

House Committee on Civil Law and Procedure

Minutes of Meeting
2016 Regular Session
May 9, 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 10:12 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 Randal L. Gaines, vice chairman
Representative Sam L. Jenkins Jr.
Representative Tanner D. Magee
Representative Gregory A. Miller
Representative Clay Schexnayder

MEMBERS ABSENT:

Representative Robby Carter
Representative Mike Johnson
Representative Alan Seabaugh

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Myrtis Jarrell, sergeant at arms
Victoria Langston, clerk
J'Nai Bayone, clerk

III. DISCUSSION OF LEGISLATION

Senate Concurrent Resolution No. 62 by Senator Peacock

Senator Peacock presented Senate Concurrent Resolution No. 62, which requests the Louisiana State Law Institute to study and make recommendations regarding the feasibility of an enforceable mediation or arbitration provision in a testament or trust.

Representative Gregory Miller offered a motion to report Senate Concurrent Resolution No. 62 favorably. Without objection, Senate Concurrent Resolution No. 62 was reported favorably by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Emerson, Jenkins, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Senate Concurrent Resolution No. 63 by Senator Peacock

Senator Peacock presented Senate Concurrent Resolution No. 63, which requests the Louisiana State Law Institute to study and make recommendations regarding feasibility of revisions to the law of wills and testaments.

Representative Garofalo offered a motion to report Senate Concurrent Resolution No. 63 favorably. Without objection, Senate Concurrent Resolution No. 63 was reported favorably by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Emerson, Jenkins, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Senate Bill No. 381 by Senator Martiny

On behalf of Senator Martiny, Scott Kirkpatrick, Louisiana Notary Association, 8550 United Plaza Boulevard, Baton Rouge, 70809, (225) 929-7033, presented Senate Bill No. 381, which provides for appointment of ex officio notaries for the Causeway Police Department.

Representative Garofalo offered amendments to limit the number of ex officio notaries to ten and remove the authority to execute documents other than affidavits, acknowledgments, and traffic tickets. Representative Garofalo 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.

Representative Garofalo offered a motion to report Senate Bill No. 381 with amendments. Without objection, Senate Bill No. 381 was reported with amendments 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.

House Bill No. 968 by Representative Hodges

Representative Hodges presented House Bill No. 968, which provides relative to marriage licenses.

Representative Garofalo offered amendments to repeal the statutory form for the marriage license and delete provisions authorizing a retired justice of the peace to waive the requirement to produce a birth certificate and order the issuing official to issue a marriage license. Representative Garofalo 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.

Debbie Hudnall, Louisiana Clerks of Court Association, 10202 Jefferson Highway, Building A, Baton Rouge, Louisiana 70809, (225) 293-1162, spoke in support of House Bill No. 968.

Representative Garofalo offered a motion to report House Bill No. 968 with amendments. Without objection, House Bill No. 968 was reported with amendments 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.

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. 577 by Representative Hodges

Representative Hodges presented House Bill No. 577, a constitutional amendment, which allows for the use of a portion of the Louisiana Education Quality Trust Fund when there is a projected deficit.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 577, 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. 577 was adopted by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Gaines, Jenkins, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 577 without amendments. Without objection, House Bill No. 577 was reported without amendments by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives 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 opposition. Witness cards are included in the committee records.

Senate Bill No. 26 by Senator Allain

Senator Allain presented Senate Bill No. 26, which provides relative to servitudes of natural drainage.

Kevin Hayes, Louisiana Landowners Association, 412 North 4th Street, Baton Rouge, LA 70802, (225) 268-2728, spoke in support of Senate Bill No. 26.

Representative Magee offered a motion to report Senate Bill No. 26 favorably. Without objection, Senate Bill No. 26 was reported favorably by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives 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. Witness cards are included in the committee records.

House Bill No. 603 by Representative Leger

On behalf of Representative Leger, Representative Garofalo presented House Bill No. 603, a constitutional amendment, which establishes the Revenue Stabilization Trust Fund.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 603, 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. 603 was adopted by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Gaines, Jenkins, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 603 without amendments. Without objection, House Bill No. 603 was reported without amendments by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Gaines, Jenkins, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

House Bill No. 573 by Representative Bacala

Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 573, a constitutional amendment, which authorizes certain budget reduction actions to avoid a deficit if a deficit has been projected. Without objection, action on House Bill No. 573 was voluntarily deferred by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Gaines, Jenkins, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Senate Concurrent Resolution No. 13 by Senator Bishop

On behalf of Senator Bishop, Representative Gaines presented 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 also to study present penalties for zoning violations.

Representative Gaines offered a motion to report Senate Concurrent Resolution No. 13 favorably. Without objection, Senate Concurrent Resolution No. 13 was reported favorably by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Gaines, Jenkins, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 10:49 a.m.

Respectfully submitted,

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