

## **House Committee on Civil Law and Procedure**

Minutes of Meeting  
2016 Regular Session  
May 23, 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 10:31 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 Gregory A. Miller  
Representative Clay Schexnayder

#### **MEMBERS ABSENT:**

Representative Sam L. Jenkins Jr.  
Representative Mike Johnson  
Representative Tanner D. Magee  
Representative Alan Seabaugh

#### **STAFF MEMBERS PRESENT:**

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

#### **ADDITIONAL ATTENDEES PRESENT:**

Myrtis Jarrell, sergeant at arms

### **III. DISCUSSION OF LEGISLATION**

#### **Senate Bill No. 451 by Senator Ward**

On behalf of the author, Representative Garofalo offered a motion to voluntarily defer action on Senate Bill No. 451, which provides relative to judicial treatment of certain arbitration awards. Without objection, action on Senate Bill No. 451 was voluntarily deferred by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

#### **Senate Bill No. 462 by Senator Ward**

On behalf of the author, Representative Garofalo offered a motion to voluntarily defer action on Senate Bill No. 462, which provides relative to the state of Louisiana or a Louisiana state agency as a party plaintiff. Without objection, action on Senate Bill No. 462 was voluntarily deferred by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

#### **Senate Bill No. 135 by Senator Milkovich**

Senator Milkovich presented Senate Bill No. 135, which authorizes political subdivisions to open proceedings with voluntary prayer.

Representative Robby Carter offered a motion to report Senate Bill No. 135 favorably. Without objection, Senate Bill No. 135 was reported favorably by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

#### **Senate Bill No. 447 by Senator Appel**

Senator Appel presented Senate Bill No. 447, which provides relative to leases or subleases of immovable property owned, leased, or controlled by a public benefit corporation.

Representative Garofalo offered amendments to:

- (1) Delete provisions specifying that reasonable discretion and business judgment shall be applied in lease negotiations, and instead specify that fair and reasonable criteria shall be applied by the public benefit corporation.
- (2) Provide that the highest return of revenue and benefits to the political subdivision shall be considered.

- (3) Delete the proposed requirements of posting security in any suit or appeal by an unsuccessful entity challenging the lease of the immovable.
- (4) Add provisions specifying that actions for a temporary restraining order or preliminary injunction shall be required to furnish security as required by C.C.P. Art. 3601, et seq.
- (5) Add specific procedures and delays for setting the suit for trial, for rendering final judgment, for appeal, and for rendering a ruling on appeal.

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 Robby Carter, Cromer, Emerson, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Russ Herman, 820 O'Keefe Avenue, New Orleans, LA 70113, (504) 581-4892, spoke in support of Senate Bill No. 447.

Scott Whittaker, City of New Orleans, 546 Carondelet Street, New Orleans, LA 70130, (504) 289-4123 spoke in support of Senate Bill No. 447.

Daniel Daviller, Two Canal Street Investors, Inc., 1010 Common Street, Suite 2510, New Orleans, LA 70112, (504) 586-6998, spoke in opposition to Senate Bill No. 447.

Representative Garofalo offered a motion to report Senate Bill No. 447 with amendments. Without objection, Senate Bill No. 447 was reported with amendments by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 8 in support and 2 in opposition. Witness cards are included in the committee records.

### **Senate Bill No. 80 by Senator Morrish**

On behalf of Senator Morrish, Jason Drodgy, LSU, no address provided, no phone number provided, presented Senate Bill No. 80, a constitutional amendment, which authorizes the postsecondary education management boards to establish tuition and fee amounts charged by institutions under their supervision and management.

Representative Garofalo offered a technical amendment. 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 Robby Carter, Cromer, Emerson, Gaines, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to Senate Bill No. 80, which stated the measure could not be accomplished statutorily and would, therefore, require a constitutional amendment. Without objection, the House Rule 6.8(A) Report to Senate Bill No. 80 was adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report Senate Bill No. 80 with amendments. Without objection, Senate Bill No. 80 was reported with amendments by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 1 for information only. Witness cards are included in the committee records.

#### **House Concurrent Resolution No. 114 by Representative Robby Carter**

Representative Robby Carter presented House Concurrent Resolution No. 114, which requests that the Louisiana State Law Institute examine the rules of discovery in the Code of Civil Procedure.

Representative Robby Carter offered a motion to report House Concurrent Resolution No. 114 favorably. Without objection, House Concurrent Resolution No. 114 was reported favorably by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

#### **House Concurrent Resolution No. 130 by Representative Lance Harris**

On behalf of Representative Lance Harris, Representative Cromer presented House Concurrent Resolution No. 130, which directs the Louisiana State Law Institute to study and make recommendations to the legislature regarding child support enforcement.

Representative Cromer offered a motion to voluntarily defer action on House Concurrent Resolution No. 130. Without objection, action on House Concurrent Resolution No. 130 was voluntarily deferred by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, 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.

#### **IV. ANNOUNCEMENTS**

There were no announcements.

**V. ADJOURNMENT**

The meeting was adjourned at 11:45 a.m.

Respectfully submitted,

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