

HOUSE COMMERCE COMMITTEE

Minutes of Meeting
1997 Regular Session
April 28, 1997

I. CALL TO ORDER

Representative Pete Schneider, Vice Chairman of the House Commerce Committee, called the meeting to order at 9:10 a.m. in Committee Room 1 of the State Capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

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 Tank Powell
Representative Diane Winston

MEMBERS ABSENT:

Representative John Travis,
Chairman
Representative Sharon Weston

III. STAFF MEMBERS PRESENT

T. Michael White, Attorney
Cindy Mancuso, Attorney
Sandy Painting, Secretary
Chris Eskew and Ed Cailleateau, Sergeants at Arms

IV. DISCUSSION

House Bill No. 1726 by Representative Damico

Representative Damico appeared before the committee to present House Bill No. 1726, which requires registration and numbering of outboard motors. He stated that this legislation was introduced due to the concerns over the increasing number of theft incidents.

Lt. Col. Charlie Clark, Wildlife and Fisheries, Baton Rouge, Louisiana, (504) 765-2988, appeared before the committee for informational purposes only and was available to answer any questions. He

indicated the problems concerning theft that the department had encountered and thought that the bill would help address those problems.

Representative Schneider offered an amendment to House Bill No. 1726 which would specify that the registration fee be payable at the time of boat registration. There was no objection and this amendment was adopted by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Schneider, Barton, Flavin, Frith, Hill, Michot, Murray, Pinac, Powell, and Winston.

Representative Barton asked if there would be an increase in revenues and would additional staffing be required if this legislation passed.

Mr. Damico stated that an additional \$400,000 in revenues would be generated and four additional staff would be required if House Bill No. 1726 passed.

Representative Murray made a motion to report House Bill No. 1726 with amendments. There was no objection and House Bill No. 1726 was reported with amendments by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Schneider, Barton, Flavin, Frith, Hill, Michot, Murray, Pinac, Powell, and Winston.

House Bill No. 793 by Representative Michot

Representative Michot appeared before the committee to present House Bill No. 793, which provides relative to certified public accountants.

Mr. Grady Hazel, Society of Louisiana Certified Public Accountants (CPAs), 2400 Veterans Blvd., New Orleans, Louisiana, 1-800-288-5272, appeared before the committee in support of House Bill No. 793. He stated that the intent of House Bill No. 793 was to add CPAs to the list of occupations that are currently exempt from the private investigative statute.

Mr. Dave Cagnolatti, Society of Louisiana Certified Public Accountants (CPAs), 2400 Veterans Blvd., New Orleans, Louisiana, 1-800-288-5272, appeared before the committee in support of House Bill No. 793. He stated that there are currently nine occupations exempt from the licensure requirement and this legislation would just be adding CPAs to the list of exemptions.

Representative Murray made a motion to report House Bill No. 793 favorably. There was no objection and House Bill No. 793 was reported favorably by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Schneider, Barton, Flavin, Frith, Hill, Michot, Murray, Pinac, Powell, and Winston.

House Bill No. 2223 by Representative Frith

Representative Frith appeared before the committee and made a motion to defer action on House Bill

No. 2223, which provides relative to the licensing of auctioneers and the duties of the Louisiana Auctioneer Licensing Board. There was no objection and action was deferred on House Bill No. 2223 by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Schneider, Barton, Flavin, Frith, Hill, Michot, Murray, Pinac, Powell, and Winston.

House Bill No. 1578 by Representative Frith

Representative Frith appeared before the committee to present House Bill No. 1578, which permits owners of a residence to employ an individual, who is not a licensed plumber, to perform work on their residence.

Representative Schneider offered an amendment to House Bill No. 1578, which exempts routine repair work done by someone hired to do work on their own residence. There was no objection and this amendment was adopted by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Schneider, Barton, Flavin, Frith, Hill, Michot, Murray, Pinac, Powell, and Winston.

Mr. Shelby Simon, city councilman, Town of Gueydan, (318) 536-6785, appeared before the committee in support of House Bill No. 1578. He stated that the rural areas experienced a problem by not being in the position to afford a master plumber for even the smallest jobs.

Mr. Norman Ferachi, director, Louisiana Plumbing, Heating & Cooling Contractors, Baton Rouge, Louisiana, appeared before the committee in opposition to House Bill No. 1578. He stated that his opposition was a public health issue and an accountability issue. He stated that a journeyman plumber is qualified to do repairs to previous installations. He stated that this job should not be opened to apprentices.

Mr. Tim Finley, 308 Adams St., New Orleans, Louisiana, (504) 861-7517, appeared before the committee in opposition to House Bill No. 1578. He stated that repairs and installation were two different jobs and also stated that a health issue is imposed when installations are performed.

Mr. Keith Bienvenue, 212 Elmeer Avenue, Metairie, Louisiana, 70005, (504) 835-7783, appeared before the committee in opposition to House Bill No. 1578. He reiterated the previous testimony.

Mr. S. J. Giardina, Sal's Plumbing, Inc., 619 St. Roch Ave., New Orleans, Louisiana, (504) 944-7417, appeared before the committee in opposition to House Bill No. 1578. He reiterated the previous testimony.

Mr. Kerry Luminais, 24 Karen Ct., Jefferson, Louisiana, 70121, (504) 733-

2118, appeared before the committee for informational purposes only. He stated that a licensed plumber should be called upon in any instance as more problems are created when a repairman is used who is not licensed. He stated that often times a discount is offered to the elderly or poor, or in some instances, the job is done for free or a payment plan is offered.

Representative Barton offered an amendment to House Bill No. 1578 which would exempt from the definition of plumbing routine repair work done by someone hired who will receive a fee of \$200 or less for services rendered. There was no objection and this amendment was adopted by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Schneider, Barton, Flavin, Frith, Hill, Michot, Murray, Pinac, Powell, and Winston.

Representative Barton made a motion to report House Bill No. 1578 with amendments. Objection was raised and a roll call vote was taken. House Bill No. 1578 was reported with amendments by a vote of 5 yeas and 4 nays. Those voting yea were Representatives Schneider, Barton, Frith, Hill, and Pinac. Those voting nay were Representatives Flavin, Michot, Murray, and Weston.

House Bill No. 395 by Representative Ansardi

Ms. Barbara Ballard, Louisiana Attorney General's Office, 301 Main St., Suite 1250, Baton Rouge, Louisiana, 70808, (504) 342-2753, appeared before the committee on behalf of Representative Ansardi to present House Bill No. 395, which makes changes to provisions regulating professional solicitors. She stated that a professional solicitor is a person who calls you at home at night and asks you to donate to some charitable organization. She stated that a problem with our current law is that a professional solicitor can only be sued in the parish of his principal place of business, therefore, technically there is no venue to sue if calls come into Louisiana from another state. She stated this legislation would create a venue statute and establish jurisdiction.

Representative Murray made a motion to report House Bill No. 395 favorably. There was no objection and House Bill No. 395 was reported favorably by a vote of 8 yeas and 0 nays. Those voting yea were Representatives Schneider, Barton, Frith, Hill, Michot, Murray, Pinac, and Winston.

House Bill No. 606 by Representative Travis

Mr. Wayne Rogillio, executive secretary, Louisiana State Board of Private Security Examiners, P.O. Box 86510, Baton Rouge, Louisiana 70879-6510, appeared before the committee on behalf of Representative Travis to present House Bill No. 606, which provides relative to private security officers' liability insurance, examination, registration, training, and uniform. He stated that this legislation will increase the amount of general liability insurance required for a private security officer from \$100,000 to \$500,000.

Representative Schneider offered an amendment to House Bill No. 606 which provides that if the board needs additional information from an applicant it must notify him of this by certified mail. There was no objection and this amendment was adopted by a vote of 8 yeas and 0 nays. Those voting yeas were Representatives Schneider, Flavin, Frith, Michot, Morrell, Murray, Pinac, and Winston.

Representative Murray offered an amendment to House Bill No. 606 which increases the minimum amount of general liability insurance that instructors must carry to \$100,000. There was no objection and this amendment was adopted by a vote of 8 yeas and 0 nays. Those voting yeas were Representatives Schneider, Flavin, Frith, Michot, Morrell, Murray, Pinac, and Winston.

Representative Flavin made a motion to report House Bill No. 606 with amendments. There was no objection and House Bill No. 606 was reported with amendments by a vote of 8 yeas and 0 nays. Those voting yeas were Representatives Schneider, Flavin, Frith, Michot, Morrell, Murray, Pinac, and Winston.

House Bill No. 253 by Representative Travis

Mr. George King, chapter president, Louisiana Chapter, American Massage Therapy Association, P.O. Box 1125, Baton Rouge, Louisiana, 70821, (504) 767-8016, appeared before the committee on behalf of Representative Travis to present House Bill No. 253, which provides relative to licensing of massage therapists. He stated that current law provides for an exemption from the licensing law for services provided in hospitals. He stated that this legislation would not take anything away from existing licensees but had confusing language that needed clarification.

Representative Schneider offered an amendment to House Bill No. 253 which specifies that the present law regulations regarding massage therapists do not apply to services performed in licensed hospitals and does not prevent or restrict the practice of other professions or

occupations licensed by the state. There was no objection and this amendment was adopted by a vote of 9 yeas and 0 nays. Those voting yeas were Representatives Schneider, Flavin, Frith, Hill, Michot, Morrell, Murray, Pinac, and Winston.

Representative Schneider offered an amendment to House Bill No. 253 which would prohibit someone from holding themselves out as or designating themselves as a massage therapist unless licensed. There was no objection and this amendment was adopted by a vote of 7 yeas and 0 nays. Those voting yeas were Representatives Schneider, Flavin, Frith, Hill, Michot, Morrell, and Winston.

Representative Murray made a motion to report House Bill No. 253 with amendments. There was no objection and House Bill No. 253 was reported with amendments by a vote of 7 yeas and 0 nays. Those voting yeas were Representatives Schneider, Flavin, Frith, Hill, Michot, Morrell, and Winston.

House Bill No. 254 by Representative Travis

Mr. George King, chapter president, Louisiana Chapter, American Massage Therapy Association, P.O. Box 1125, Baton Rouge, Louisiana, 70821, (504) 767-8016, appeared before the committee to present House Bill No. 254, which provides relative to licensing of massage therapists.

Ms. Cindy Mancuso, attorney, House Commerce Committee, explained to the committee an amendment to be offered to House Bill No. 254. She stated that the amendment would require that all monies received by the board under this Chapter be paid into the treasury of the Louisiana Board of Massage Therapy and may be deposited in an account maintained by the board without appropriation for costs of administration and other expenses. Also, any surplus at the end of a fiscal year may be retained by the board for future expenditures and the board is not required to pay such surplus into the general fund of the state of Louisiana.

Ms. Dorothy Byrd, massage therapist, 305 Madelyn Ln., River Ridge, Louisiana, 70123, (504) 738-7345, appeared before the committee in support of House Bill No. 254. She stated that she was having a zoning problem in Jefferson Parish concerning the location of her business. She stated that health care facilities should not be located in an industrial area. She asked for the committee's help.

Ms. Susan Gordon, Louisiana Municipal Association, P.O. Box 4327, Baton Rouge, Louisiana, 70821, (504) 344-5001, appeared for

informational purposes only. She stated that certain businesses were being zoned out due to the illegal practices of massage parlors.

Representative Murray made a motion to defer action on House Bill No. 254. There was no objection and action was deferred on House Bill No. 254 by a vote of 11 yeas and 0 nays. Those voting yeas were Representatives Schneider, Barton, Flavin, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

House Bill No. 256 by Representative Travis

Mr. George King, chapter president, Louisiana Chapter, American Massage Therapy Association, P.O. Box 1125, Baton Rouge, Louisiana, 70821, (504) 767-8016, appeared before the committee to present House Bill No. 256, which provides relative to licensing eligibility of massage therapists.

Ms. Cindy Mancuso, attorney, House Commerce Committee, explained to the committee an amendment to be offered to House Bill No. 256. She stated the amendment would provide that after March 1, 1998, it will no longer be necessary for an applicant for licensure to prove that he has been in the practice of massage therapy for three years prior to the date of application.

Representative Murray offered the above described amendment to House Bill No. 256. There was no objection and this amendment was adopted by a vote of 11 yeas and 0 nays. Those voting yeas were Representatives Schneider, Barton, Flavin, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

Representative Murray made a motion to report House Bill No. 256 with amendments. There was no objection and House Bill No. 256 was reported with amendments by a vote of 11 yeas and 0 nays. Those voting yeas were Representatives Schneider, Barton, Flavin, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

House Bill No. 364 by Representative Travis

Mr. George King, chapter president, Louisiana Chapter, American Massage Therapy Association, P.O. Box 1125, Baton Rouge, Louisiana, 70821, (504) 767-8016, appeared before the committee to present House Bill No. 364, which provides relative to licensing

of massage therapists.

Representative Schneider offered an amendment to House Bill No. 364 which specifies that special needs instruction shall include but not be limited to the precautions, contraindications, and special considerations required when providing massage therapy services to physically challenged, pre-natal and post-natal and geriatric clients and also changes some of the required instructional hours to elective hours instead of the required adjunctive therapies hours. There was no objection to this amendment and it was adopted by a vote of 11 yeas and 0 nays. Those voting yeas were Representatives Schneider, Barton, Flavin, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

Mr. King stated that the purpose and motivation of introducing House Bill No. 364 is to increase the acceptance of the massage therapy profession, to better serve the public, and to increase more employment opportunities.

Representative Winston made a motion to report House Bill No. 364 with amendments. There was no objection and House Bill No. 364 was reported with amendments by a vote of 9 yeas and 0 nays. Those voting yeas were Representatives Schneider, Barton, Flavin, Frith, Hill, Michot, Morrell, Pinac, and Winston.

House Bill No. 257 by Representative Travis

Mr. George King, chapter president, Louisiana Chapter, American Massage Therapy Association, P.O. Box 1125, Baton Rouge, Louisiana, 70821, (504) 767-8016, appeared before the committee to present House Bill No. 257, which provides relative to licensing of massage therapists.

Representative Schneider offered an amendment to House Bill No. 257 which states that a licensed massage therapist shall not be retained by or directly employed by a person licensed to practice medicine or osteopathy pursuant to R.S. 37:1261 et seq. There was no objection to this amendment and it was adopted by a vote of 9 yeas and 0 nays. Those voting yeas were Representatives Schneider, Barton, Flavin, Frith, Hill, Michot, Morrell, Pinac, and Winston.

Mr. King stated that under current law a massage therapist cannot be employed by a person licensed to practice medicine or osteopathy. He stated that this was a restriction that the massage therapy profession wished to have removed.

Mr. Badge Coreil, 2413 Guilford Dr., Baton Rouge, Louisiana, (504) 926-7796, appeared before the committee in support of House Bill No. 257 as a patient of massage therapy. He urged the committee to favorably pass House Bill No. 257.

Mr. Kyle Ardoin, Louisiana Physical Therapy Association, 8550 United Plaza Blvd., Suite 1001-A, Baton Rouge, Louisiana, 70809, (504) 922-4614, appeared before the committee in opposition to House Bill No. 257. He stated that a massage therapist is not a medical provider and is not trained in the medical mainstream as a physical therapist.

Ms. Cindy Bishop, Louisiana Orthopedic Society, P.O. Box 80053, Baton Rouge, Louisiana, 70898, (504) 923-1599, appeared before the committee in opposition to House Bill No. 257. She reiterated the testimony of Mr. Ardoin. She stated that the Louisiana Orthopedic Society was opposed to removing the restriction of not allowing a massage therapist to work for the medical field.

Ms. Sharon Knight, Louisiana Medical Society, no address provided, appeared before the committee and stated that the Louisiana Medical Society supported the prohibition currently stated in the law.

Representative Flavin made a motion to defer action on House Bill No. 257. Objection was raised and a roll call vote was taken. Action was deferred on House Bill No. 257 by a vote of 8 yeas and 3 nays. Those voting yea were Representatives Schneider, Barton, Flavin, Frith, Morrell, Murray, Pinac, and Powell. Those voting nay were Representatives Hill, Michot, and Winston.

House Bill No. 2057 by Representative Farve

Representative Farve appeared before the committee to present House Bill No. 2057, which provides for a Youth Business and Another Chance Economic Development Program. She stated that the purpose of House Bill No. 2057 was to allow young people the opportunity to become employers.

Representative Winston stated that she had a problem with the age cap for a youth being age thirty-five.

Representative Murray made a motion to report House Bill No. 2057 favorably.

Representative Winston made a substitute motion to defer action on House Bill No. 2057. Objection was raised and a roll call vote was taken. Action was deferred on House Bill No. 2057 by a vote of 6 yeas and 5 nays. Those voting yea were Representatives Schneider, Flavin, Michot, Pinac, Powell, and Winston. Those voting nay were Representatives Barton, Frith, Hill, Morrell, and Murray.

House Bill No. 1737 by Representative Farve

Representative Farve appeared before the committee to present House Bill No. 1737, which requires that protective headgear be worn at all boxing contests. She stated that this legislation would protect the contestant from head injuries and possibly death and would make the sport more civilized.

Representative Pinac stated that it was his opinion that the requirement that protective headgear be worn at all boxing contests would prevent any major professional boxing event from coming to Louisiana.

Representative Morrell asked if any other country required protective headgear be worn at contests.

Representative Farve stated that she was not aware of any other countries that had this requirement.

Mr. Mike Cusimano, chairman, Louisiana Boxing and Wrestling Commission, 6305 Elysian Fields Avenue, New Orleans, Louisiana, 70122, (504) 568-8060, appeared before the committee in opposition to House Bill No. 1737. He stated that headgear does not necessarily protect a person from head injuries.

Representative Powell made a motion to defer action on House Bill No. 1737. There was no objection and action was deferred on House Bill No. 1737 by a vote of 11 yeas and 0 nays. Those voting yea were Representatives Schneider, Barton, Flavin, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

House Bill No. 2072 by Representative Travis

Mr. Gary Newport, chief attorney, Office of Financial Institutions, 8660 United Plaza Blvd., 2nd Fl., Baton Rouge, Louisiana, 70809, (504) 925-4633, appeared before the committee to present House Bill No. 2072 on

behalf of Representative Travis, which provides relative to the regulation of pawnbrokers by the commissioner of financial institutions.

Mr. Mike White, attorney, House Commerce Committee, explained to the committee an amendment to be offered to House Bill No. 2072 which would provide relative to the giving of notice of the change of location of a pawnshop.

Representative Schneider offered the above described amendment to House Bill No. 2072. There was no objection and it was adopted by a vote of 9 yeas and 0 nays. Those voting yea were Representatives Schneider, Barton, Frith, Hill, Michot, Morrell, Murray, Pinac, and Powell.

There was no further discussion on House Bill No. 2072.

Representative Barton made a motion to report House Bill No. 2072 with amendments. There was no objection and House Bill No. 2072 was reported with amendments by a vote of 9 yeas and 0 nays. Those voting yea were Representative Schneider, Barton, Frith, Hill, Michot, Morrell, Murray, Pinac, and Powell.

House Bill No. 1970 by Representative Travis

Mr. Tim Amussen, Louisiana Private Security Association, 319 St. Charles St., Baton Rouge, Louisiana, 70802, (504) 383-7401, appeared before the committee on behalf of Representative Travis to present House Bill No. 1970, which permits the Louisiana State Board of Private Investigator Examiners to have access to arrest and felony conviction records of applicants.

Ms. Cindy Mancuso, attorney, House Commerce Committee, explained an amendment to be offered to House Bill No. 1970. She stated that this amendment would allow the State Board of Private Investigator Examiners to be informed of arrest or felony convictions of a license applicant upon request to the Department of Public Safety and Corrections and upon certification by the executive secretary of the board.

Representative Schneider offered the above described amendment to House Bill No. 1970. There was no objection and this amendment was adopted by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Schneider, Barton, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

Representative Murray made a motion to report House Bill No. 1970 with amendments. There was no objection and House Bill No. 1970 was reported with amendments by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Schneider, Barton, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

House Bill No. 389 by Representative McMains

Mr. Dave Cagnolatti, Louisiana Society of Certified Public Accounts (CPAs), 2400 Veterans Blvd., New Orleans, Louisiana, (504) 288-5272, appeared before the committee on behalf of Representative Travis to present House Bill No. 389, which authorizes the establishment of public accountant review panels for the review and evaluation of professional negligence claims against certified public accountants and provides for their composition and duties.

Representative Murray offered an amendment to House Bill No. 389 which would provide for an attorney review panel. There was no objection and this amendment was adopted by a vote of 10 yeas and nays. Those voting yea were Representatives Schneider, Barton, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

Representative Barton made a motion to report House Bill No. 389 with amendments. There was no objection and House Bill No. 389 was reported with amendments by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Schneider, Barton, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

House Bill No. 2120 by Representative Travis

Representative Hill made a motion to defer action on House Bill No. 2120 at the request of Representative Travis. House Bill No. 2120 revises the provisions regulating private investigators. There was no objection and action was deferred on House Bill No. 2120 by a vote of 10 yeas and 0 nays. Those voting yea were Representatives Schneider, Barton, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

House Bill No. 892 by Representative Wilkerson

Representative Murray appeared before the committee on behalf of Representative Wilkerson to present House Bill No. 892, which deletes

references to the barber apprenticeship program and certificates.

Representative Pinac stated that Representative Wilkerson had previously requested that action be deferred on House Bill No. 892, therefore, he advised some people who were previously in the audience and in opposition to this legislation that this matter would be deferred and due to this, these people left the meeting. He suggested that this matter be postponed until next week.

Representative Powell agreed with Representative Pinac.

Representative Morrell made a motion to defer action on House Bill No. 892. There was no objection and action was deferred on House Bill No. 892 by a vote of 11 yeas and 0 nays. Those voting yea were Representatives Schneider, Barton, Flavin, Frith, Hill, Michot, Morrell, Murray, Pinac, Powell, and Winston.

House Bill No. 1948 by Representative Wiggins

Representative Pinac appeared before the committee on behalf of Representative Wiggins and made a motion to defer action on House Bill No. 1948. House Bill No. 1948 provided relative to fees collected by the Louisiana Licensed Professional Counselors Board of Examiners. There was no objection to this motion and action was deferred on House Bill No. 1948 by a vote of 11 yeas and 0 nays. Those voting yea were Representatives Schneider, Barton, 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 12:45 p.m.

Respectfully submitted,

John Travis, Chairman

Date Approved: _____