

House Committee on Civil Law and Procedure

Minutes of Meeting
2016 Regular Session
April 12, 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 9:34 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
Representative Alan Seabaugh

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Mrytis Jarrell, sergeant at arms
Victoria Langston, clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 132 by Representative Hall

Representative Hall presented House Bill No. 132, which provides relative to the expropriation of property for certain sewer projects in the City of Pineville.

Thomas C. David, Jr., City of Pineville, P.O. Box 89, Alexandria, LA, 71309, (318) 473-2100, spoke in support of House Bill No. 132.

Representative Garofalo offered an amendment to change the effective date. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

Kevin Hayes, Louisiana Landowners Association, 412 North 4th Street, Baton Rouge, LA, 70802, (225) 268-2725, spoke in opposition to House Bill No. 132.

Representative Jenkins offered a motion to report House Bill No. 132 with amendments, to which Representative Seabaugh objected. The secretary called the roll, and by a vote of 4 yeas, 5 nays, and 1 abstention, the motion failed to pass. Representatives Robby Carter, Cromer, Gaines, and Jenkins voted yea. Representatives Emerson, Mike Johnson, Magee, Gregory Miller, and Seabaugh voted nay. Representative Garofalo abstained.

Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 132. Without objection, action on House Bill No. 132 was voluntarily deferred by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 4 in opposition. Witness cards are included in the committee records.

House Bill No. 398 by Representative Moreno

Representative Moreno presented House Bill No. 398, which provides relative to the application of certain limitations on the admissibility of character evidence in civil cases.

Morgan Lamandre, Sexual Trauma Awareness and Response, 8281 Goodwood Boulevard, Suite I, Baton Rouge, LA 70806, (225) 615-7093, spoke in support of House Bill No. 398.

Representative Garofalo offered an amendment to delete the phrase "for damages" in order to make proposed law applicable to all civil actions. Representative Garofalo 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 Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

Tiffany Bush, Sexual Trauma Awareness and Response, 2520 Gates Circle, Apt. 29, Baton Rouge, LA 70809, (404) 310-4991, spoke in support of House Bill No. 398.

Representative Magee offered a motion to report House Bill No. 398 with amendments. Without objection, House Bill No. 398 was reported with amendments by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 13 in support. Witness cards are included in the committee records.

House Bill No. 556 by Representative Moreno

Representative Moreno presented House Bill No. 556, which provides a three-year liberative prescriptive period for actions arising from cases of rape.

Representative Cromer offered a motion to report House Bill No. 556 favorably. Without objection, House Bill No. 556 was reported favorably by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 7 in support. Witness cards are included in the committee records.

House Bill No. 154 by Representative Montoucet

On behalf of the author, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 154, a constitutional amendment, which limits the power of the Public Service Commission to regulate nonprofit water utility cooperatives wholly owned by water users. Without objection, action on House Bill No. 154 was voluntarily deferred by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

House Bill No. 709 by Representative Hunter

Representative Hunter presented House Bill No. 709, which authorizes the insurance commissioner to appoint employees of the Department of Insurance as ex officio notaries.

Representative Gregory Miller offered a motion to report House Bill No. 709 favorably. Without objection, House Bill No. 709 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

House Bill No. 193 by Representative Hunter

Representative Hunter presented House Bill No. 193, which provides with respect to legislative continuance in civil cases.

Representative Seabaugh offered a motion to report House Bill No. 193 favorably. Without objection, House Bill No. 193 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

House Bill No. 186 by Representative Hunter

Representative Hunter presented House Bill No. 186, a constitutional amendment, which eliminates the involuntary servitude prohibition from the state constitution.

Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 186. Without objection, action on House Bill No. 186 was voluntarily deferred by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 6 in support. Witness cards are included in the committee records.

House Bill No. 537 by Representative Garofalo

On behalf of Representative Garofalo, E. L. Henry, Healthport, 405 Laurel Street, Suite 1900, Baton Rouge, LA 70801, (225) 336-5200, presented House Bill No. 537, which provides relative to applicable fees and costs incurred for the production of records.

Representative Garofalo offered an amendment to delete adjustments of fees and maximum charges based on the consumer price index. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas, 0 nays, and 1

abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

Representative Garofalo offered an amendment to delete provisions authorizing the payment for handling charges. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

Kyle Probst, Healthport, 925 North Point Parkway, Suite 350, Alpharetta, GA 30005, (770) 360-1820, spoke in support of House Bill No. 537.

Tiffany Mansur, Request-A-Record, 213 West Cornerview, Gonzales, LA 70737, (225) 588-1968, spoke for information only on House Bill No. 537.

Larry Murray, Louisiana State Bar Association, P.O. Box 44153, Baton Rouge, LA 70804, (225) 381-0127, spoke in opposition to House Bill No. 537.

Representative Garofalo offered a motion to report House Bill No. 537 with amendments. Without objection, House Bill No. 537 was reported with amendments by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 13 in support. Witness cards are included in the committee records.

House Bill No. 809 by Representative Schroder

Representative Schroder presented House Bill No. 809, which provides with respect to representation of indigent or absent parents.

Karen Hallstrom, Louisiana Supreme Court Task Force on Legal Representation in Child Protection Cases, 10120 Ft. Knox Court, River Ridge, LA 70123, (504) 599-0770, spoke for information only on House Bill No. 809.

Candice LeBlanc, Department of Children and Family Services, 627 North 4th Street, Baton Rouge, LA 70802, (225) 342-5744, spoke for information only on House Bill No. 809.

Richard Pittman, Louisiana Public Defender Board, 301 Main Street, Suite 700, Baton Rouge, LA 70802, (225) 219-9305, spoke for information only on House Bill No. 809.

Representative Gregory Miller offered a motion to report House Bill No. 809 favorably. Without objection, House Bill No. 809 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

House Bill No. 597 by Representative Mike Johnson

Representative Mike Johnson presented House Bill No. 597, which provides for the Pastor Protection Act.

Representative Mike Johnson offered an amendment to remove the language "in connection with" such that the bill applies to organizations that are "supervised or controlled by" religious organizations but not to organizations that are "in connection with" religious organizations. Representative Mike Johnson offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

Gene Mills, Louisiana Family Forum, 655 St. Ferdinand Street, Baton Rouge, LA 70802, (225) 344-8533, spoke in support of House Bill No. 597.

Brandi Lozier, 4546 Alvin Dark Avenue, Apt. 31, Baton Rouge, LA 70820, no phone number provided, spoke in support of House Bill No. 597.

Pastor Louis Hasser, Crossgate Church, 21163 Old Covington Highway, Hammond, LA 70403, (985) 345-0827, spoke in support of House Bill No. 597.

Sarah Jane Brady, Forum for Equality, 4035 Washington Avenue, New Orleans, LA 70125, (504) 301-6006, spoke in opposition to House Bill No. 597.

Matthew Patterson, Equality Louisiana, 650 North 6th Street, Baton Rouge, LA 70802, (225) 907-3987, spoke in opposition to House Bill No. 597.

Dylan Waguespack, Louisiana Progress, no address provided, (225) 590-7765, spoke in opposition to House Bill No. 597.

Alisan Rowland, Metropolitan Church of New Orleans, 2817 Monroe Street, New Orleans, LA 70118, spoke in opposition to House Bill No. 597.

Lester Perryman, 5522 Willow Street, New Orleans, LA, 70115, (504) 920-8899, spoke in opposition to House Bill No. 597.

Representative Mike Johnson offered a motion to report House Bill No. 597 with amendments, to which Representative Jenkins objected. The secretary called the roll, and House Bill No. 597 was reported with amendments by a vote of 7 yeas, 3 nays, and 1 abstention. Representatives Cromer, Emerson, Mike Johnson, Magee, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representatives Robby Carter, Gaines, and Jenkins voted nay. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 30 in opposition. Witness cards are included in the committee records.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 12:20 p.m.

Respectfully submitted,

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