

House Committee on Civil Law and Procedure

Minutes of Meeting
2017 Regular Session
May 30, 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 10:24 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 Sam L. Jenkins, Jr.
Representative Tanner D. Magee
Representative Gregory A. Miller

MEMBERS ABSENT:

Representative Robby Carter
Representative Raymond J. Crews
Representative Randal L. Gaines, vice chairman

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Madeline Murphy, clerk
Myrtis Jarrell, sergeant at arms

III. DISCUSSION OF LEGISLATION

Senate Bill No. 72 by Senator Milkovich

Senator Milkovich presented Senate Bill No. 72, which provides right of oral argument in contradictory proceedings.

Judge Bob Morrison, representing the Louisiana District Judges Association, P.O. Box 788, Amite, LA 70422, (985) 748-9443, spoke for information only on Senate Bill No. 72.

Representative Garofalo offered amendments to remove proposed language requiring parties to agree in writing in order to waive oral argument and to eliminate the requirement of setting aside any judgment obtained by violating proposed law provisions. 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, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Cromer offered a motion to report Senate Bill No. 72 with amendments. Without objection, Senate Bill No. 72 was reported with amendments by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Jenkins, Magee, and Gregory Miller 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. 121 by Senator Ward

On behalf of Senator Ward, Representative Magee presented Senate Bill No. 121, which provides relative to terminology of court-ordered and other mandatory examinations in civil and administrative matters and claims.

Representative Magee offered amendments to change all references from "compulsory examinations" to "additional medical opinions". Representative Magee 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, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered the following amendments: (1) add prohibition from having to submit to multiple examinations by multiple physicians; (2) add the right of a parent, tutor, or legal guardian of a minor to be present during an examination; (3) add requirement of videotaping examination if a parent, tutor, or legal guardian of a minor cannot be present, with party being examined paying the expense of videotaping; and (4) add provision that the court consider the best

interest of the minor. 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, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Magee offered a motion to report Senate Bill No. 121 with amendments. Without objection, Senate Bill No. 121 was reported with amendments by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Jenkins, Magee, and Gregory Miller 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 Concurrent Resolution No. 96 by Representative Robby Carter

Representative Magee offered a motion to voluntarily defer action on House Concurrent Resolution No. 96, which directs the Louisiana State Law Institute to study the laws on default judgments and make recommendations for the repeal of provisions for preliminary defaults. Without objection, action on House Concurrent Resolution No. 96 was voluntarily deferred by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Cromer, Emerson, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 10:56 a.m.

Respectfully submitted,

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

Date adopted: