

## House Committee on Commerce

Minutes of Meeting  
2016 Regular Session  
May 2, 2016

### I. CALL TO ORDER

Representative Thomas G. Carmody, Jr., chairman of the House Committee on Commerce, called the meeting to order at 10:07 a.m. in Room 1, of the Louisiana State Capitol in Baton Rouge, Louisiana.

### II. ROLL CALL

#### MEMBERS PRESENT:

Representative Thomas G. Carmody, Jr., chairman  
Representative Chad Brown  
Representative Jean-Paul P. Coussan  
Representative Reid Falconer  
Representative Paul Hollis, vice chairman  
Representative Patrick O. Jefferson  
Representative Christopher J. Leopold  
Representative Joseph P. Lopinto III  
Representative Rodney Lyons  
Representative J. Kevin Pearson  
Representative Edward J. Price  
Representative Stephen E. Pugh  
Representative H. Eugene Reynolds

#### MEMBERS ABSENT:

Representative John F. "Andy" Anders  
Representative Patrick Connick  
Representative Kenny R. Cox  
Representative Cedric B. Glover  
Representative Helena N. Moreno  
Representative Robert E. Shadoin

#### STAFF MEMBERS PRESENT:

Sandy Painting, secretary  
Rashida Keith, attorney  
Thomas Devillier, attorney

#### ADDITIONAL ATTENDEES PRESENT:

Beverly Vincent, sergeant at arms  
Jefferson Honeywell, clerk

### III. DISCUSSION OF LEGISLATION

#### **Senate Bill No. 233 by Senator Johns**

Senator Johns presented Senate Bill No. 233, which provides relative to additional default remedies by certain debtors under certain secured transactions.

Representative Coussan offered technical amendments to Senate Bill No. 233. Representative Coussan offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Carmody, Coussan, Falconer, Hollis, Jefferson, Leopold, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

Mr. David Boneno, Louisiana Bankers Association, 5555 Bankers Avenue, Baton Rouge, LA 70808, (225) 214-4836, spoke in support of Senate Bill No. 233.

Witness cards submitted by individuals on Senate Bill No. 233 who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

Representative Pugh offered a motion to report Senate Bill No. 233 with amendments. Without objection, Senate Bill No. 233 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Carmody, Coussan, Falconer, Hollis, Jefferson, Leopold, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

#### **Senate Bill No. 234 by Senator Johns**

Senator Johns presented Senate Bill No. 234, which provides relative to additional default remedies by certain debtors under certain secured transactions.

Witness cards submitted by individuals on Senate Bill No. 234 who did not speak are as follows: 2 in support. Witness cards are included in the committee records.

Representative Pugh offered a motion to report Senate Bill No. 234 favorably. Without objection, Senate Bill No. 234 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Carmody, Coussan, Falconer, Hollis, Jefferson, Leopold, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

#### **Senate Bill No. 220 by Senator Peacock**

Senator Peacock presented Senate Bill No. 220, which provides for powers of the estate of a deceased or incompetent member of a limited liability company.

Representative Carmody offered a motion to report Senate Bill No. 220 favorably. Without objection, Senate Bill No. 220 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Carmody, Coussan, Falconer, Hollis, Jefferson, Leopold, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

### **Senate Bill No. 183 by Senator White**

Senator White presented Senate Bill No. 183, which provides relative to the State Board of Cosmetology.

Representative Carmody offered amendments to Senate Bill No. 183, which would reorganize language to improve readability. Representative Carmody offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Carmody, Coussan, Falconer, Hollis, Jefferson, Leopold, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

Ms. Sherri Morris, Louisiana State Board of Cosmetology, 8440 Jefferson Hwy., Ste. 301, Baton Rouge, LA 70809, (225) 929-7033, spoke for information only on Senate Bill No. 183.

Witness cards submitted by individuals on Senate Bill No. 183 who did not speak are as follows: 2 in opposition. Witness cards are included in the committee records.

Representative Pugh offered a motion to report Senate Bill No. 183 with amendments. Without objection, Senate Bill No. 183 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Carmody, Chad Brown, Coussan, Falconer, Hollis, Jefferson, Leopold, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

### **House Bill No. 1109 by Representative Hoffmann**

Representative Hoffmann presented House Bill No. 1109, which provides for the revision and creation of regulations relative to certain water boilers.

Representative Carmody offered amendments in the form of a substitute bill to House Bill No. 1109. Representative Carmody offered a motion to adopt the substitute bill. Without objection, the substitute bill was adopted by a vote of 12 yeas and 0 nays. Representatives Carmody, Chad Brown, Coussan, Falconer, Hollis, Jefferson, Leopold, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

Witness cards submitted by individuals on House Bill No. 1109 who did not speak are as follows: 1 for information only. Witness cards are included in the committee records.

Representative Price offered amendments to the substitute bill, which would require employed and compensated inspectors to be compensated commensurate with the compensation paid to similarly

situated inspectors in the private sector in the state of Louisiana. Representative Price offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Carmody, Chad Brown, Coussan, Falconer, Hollis, Jefferson, Leopold, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

Representative Pugh offered a motion to report House Bill No. 1109 by substitute. Without objection, House Bill No. 1109 was reported by substitute by a vote of 12 yeas and 0 nays. Representatives Carmody, Chad Brown, Coussan, Falconer, Hollis, Jefferson, Leopold, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

### **House Bill No. 870 by Representative Stokes**

Representative Stokes presented House Bill No. 870, which provides for revisions relative to the Louisiana Accountancy Act.

Representative Pearson offered amendments to House Bill No. 870, which would modify the fee schedule; would provide that the board may grant additional time for an applicant to complete certain requirements related to obtaining a certificate for certified public accountant when the applicant can demonstrate circumstances of extreme hardship; would remove the requirement for a licensee to provide a written notice to certain persons or entities licensees when receiving a commission in payment for certain products or services; and would repeal present law relative to exemptions of licensees from certain periodic review and the board's authority to promulgate certain rules. Representative Pearson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Carmody, Chad Brown, Coussan, Falconer, Hollis, Jefferson, Leopold, Lopinto, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

Mr. Jim Harris, Society of Louisiana Certified Public Accountants, 548 Lakeland Dr., Baton Rouge, LA 70802, (225) 904-1123, spoke in support of House Bill No. 870.

Witness cards submitted by individuals on House Bill No. 870 who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

Representative Price offered a motion to report House Bill No. 870 with amendments. Without objection, House Bill No. 870 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Carmody, Chad Brown, Coussan, Falconer, Hollis, Jefferson, Leopold, Lopinto, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

### **Senate Bill No. 108 by Senator Thompson**

Senator Thompson presented Senate Bill No. 108, which provides relative to a deferred presentment or small loan transaction.

Witness cards submitted by individuals on Senate Bill No. 108 who did not speak are as follows: 1 in support and 1 for information only. Witness cards are included in the committee records.

Representative Pugh offered a motion to report Senate Bill No. 108 favorably. Without objection, Senate Bill No. 108 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Carmody, Chad Brown, Coussan, Falconer, Hollis, Jefferson, Leopold, Lopinto, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

### **House Bill No. 1118 by Representative Hunter**

Representative Hunter presented House Bill No. 1118, which authorizes certain fiduciaries to exercise control respecting the digital property of decedents and other certain persons.

Dr. Tia Mills, 2250 Harding Blvd., Baton Rouge, LA 70807, (225) 625-4716, spoke in support of House Bill No. 1118.

Representative Jefferson offered a motion to report House Bill No. 1118 favorably. Without objection, House Bill No. 1118 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Carmody, Chad Brown, Coussan, Falconer, Hollis, Jefferson, Leopold, Lopinto, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

### **House Bill No. 669 by Representative Hunter**

Representative Hunter presented House Bill No. 669, which prohibits rental car companies from charging a fee for additional authorized drivers.

Representative Carmody offered amendments to House Bill No. 669, which would replace references to "rental company" with "motor vehicle lessor" and exclude any person engaged in the leasing or renting of recreational products as defined in R.S. 32:1252. Representative Carmody offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Carmody, Chad Brown, Coussan, Falconer, Hollis, Jefferson, Leopold, Lopinto, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

Representative Carmody offered amendments to House Bill No. 669, which would state that an insurance company shall not exclude coverage to an insured or a permissive user of an insured because the insured or permissive user is not listed as an authorized driver on a motor vehicle rental agreement. Representative Carmody offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Carmody, Chad Brown, Coussan, Falconer, Hollis, Jefferson, Leopold, Lopinto, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

Witness cards submitted by individuals on House Bill No. 669 who did not speak are as follows: 3 in opposition. Witness cards are included in the committee records.

Representative Pugh offered a motion to involuntarily defer action on House Bill No. 669. Without objection, action on House Bill No. 669 was involuntarily deferred by a vote of 13 yeas and 0 nays. Representatives Carmody, Chad Brown, Coussan, Falconer, Hollis, Jefferson, Leopold, Lopinto, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

**Senate Bill No. 58 by Senator Martiny**

Senator Martiny presented Senate Bill No. 58, which repeals certain requirements relative to home service contract providers.

Representative Carmody offered technical amendments to Senate Bill No. 58. Representative Carmody offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Carmody, Chad Brown, Coussan, Falconer, Hollis, Jefferson, Leopold, Lopinto, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

Mr. Duane Cowart, National Home Service Contract Association, 10935 Perkins Rd., Baton Rouge, LA 70810, (225) 405-4088, spoke in support of Senate Bill No. 58.

Representative Lopinto offered a motion to report Senate Bill No. 58 with amendments. Without objection, Senate Bill No. 58 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Carmody, Coussan, Falconer, Hollis, Jefferson, Leopold, Lopinto, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

**Senate Bill No. 126 by Senator Martiny**

Senator Martiny presented Senate Bill No. 126, which provides relative to payable on death accounts.

Mr. David Boneno, Louisiana Bankers Association, 5555 Bankers Ave., Baton Rouge, LA 70808, (225) 214-4836, spoke in support of Senate Bill No. 126.

Witness cards submitted by individuals on Senate Bill No. 126 who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

Representative Price offered a motion to report Senate Bill No. 126 favorably. Without objection, Senate Bill No. 126 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Carmody, Coussan, Falconer, Hollis, Jefferson, Leopold, Lopinto, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

**House Bill No. 1040 by Representative James**

Representative James presented House Bill No. 1040, which regulates the manufacture, sale, and lease of telephones with respect to smartphone encryption technology.

Representative Carmody offered technical amendments to House Bill No. 1040. Representative Carmody offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Carmody, Coussan, Falconer, Hollis, Jefferson, Leopold, Lopinto, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

Representative Carmody offered amendments to House Bill No. 1040, which would add the language "as defined in R.S. 14:29, and when access to the smartphone is ordered by a court of appropriate jurisdiction". Representative Carmody offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Carmody, Coussan, Falconer, Hollis, Jefferson, Leopold, Lopinto, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

Dr. Tia Mills, 2250 Harding Blvd., Baton Rouge, LA 70807, (225) 625-4716, spoke in support of House Bill No. 1118.

Ms. Sarah Terrell, East Baton Rouge Parish District Attorney, 222 St. Louis St., 5<sup>th</sup> Floor, Baton Rouge, LA 70802, (225) 389-5485, spoke in support of House Bill No. 1040.

Ms. Caroline Joiner, Tech Net, 208 W. 14<sup>th</sup> St., Austin, Texas 78701, (512) 410-9456, spoke in opposition to House Bill No. 1040.

Ms. Renee Free, Department of Justice, Baton Rouge, LA, (225) 326-6400, spoke for information only on House bill No. 1040.

Mr. Michael Dupree, Attorney General's office, Baton Rouge, LA, (225) 326-6400, spoke for information only on House Bill No. 1040.

Witness cards submitted by individuals on House Bill No. 1040 who did not speak are as follows: 5 in opposition. Witness cards are included in the committee records.

Representative Price offered a motion to report House Bill No. 1040 with amendments, to which Representative Carmody objected. A roll call vote was taken and said motion failed to pass by a vote of 6 yeas and 6 nays. Representatives Falconer, Jefferson, Lopinto, Lyons, Price, and Reynolds voted yea. Representatives Carmody, Coussan, Hollis, Leopold, Pearson, and Pugh voted nay.

Representative Carmody offered a motion to involuntarily defer action on House Bill No. 1040. A roll call vote was taken and said motion failed to pass by a vote of 6 yeas and 6 nays.

Representatives Carmody, Coussan, Hollis, Leopold, Pearson, and Pugh voted yea. Representatives Falconer, Jefferson, Lopinto, Lyons, Price, and Reynolds voted nay.

Representative Jefferson offered a motion to voluntarily defer action on House Bill No. 1040. Without objection, action on House Bill No. 1040 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Carmody, Coussan, Falconer, Hollis, Jefferson, Leopold, Lopinto, Lyons, Pearson, Price, Pugh, and Reynolds voted yea.

#### **IV. OTHER BUSINESS**

There was no other business discussed.

#### **V. ANNOUNCEMENTS**

There were no announcements.

#### **VI. ADJOURNMENT**

The meeting was adjourned at 12:30 p.m.

Respectfully submitted,

Chairman Thomas G. Carmody, Jr.  
House Committee on Commerce