

House Committee on Civil Law and Procedure

Minutes of Meeting
2017 Regular Session
May 1, 2017

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 10:17 a.m. in Room 4, in the state capitol in Baton Rouge, Louisiana.

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

MEMBERS ABSENT:

Representative Robby Carter

STAFF MEMBERS PRESENT:

Robert A. Singletary, attorney
Steve Kogos, attorney
Diane Merritt, secretary

ADDITIONAL ATTENDEES PRESENT:

Myrtis Jarrell, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 328 by Representative Coussan

Representative Coussan presented House Bill No. 328, which provides relative to extinction of rights relating to immovable property.

Representative Garofalo offered an amendment to provide that the court may order attorney fees and costs to be paid by the losing party. No action was taken on the amendment.

Kathryn Belanger, representing the Louisiana Land Title Association, 433 Metairie Road, Suite 525, Metairie, LA 70005, (504) 582-2170, spoke in support of House Bill No. 328.

Representative Jenkins offered a motion to report House Bill No. 328 with amendments. Without objection, House Bill No. 328 was reported with amendments by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 3 in support. Witness cards are included in the committee record.

Further action was taken by the committee on House Bill No. 328 at a later point in the meeting. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 328.

House Bill No. 343 by Representative Franklin

Representative Franklin presented House Bill No. 343, which provides relative to termination of parental rights.

Candice S. LeBlanc, Department of Children and Family Services, 627 North 4th Street, Baton Rouge, LA 70791, (225) 342-5744, spoke for information only on House Bill No. 343.

Representative Garofalo offered an amendment to eliminate the requirement that the victim of the sex offense be the custodial parent in order to petition to terminate the parental rights of the perpetrator of the sex offense.

Morgan Lamandre, STAR, 8281 Goodwood Boulevard, Suite I-2, Baton Rouge, LA 70806, (225) 618-7093, spoke in support of House Bill No. 343.

Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 5 yeas and 0 nays. Representatives Garofalo, Emerson, Gaines, Jenkins, and Magee voted yea.

Representative Jenkins offered a motion to report House Bill No. 343 with amendments. Without objection, House Bill No. 343 was reported with amendments by a vote of 4 yeas, 0 nays, and 1 abstention. Representatives Emerson, Gaines, Jenkins, and Magee 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 record.

House Bill No. 328 by Representative Coussan

This is a continuation of the discussion on House Bill No. 328 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on House Bill No. 328.

Representative Garofalo offered a motion to reconsider the motion to report House Bill No. 328. Without objection, the motion to reconsider the motion to report House Bill No. 328 passed by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered an amendment to provide that the court may order attorney fees and costs to be paid by the losing party. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 328 with amendments. Without objection, House Bill No. 328 was reported with amendments by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

House Concurrent Resolution No. 10 by Representative Dwight

Representative Dwight presented House Concurrent Resolution No. 10, which requests the Louisiana State Law Institute to study the laws governing paternity and birth certificates.

Representative Magee offered a motion to report House Concurrent Resolution No. 10 favorably. Without objection, House Concurrent Resolution No. 10 was reported favorably by a vote of 5 yeas,

0 nays, and 1 abstention. Representatives Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

House Bill No. 399 by Representative Garofalo

Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 399, which provides relative to suspension or extension of prescription, peremption, and certain legal deadlines. Without objection, action on House Bill No. 399 was voluntarily deferred by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

House Bill No. 129 by Representative Davis

Representative Davis presented House Bill No. 129, which provides relative to small successions.

Christy Kane, representing Louisiana Appleseed, 1615 Poydras Street, Suite 1000, New Orleans, LA 70112, (504) 561-7312, spoke in support of House Bill No. 129.

Rick Singer, representing Southeast Louisiana Legal Services, 715 St. Ferdinand Street, Baton Rouge, LA 70802, (225) 448-0121, spoke for information only on House Bill No. 129.

Representative Jenkins offered an amendment to decrease the gross value of a decedent's property in proposed law from \$150,000 to \$125,000 to qualify as a small succession. Representative Jenkins offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Debbie D. Hudnall, representing the Louisiana Clerks Association, 10202 Jefferson Highway, Baton Rouge, LA 70809, (225) 293-1162, spoke in opposition to House Bill No. 129.

On behalf of the Louisiana Clerks Association, Representative Garofalo offered an amendment to provide that court costs for successions valued at less than \$75,000 are one-half the court costs in similar proceedings in larger successions. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Gaines, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

Debbie D. Hudnall removed her opposition to House Bill No. 129 with the adoption of Representative Garofalo's amendment and stated that she was in support of House Bill No. 129.

Representative Magee offered a motion to report House Bill No. 129 with amendments. Without objection, House Bill No. 129 was reported with amendments by a vote of 5 yeas, 0 nays, and 1

abstention. Representatives Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

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

House Bill No. 351 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 351, a constitutional amendment which prohibits, subject to certain exceptions, a person convicted of a felony from holding elective or appointive office.

Representative Garofalo offered a motion to adopt the Rule 6.8(A) Report to House Bill No. 351, which stated that the purpose of the measure could not be accomplished statutorily and would, therefore, require a constitutional amendment. Without objection, the Rule 6.8(A) Report to House Bill No. 351 was adopted by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Gaines, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 351 without amendments. Without objection, House Bill No. 351 was reported without amendments by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Gaines, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

House Bill No. 415 by Representative Leger

Representative Leger presented House Bill No. 415, which enacts the "Allen Toussaint Legacy Act" for the purpose of creating an individual property right of identity.

Representative Garofalo offered amendments to: (1) delete all provisions of proposed law providing for definitions, rights and termination of rights of identity, causes of action, prescription, and remedies for such causes of action and scope of applicability; (2) add new provisions of proposed law providing for definitions, property rights in the use of name, voice, signature, photograph or likeness and the exclusive exercise and expiration of those rights, and the civil actions and damages for the unauthorized use of those rights; and (3) add provisions specifying that proposed law is the exclusive basis for asserting a claim, and that proposed law shall be liberally construed and applied only to individuals domiciled or residing in Louisiana. Representative Garofalo offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 4 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Jenkins offered a motion to report House Bill No. 415 with amendments. Without objection, House Bill No. 415 was reported with amendments by a vote of 4 yeas, 0 nays, and 1

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

Witness cards submitted by individuals who did not speak are as follows: 3 in support. Witness cards are included in the committee records.

VI. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:42 a.m.

Respectfully submitted,

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

Date adopted: