

House Committee on Civil Law and Procedure

Minutes of Meeting
2016 Regular Session
April 4, 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 10:01 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 Julie Emerson
Representative Randal L. Gaines, vice chairman
Representative Sam L. Jenkins Jr.
Representative Tanner D. Magee
Representative Gregory A. Miller
Representative Clay Schexnayder

MEMBERS ABSENT:

Representative Mike Johnson
Representative Alan Seabaugh

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Beverly Hurst, sergeant at arms
J'Nai Bayone, clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 212 by Representative Davis

Representative Davis presented House Bill No. 212, which requires employers to report pending lump sum payments to employees to appropriate enforcement agencies.

Lisa Andry, Department of Children and Family Services, 627 North 4th Street, Baton Rouge, LA 70802, (225) 603-6370, testified for information only on House Bill No. 212.

Representative Magee offered amendments to:

- (1) Change the definition of lump-sum payment to remove the required amount of \$500 to constitute a lump-sum payment.
- (2) Add that the department must be notified of a lump-sum payment only if the amount will be \$300 or more.
- (3) Specify that notification of the lump-sum payment shall be provided in a method approved by the department.

Representative Magee offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Jenkins, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Gary Franklin, Department of Children and Family Services, 627 North 4th Street, Baton Rouge, LA 70802, (225) 342-4785, spoke for information only on House Bill No. 212.

Representative Magee offered a motion to report House Bill No. 212 with amendments. Without objection, House Bill No. 212 was reported with amendments by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Jenkins, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

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

House Bill No. 388 by Representative Jefferson

Representative Jefferson presented House Bill No. 388, which provides for the filiation of children.

Professor Andrea Carroll, Louisiana State Law Institute, Paul M. Hebert Law Center, Room W127, Baton Rouge, LA 70803, (225) 578-0200, spoke for information only on House Bill No. 388.

Representative Cromer offered a motion to report House Bill No. 388 favorably. Without objection, House Bill No. 388 was reported favorably by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Jenkins, Magee, Gregory Miller, and Schexnayder voted yeas. Representative Garofalo abstained.

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

House Bill No. 484 by Representative Robert Johnson

Representative Robert Johnson presented House Bill No. 484, which provides for the provision of cash medical support when a family receives support enforcement services.

Lisa Andry, Department of Children and Family Services, 627 North 4th Street, Baton Rouge, LA 70802, (225) 603-6370, testified for information only on House Bill No. 484.

Judge Pamela Baker, Louisiana Council of Juvenile and Family Court Judges, 300 North Boulevard, Suite 4111, Baton Rouge, LA 70801, (225) 389-4676 spoke for information only on House Bill No. 484.

Representative Magee offered a motion to report House Bill No. 484 favorably. Without objection, House Bill No. 484 was reported favorably by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Jenkins, Magee, and Gregory Miller voted yeas. Representative Garofalo abstained.

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

House Bill No. 325 by Representative Robert Johnson

Representative Robert Johnson presented House Bill No. 325, which repeals the provision in the Vital Records Law regarding allegations of paternity for child support purposes.

Lisa Andry, Department of Children and Family Services, 627 North 4th Street, Baton Rouge, LA 70802, (225) 603-6370, testified for information only on House Bill No. 325.

Representative Gregory Miller offered a motion to report House Bill No. 325 favorably. Without objection, House Bill No. 325 was reported favorably by a vote of 8 yeas, 0 nays, and 1 abstention.

Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, 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 and 1 for information only. Witness cards are included in the committee records.

House Bill No. 396 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 396, which provides relative to the membership of the child support review committee.

Representative Gregory Miller offered a motion to report House Bill No. 396 favorably. Without objection, House Bill No. 396 was reported favorably by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

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

House Bill No. 330 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 330, which provides relative to the imputation of income when a parent is voluntarily unemployed or underemployed.

Robert Levy, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA 70802, (225) 343-0171 spoke for information only on House Bill No. 330.

Gary Franklin, Department of Children and Family Services, 627 North 4th Street, Baton Rouge, LA 70802, (225) 342-4785, spoke for information only on House Bill No. 330.

Representative Gregory Miller offered a motion to report House Bill No. 330 favorably, to which Representative Robby Carter objected. The secretary called the roll, and House Bill No. 330 was reported favorably by a vote of 6 yeas, 1 nay, and 1 abstention. Representatives Cromer, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Robby Carter voted nay. Representative Garofalo abstained.

House Bill No. 395 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 395, which provides relative to the calculation of adjusted gross income for child support.

Robert Levy, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA 70802, (225) 343-0171 spoke for information only on House Bill No. 395.

Representative Robby Carter offered a motion to report House Bill No. 395 favorably. Without objection, House Bill No. 395 was reported favorably by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 2 for information only. Witness cards are included in the committee records.

House Bill No. 493 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 493, which provides relative to federal and state tax deductions in child support calculations.

Gary Franklin, Department of Children and Family Services, 627 North 4th Street, Baton Rouge, LA 70802, (225) 342-4785, spoke for information only on House Bill No. 493.

Robert Levy, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA 70802, (225) 343-0171 spoke for information only on House Bill No. 493.

Representative Gregory Miller offered a motion to report House Bill No. 493 favorably, to which Representative Cromer objected. The secretary called the roll, and by a vote of 2 yeas, 5 nays, and 1 abstention, the motion failed to pass. Representatives Gaines and Gregory Miller voted yea. Representatives Robby Carter, Cromer, Emerson, Jenkins, and Magee voted nay. Representative Garofalo abstained.

Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 493. Without objection, action on House Bill No. 493 was voluntarily deferred by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 11:40 a.m.

Respectfully submitted,

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