

House Committee on Civil Law and Procedure

Minutes of Meeting
2018 Regular Session
April 3, 2018

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 9:55 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 Raymond J. Crews
Representative Julie Emerson
Representative Randal L. Gaines, vice chairman
Representative Tanner D. Magee
Representative Gregory A. Miller
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Robby Carter
Representative Gregory Cromer
Representative Sam L. Jenkins, Jr.

STAFF MEMBERS PRESENT:

Robert A. Singletary, attorney
Annie Smith, attorney
Stephanie Weinman, secretary

ADDITIONAL ATTENDEES PRESENT:

Jordan Zeringue, clerk
ADD SERGEANT AT ARMS

III. DISCUSSION OF LEGISLATION

House Bill No. 172 by Representative Garofalo

Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 172, which provides relative to the cancellation of inferior liens and mortgages. Without objection, action on House Bill No. 172 was voluntarily deferred by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Magee, Gregory Miller, and Seabaugh voted yea.

House Bill No. 320 by Representative Davis

On behalf of Representative Davis, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 320, which provides relative to the enforcement of support by income assignment. Without objection, action on House Bill No. 320 was voluntarily deferred by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Magee, Gregory Miller, and Seabaugh voted yea.

House Bill No. 720 by Representative Leger

On behalf of Representative Leger, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 720, which provides relative to liberative prescription. Without objection, action on House Bill No. 720 was voluntarily deferred by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Magee, Gregory Miller, and Seabaugh voted yea.

House Bill No. 700 by Representative McFarland

Representative McFarland presented House Bill No. 700, which provides relative to the admissibility of evidence of failure to wear a safety belt.

Representative Magee offered an amendment to specify that evidence of failure to wear a safety belt may be admitted for purposes of establishing both comparative negligence and damages. Representative Magee offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Magee, Gregory Miller, and Seabaugh voted yea.

Representative McFarland provided a handout, Exhibit A, which is included in the committee records.

Lauren Chauvin, Louisiana Association of Business and Industry, 619 Woodvale Ave., Lafayette, LA 70503, (337) 501-8620, spoke in support of House Bill No. 700.

Matthew Mann, Porteous, Hainkel, and Johnson, 301 St. Charles St., Baton Rouge, LA 70802, (225) 383-8900, spoke in support of House Bill No. 700.

Karen White, Louisiana Municipal Association, 700 N. 10th St., Baton Rouge, LA 70802, (225) 344-5001, spoke in support of House Bill No. 700.

Robert Kleinpeter, Louisiana Association for Justice, no address provided, Baton Rouge, LA, (225) 926-4130, spoke in opposition to House Bill No. 700.

Representative Seabaugh offered a motion to report House Bill No. 700 with amendments, to which Representative Gaines objected. The secretary called the roll, and House Bill No. 700 was reported with amendments by a vote of 6 yeas and 1 nay. Representatives Garofalo, Crews, Emerson, Magee, Gregory Miller, and Seabaugh voted yea. Representative Gaines voted nay.

Witness cards submitted by individuals who did not speak are as follows: 13 in support. Witness cards are included in the committee records.

House Bill No. 559 by Representative James

Representative James presented House Bill No. 559, which provides with regard to voiding acknowledgment of paternity.

Konitra Jack, Department of Children and Family Services, 627 N. 4th St., Baton Rouge, LA 70819, (225) 342-2148, spoke for information only on House Bill No. 559.

On behalf of Representative James, Representative Garofalo offered an amendment to: (1) change the phrase "assisted conception" to "assisted reproductive technology"; (2) add restriction that the proposed exception shall apply to cases when the alleged father is not the presumed father; and (3) provide that the proposed exception applies to authentic acts of acknowledgment executed on or after Aug. 1, 2016. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Gaines, Magee, Gregory Miller, and Seabaugh voted yea.

Representative Magee offered a motion to report House Bill No. 559 with amendments. Without objection, House Bill No. 559 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Gaines, Magee, Gregory Miller, and Seabaugh voted yea.

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. 203 by Representative Jackson

Representative Jackson presented House Bill No. 203, a constitutional amendment which provides relative to the holding of public office and public employment.

Representative Garofalo offered a technical amendment to House Bill No. 203. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Gaines, Magee, Gregory Miller, and Seabaugh voted yea.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 203, 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. 203 was adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Gaines, Magee, Gregory Miller, and Seabaugh voted yea.

Representative Garofalo offered a motion to report House Bill No. 203 with amendments. Without objection, House Bill No. 203 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Gaines, Magee, Gregory Miller, and Seabaugh voted yea.

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. 731 by Representative Hunter

Representative Hunter presented House Bill No. 731, which provides relative to costs for filing a legislative continuance or extension.

Representative Seabaugh offered a motion to report House Bill No. 731 favorably. Without objection, House Bill No. 731 was reported favorably by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Gaines, Magee, Gregory Miller, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in opposition. Witness cards are included in the committee records.

House Bill No. 719 by Representative Foil

Representative Foil presented House Bill No. 719, which provides relative to personal injury claims against the state.

Joseph Roussel, Office of Risk Management, Claiborne Bldg., no address provided, (225) 219-0184, spoke for information only on House Bill No. 719.

Representative Crews offered a motion to report House Bill No. 719 favorably. Without objection, House Bill No. 719 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Gaines, Magee, and Gregory Miller voted yea.

House Bill No. 423 by Representative Magee

Representative Magee presented House Bill No. 423, which authorizes the Coastal Protection and Restoration Authority to acquire property for integrated coastal protection purposes prior to judgment.

Johnny Bradberry, Coastal Protection and Restoration Authority, 900 N. 3rd St., 4th floor, Baton Rouge, LA 70802, (225) 342-7669, spoke for information only on House Bill No. 423.

David Peterson, Coastal Protection and Restoration Authority, 150 Terrace Ave., Baton Rouge, LA 70802, (225) 342-6505, spoke for information only on House Bill No. 423.

Kevin Hayes, Louisiana Landowner's Association, 412 N. 4th St. #328, Baton Rouge, LA 70802, (225) 268-2775, spoke in opposition to House Bill No. 423.

Representative Magee offered a motion to report House Bill No. 423 favorably, to which Representative Seabaugh objected. The secretary called the roll, and the motion failed to pass by a vote of 1 yea and 5 nays. Representative Magee voted yea. Representatives Garofalo, Crews, Emerson, Gregory Miller, and Seabaugh voted nay.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 7 in opposition. Witness cards are included in the committee records.

House Bill No. 713 by Representative Pugh

Representative Pugh presented House Bill No. 713, which adds licensed athletic trainer under the medical malpractice act.

Scott Arceneaux, Louisiana Athletic Trainers' Association, 38858 LA Hwy 16, Denham Springs, LA, (225) 315-8110, spoke in support of House Bill No. 713.

Cindy Bishop, Louisiana Athletic Trainers' Association, P.O. Box 80053, Baton Rouge, LA 70898, (225) 933-5435, spoke in support of House Bill No. 713.

Benjamin P. Mouton, Louisiana Association for Justice, 340 Florida St., Baton Rouge, LA 70810, (225) 344-3555, spoke in opposition to House Bill No. 713.

Representative Seabaugh offered a motion to report House Bill No. 713 favorably. Without objection, House Bill No. 713 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Magee, Gregory Miller, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 1 in opposition. Witness cards are included in the committee records.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:46 a.m.

Respectfully submitted,

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

Date adopted: