be offered to House Bill No. 1759, which provides for a certificate to be issued by the Department of Environmental Quality stating that all fees are paid prior to the secretary of state issuing a certificate of dissolution of a corporation for those corporations regulated by the Department of Environmental Quality and requires the liquidator to file an affidavit for those corporations not regulated by the Department of Environmental Quality verifying such and stating there are no outstanding unpaid charges.

Representative Travis offered the above described amendments to which there was no objection. These amendments were adopted by a vote of 8 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Barton, Durand, Frith, Gautreaux, Michot, and Pinac.

Mr. Dale Givens, Secretary, Department of Environmental Quality, Baton Rouge, Louisiana, appeared before the committee for informational purposes only and stated that House Bill No. 1759 was designed to capture funds that would be lost with the dissolution of corporations with unpaid charges.

Representative Flavin made a motion to report House Bill No. 1759 favorably. There was no objection and House Bill No. 1759 was reported favorably by a vote of 8 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Barton, Durand, Frith, Gautreaux, Michot, and Pinac.

House Bill No. 506 by Representative Ansardi

Representative Ansardi appeared before the committee to present House Bill No. 506, which provides relative to limited liability companies.

Mrs. Cindy Mancuso, attorney, House Commerce Committee, appeared before the committee to explain an amendment to be offered to House Bill No. 506 which makes the provisions of the bill effective upon signature of the governor or lapse of time for gubernatorial action.

Representative Travis offered the above described amendment to which there was no objection. This amendment was adopted by a vote of 8 yeas and 0 nays. Those voting yeas were Representatives Travis, Schneider, Barton, Durand, Frith, Gautreaux, Michot, and Pinac.

Representative Ansardi stated that House Bill No. 506 would include in the definition of "businesses" any licensed profession licensed by the state of Louisiana and would prohibit limited liability companies from referring to themselves as corporations or corporate entities.

Representative Schneider asked how a limited liability company was dissolved currently.

Mr. Dave Cagnolatti, Certified Public Accountant, (504) 344-0381, appeared before the committee and stated that currently a limited liability company was required to have a limited lifetime and not a perpetual existence.

Ms. Sheri Morris, attorney, Secretary of State, P.O. Box 94125, Baton Rouge, Louisiana 70804, (504) 342-2065, appeared before the committee for informational purposes only. She stated that the proposed provision of allowing one person to form a limited liability corporation, as opposed to two people, is a concern as the tax treatment is the same as a partnership and should not be treated as a corporation.

Representative Pinac made a motion to report House Bill No. 506 with

amendments. There was no objection and House Bill No. 506 was reported with amendments by a vote of 9 yeas and 0 nays. Those voting yea were Representatives Travis, Schneider, Barton, Durand, Frith, Gautreaux, Hill, Pinac, and Powell.

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 11:30 a.m.

Respectfully submitted,

John Travis, Chairman

Date Approved: _____