

House Committee on Civil Law and Procedure

Minutes of Meeting
2016 Regular Session
April 11, 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 10:07 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 Mike Johnson
Representative Tanner D. Magee
Representative Gregory A. Miller
Representative Clay Schexnayder

MEMBERS ABSENT:

Representative Alan Seabaugh

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Janet Anthony, sergeant at arms
Mrytis Jarrell, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 933 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 933, which provides for the schedule of basic child support obligations.

Dr. Lara Gardner, Child Support Guidelines Committee, Southeastern Louisiana University, Hammond, Louisiana, 70726, (561) 346-6491, spoke for information only on House Bill No. 933.

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. 933.

Representative Schexnayder offered a motion to report House Bill No. 933 favorably. Without objection, House Bill No. 933 was reported favorably by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Gregory Miller, and Schexnayder 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. 862 by Representative Falconer

Representative Falconer presented House Bill No. 862, which provides relative to the liability of certain persons for the actions of persons with developmental disabilities.

Dottie Davis, 8016 Elizabeth Lane, Mandeville, LA 70448, (988) 727-0421, spoke in support of House Bill No. 862.

John William Davis, 8016 Elizabeth Lane, Mandeville, LA 70448, (988) 727-0421, spoke in support of House Bill No. 862.

Sean Fleming, Louisiana Developmental Disabilities Council, 626 Main Street, Baton Rouge, LA 70802, (225) 342-6804, spoke for information only on House Bill No. 862.

Benjamin Mouton, Louisiana Association for Justice, 340 Florida Street, Baton Rouge, LA 70801, (225) 344-3555, spoke in opposition to House Bill No. 862.

Representative Cromer offered a motion to report House Bill No. 862 favorably, to which Representative Gaines objected. The secretary called the roll, and House Bill No. 862 was reported favorably by a vote of 4 yeas and 3 nays. Representatives Garofalo, Cromer, Emerson, and Mike Johnson voted yea. Representatives Robby Carter, Gaines, and Jenkins voted nay.

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. 459 by Representative Danahay

Representative Danahay presented House Bill No. 459, a constitutional amendment, which provides that the manner of appointment and qualifications of the registrar are to be provided by law.

Kyle Ardoin, Louisiana Secretary of State office, 8585 Archives Avenue, Baton Rouge, LA 70809, (225) 922-2880, spoke for information only on House Bill No. 459.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) report to House Bill No. 459, which stated that the measure could not be accomplished statutorily and would, therefore, require a constitutional amendment. Without objection, the House Rule 6.8(A) report to House Bill No. 459 was adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Emerson, Gaines, Jenkins, Mike Johnson, and Schexnayder voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 459 without amendments. Without objection, House Bill No. 459 was reported without amendments by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Emerson, Gaines, Jenkins, Mike Johnson, and Schexnayder voted yea. Representative Garofalo abstained.

House Bill No. 601 by Representative Jackson

Representative Jackson presented House Bill No. 601, which provides relative to the susceptibility of the Department of Agriculture and Forestry being declared an indispensable party in certain lawsuits.

Commissioner Mike Strain, Louisiana Department of Agriculture and Forestry, 5825 Florida Boulevard, Baton Rouge, LA 70806, (225) 342-7276, spoke for information only on House Bill No. 601.

Representative Schexnayder offered a motion to report House Bill No. 601 favorably. Without objection, House Bill No. 601 was reported favorably by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Emerson, Gaines, Jenkins, Mike Johnson, 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.

House Bill No. 857 by Representative Huval

On behalf of the author, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 857, which requires employees or representatives of the Department of Transportation and Development to comply with a contractor's safety and environmental plan on department projects. Without objection, action on House Bill No. 857 was voluntarily deferred by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Emerson, Gaines, Jenkins, Mike Johnson, 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.

House Bill No. 856 by Representative Huval

Representative Huval presented House Bill No. 856, which provides a limitation of liability for landowners who grant a right of passage to cemeteries.

Representative Robby Carter offered a motion to report House Bill No. 856 favorably. Without objection, House Bill No. 856 was reported favorably by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, 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.

House Bill No. 259 by Representative Nancy Landry

On behalf of Representative Nancy Landry, Lisa Woodruff-White, Louisiana State Law Institute, Paul M. Hebert Law Center, Room W127, Baton Rouge, LA, 70803, no phone number provided, presented House Bill No. 259, which provides relative to notice in child support actions.

Representative Mike Johnson offered a motion to report House Bill No. 259 favorably. Without objection, House Bill No. 259 was reported favorably by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, and Schexnayder voted yea. Representative Garofalo abstained.

House Bill No. 456 by Representative Shadoin

Representative Shadoin presented House Bill No. 456, which provides with respect to the revocation of notarial commissions.

Kyle Ardoin, Louisiana Secretary of State office, 8585 Archives Avenue, Baton Rouge, LA 70809, (225) 922-2880, spoke for information only on House Bill No. 456.

Representative Garofalo offered a motion to report House Bill No. 456 favorably. Without objection, House Bill No. 456 was reported favorably by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, and Schexnayder voted yea. Representative Garofalo abstained.

House Bill No. 602 by Representative Shadoin

Representative Shadoin presented House Bill No. 602, which provides relative to notary exam and study material fees.

Representative Garofalo offered an amendment to add an emergency effective date making proposed law effective upon signature of the governor. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, and Schexnayder voted yea. Representative Garofalo abstained.

Kyle Ardoin, Louisiana Secretary of State office, 8585 Archives Avenue, Baton Rouge, LA 70809, (225) 922-2880, spoke for information only on House Bill No. 602.

Representative Robby Carter offered a motion to report House Bill No. 602 with amendments. Without objection, House Bill No. 602 was reported with amendments by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, and Schexnayder voted yea. Representative Garofalo abstained.

House Bill No. 711 by Representative Shadoin

Representative Shadoin presented House Bill No.711, which provides relative to release of legislative audits.

Daryl Purpera, Legislative Auditor, no address provided, (225) 339-3839, spoke for information only on House Bill No. 711.

Jennifer Shaye, General Counsel for Legislative Auditor, no address provided, (225) 339-3871, spoke for information only on House Bill No. 711.

Representative Robby Carter offered a motion to report House Bill No. 711 favorably. Without objection, House Bill No. 711 was reported favorably by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Emerson, Gaines, Jenkins, Mike Johnson, and Schexnayder voted yea. Representative Garofalo abstained.

House Bill No. 313 by Representative Garofalo

On behalf of Representative Garofalo, Mark Levy, Louisiana State Law Institute, Paul M. Hebert Law Center, Room W127, Baton Rouge, LA 70803, no phone number provided, presented House Bill No. 313, which provides for disclosure of information to property owners whose property is subject to expropriation.

Steven Giambrone, Louisiana State Law Institute, Paul M. Hebert Law Center, W127, Baton Rouge, LA 70803, no phone number provided, spoke for information only on House Bill No. 313.

Representative Garofalo offered amendments to:

- (1) Delete the requirement that an expropriating authority provide all required information prior to making an offer and specify instead that the information be provided not more than 30 days after making an offer to acquire the property.
- (2) Add a provision that the notice contain a statement that the property may be expropriated only by an authority authorized to do so.
- (3) Authorize the expropriating authority to either identify the website where the statutes can be read or provide a copy of the statutes.
- (4) Change the requirement to identify "each" regulatory agency to identifying a single regulatory agency.
- (5) Add special effective date of January 1, 2017.

Representative Garofalo offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Emerson, Gaines, Jenkins, Mike Johnson, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 313 with amendments. Without objection, House Bill No. 313 was reported with amendments by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Emerson, Gaines, Jenkins, Mike Johnson, 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.

House Bill No. 195 by Representative Jenkins

Representative Jenkins presented House Bill No. 195, which provides relative to transmittal of certain notices required pursuant to medical malpractice law.

Representative Jenkins offered an amendment to add provisions specifying that if the board or commission is unable to determine receipt after 45 days from the date of mailing the notification, it shall mail the notification by regular first class mail. Representative Jenkins offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Representative Jenkins offered a motion to report House Bill No. 195 with amendments. Without objection, House Bill No. 195 was reported with amendments by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Gregory Miller, and Schexnayder voted yea. 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. 505 by Representative Mike Johnson

Representative Mike Johnson presented House Bill No. 505, a constitutional amendment, which establishes a total ad valorem property tax exemption for the surviving spouse of a member of the armed forces of the United States, the Louisiana National Guard, the La. State Police, or a law enforcement or fire protection officer killed in the line of duty.

Representative Mike Johnson offered amendments to:

- (1) Add eligibility for the surviving spouses of persons who were killed while on active duty with the Louisiana National Guard, or while on duty as a member of the state police, or as a law enforcement or fire protection officer who qualified for state supplemental pay.
- (2) Add a requirement for an annual certification by the surviving spouse concerning their marital status.
- (3) Add a requirement for each assessor to establish an application process for the exemption.
- (4) Add authorization for an assessor to require certain information concerning an exemption which is being transferred from one property to another.

Representative Mike Johnson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Representative Mike Johnson offered a motion to adopt the House Rule 6.8(A) report to House Bill No. 505, which stated that the measure could not be accomplished statutorily and would, therefore require a constitutional amendment. Without objection, the House Rule 6.8(A) report to House Bill No. 505 was adopted by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Representative Mike Johnson offered a motion to report House Bill No. 505 with amendments. Without objection, House Bill No. 505 was reported with amendments by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 5 in support. Witness cards are included in the committee records.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 12:03 p.m.

Respectfully submitted,

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