

House Committee on Civil Law and Procedure

Minutes of Meeting
2016 Regular Session
April 26, 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 10:02 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 Gregory Cromer
Representative Julie Emerson
Representative Sam L. Jenkins Jr.
Representative Mike Johnson
Representative Tanner D. Magee
Representative Gregory A. Miller
Representative Clay Schexnayder
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Robby Carter
Representative Randal L. Gaines, vice chairman

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Myrtis Jarrell, sergeant at arms
Victoria Langston, clerk

III. DISCUSSION OF LEGISLATION

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 Emerson, Jenkins, Mike Johnson, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

House Bill No. 365 by Representative Steve Carter

Representative Steve Carter presented House Bill No. 365, a constitutional amendment, which provides for members of the postsecondary education management boards and the Board of Regents to have qualifications provided by law.

Representative Garofalo offered an amendment to change the ballot language to reflect that the proposed joint resolution will provide that the legislature may provide by law for minimum qualifications for a board member to serve on postsecondary boards of supervisors or the Board of Regents. 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 Emerson, Jenkins, Mike Johnson, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 365, 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. 365 was adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Emerson, Jenkins, Mike Johnson, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 365 with amendments. Without objection, House Bill No. 365 was reported with amendments by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Jenkins, Mike Johnson, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

House Bill No. 1139 by Representative Richard

Representative Richard presented House Bill No. 1139, a constitutional amendment, which provides relative to regular legislative sessions.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 1139, 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. 1139 was adopted by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Jenkins, Mike Johnson, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 1139 without amendments. Without objection, House Bill No. 1139 was reported without amendments by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Jenkins, Mike Johnson, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

House Bill No. 987 by Representative Mike Johnson

Representative Mike Johnson presented House Bill No. 987, which authorizes a qui tam action for persons who disclose certain cases of fraud.

Representative Mike Johnson offered amendments to:

- (1) Change the civil fine from three to two times the amount of actual damages.
- (2) Add provisions specifying that a participant in the wrongdoing shall not bring a qui tam action and shall not be entitled to a monetary award as a qui tam plaintiff.
- (3) Remove provisions relative to the qui tam plaintiff objecting to a settlement proposed by the attorney general.
- (4) Remove provisions entitling an employee of a private entity to three times the amount of actual damages incurred as a result of the employers violation of the whistle blower protection provisions.

Representative Mike Johnson 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, Mike Johnson, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

Representative Mike Johnson offered amendments to:

- (1) Increase the available award to a qui tam plaintiff from between 10% and 20% to between 15% and 25% of actual damages and fines when the attorney general intervenes.

- (2) Limit the available award to a qui tam plaintiff from no more than 30% to between 25% and 30% of actual damages and fines when the attorney general does not intervene.

Representative Mike Johnson 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, Mike Johnson, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

Representative Mike Johnson offered an amendment to exclude applicability of proposed law to the filing or submission of state income tax returns. Representative Mike Johnson 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 Cromer, Emerson, Jenkins, Mike Johnson, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

Representative Mike Johnson offered a motion to report House Bill No. 987 with amendments. Without objection, House Bill No. 987 was reported with amendments by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, 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: 1 in support. Witness cards are included in committee records.

House Bill No. 972 by Representative Terry Brown

Representative Terry Brown presented House Bill No. 972, which provides relative to the release of certain brokerage account information for the estate of a decedent.

Len Riviere, Office of Financial Institutions, 8660 United Plaza Boulevard, Baton Rouge, LA 70809, (225) 925-4660, spoke for information only on House Bill No. 972.

Representative Garofalo offered amendments to:

- (1) Redesignate the proposed law from R.S. 51:710.3 to R.S. 51:703(K).
- (2) Remove the definition of brokerage firm.
- (3) Specify that account information may be released upon receipt of the death certificate or copy of the death certificate and an affidavit from certain heirs or an attorney.

Representative Garofalo offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives

Cromer, Emerson, Jenkins, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

Representative Gregory Miller offered a motion to involuntarily defer action on House Bill No. 972. Without objection, action on House Bill No. 972 was involuntarily deferred by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Jenkins, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

Senate Bill No. 469 by Senator LaFleur

Senator LaFleur presented Senate Bill No. 469, which provides for cancellation of judgments in favor of the state.

Representative Cromer offered a motion to report Senate Bill No. 469 favorably. Without objection, Senate Bill No. 469 was reported favorably by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Jenkins, Gregory Miller, and Seabaugh 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.

Senate Concurrent Resolution No. 13 by Senator Bishop

On behalf of the author, Representative Garofalo offered a motion to voluntarily defer action on Senate Concurrent Resolution No. 13, which requests the Louisiana State Law Institute to study the feasibility of revising state law regarding standing for private associations to seek injunctive relief for a zoning violation and to study present penalties for zoning violations. Without objection, action on Senate Concurrent Resolution No. 13 was voluntarily deferred by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Jenkins, Gregory Miller, and Seabaugh voted yea. Representative Garofalo abstained.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 11:06 a.m.

Respectfully submitted,

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