

House Committee on Civil Law and Procedure

Minutes of Meeting
2016 Regular Session
March 21, 2016

I. CALL TO ORDER

Representative Raymond E. Garofalo, Jr., chairman of the House Committee on Civil Law and Procedure, called the meeting to order at 10:08 a.m. in Room 4, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

II. ROLL CALL

MEMBERS PRESENT:

Representative Raymond E. Garofalo, Jr., chairman
Representative Robby Carter
Representative Gregory Cromer
Representative Randal L. Gaines, vice chairman
Representative Tanner D. Magee
Representative Gregory A. Miller
Representative Clay Schexnayder

MEMBERS ABSENT:

Representative Julie Emerson
Representative Jeffrey "Jeff" Hall
Representative Lowell C. "Chris" Hazel
Representative Sam L. Jenkins Jr.
Representative Mike Johnson
Representative Alan Seabaugh

STAFF MEMBERS PRESENT:

Robert A. Singletary, attorney
Steve Kogos, attorney
Alicia Spivey, secretary

ADDITIONAL ATTENDEES PRESENT:

Janet Anthony, sergeant at arms
Myrtis Jarrell, sergeant at arms

III. OTHER BUSINESS

Representative Garofalo offered a motion to adopt the committee rules for the 2016-2020 term. Without objection, the committee rules were adopted by a vote of 7 yeas and 0 nays. Representatives Garofalo, Robby Carter, Cromer, Gaines, Magee, Gregory Miller, and Schexnayder voted yea.

IV. DISCUSSION OF LEGISLATION

House Bill No. 122 by Representative Jay Morris

Representative Jay Morris presented House Bill No. 122, which provides relative to the sale of negotiable instruments and related rights.

Representative Robby Carter offered a motion to report House Bill No. 122 favorably, to which Representative Cromer objected. The secretary called the roll, and House Bill No. 122 was reported favorably by a vote of 4 yeas, 2 nays, and 1 abstention. Representatives Robby Carter, Gaines, Magee, and Schexnayder voted yea. Representatives Cromer and Gregory Miller voted nay. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 1 in opposition. Witness cards are included in the committee records.

House Bill No. 269 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 269, which provides with respect to successions and donations.

Professor Ron Scalise, Louisiana State Law Institute, Paul M. Hebert Law Center, Room W127, Baton Rouge, LA 70803, (225) 578-0220, spoke for information only on House Bill No. 269.

Representative Gregory Miller offered a motion to report House Bill No. 269 favorably, to which Representative Robby Carter objected. The secretary called the roll, and House Bill No. 269 was reported favorably by a vote of 5 yeas, 1 nays, and 1 abstention. Representatives Cromer, Gaines, Magee, Gregory Miller, and Schexnayder voted yea. Representative Robby Carter voted nay. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 1 for information only. Witness cards are included in the committee records.

House Bill No. 286 by Representative Garofalo

On behalf of Representative Garofalo, Professor Ron Scalise, Louisiana State Law Institute, Paul H. Hebert Law Center, Room W127, Baton Rouge, LA 70803, (225)578-0200, presented House Bill No. 286, which provides for revisions to the Trust Code.

Representative Garofalo offered an amendment to rephrase the provision relative to when a beneficiary dies without descendants without changing the meaning of the sentence. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Gaines, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 286 with amendments. Without objection, House Bill No. 286 was reported with amendments by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Gaines, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 2 in support. Witness cards are included in the committee records.

House Bill No. 313 by Representative Garofalo

On behalf of Representative Garofalo, Steven Giambrone, Louisiana State Law Institute, Paul H. Hebert Law Center, Room W127, Baton Rouge, LA 70803, (225) 578-0200, presented House Bill No. 313, which provides for disclosure of information to property owners whose property is subject to expropriation.

Carmack Blackman, Louisiana Railroad Association, P.O. Box 44035, Baton Rouge, LA 70804, (225) 388-9877, spoke in opposition to House Bill No. 313.

Robert Baumann, Hood, Baumann, and Associates, no address provided, (225) 328-0330, spoke for information only on House Bill No. 313.

Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 313. Without objection, action on House Bill No. 313 was voluntarily deferred by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Gaines, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, 2 in opposition. Witness cards are included in the committee records.

House Bill No. 334 by Representative Schexnayder

Representative Schexnayder presented House Bill No. 334, which provides relative to the enforcement of certain private and public construction contracts.

Steven Loeb, LA Associated General Contractors, P.O. Box 3197, Baton Rouge, LA 70821, (225) 387-4088, spoke in support of House Bill No. 334

Representative Schexnayder offered a motion to report House Bill No. 334 favorably. Without objection, House Bill No. 334 was reported favorably by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Gaines, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

House Bill No. 525 by Representative Robby Carter

Representative Robby Carter presented House Bill No. 525, which provides relative to venue in certain proceedings involving abuse.

Judge Bob Morrison, 21st Judicial District, P.O. Box 789, Amite, LA 708432, (985) 748-9445, spoke in support of House Bill No. 525.

Representative Schexnayder offered a motion to report House Bill No. 525 favorably. Without objection, House Bill No. 525 was reported favorably by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Gaines, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:32 a.m.

Respectfully submitted,

Chairman Raymond E. Garofalo, Jr.
House Committee on Civil Law and Procedure

