

House Committee on Civil Law and Procedure

Minutes of Meeting
2018 Regular Session
April 9, 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 12:33 p.m. in Room 4, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Raymond E. Garofalo, Jr., chairman
Representative Robby Carter
Representative Raymond J. Crews
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 Alan Seabaugh

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Robert A. Singletary, attorney
Annie Smith, attorney
Alicia Spivey, secretary

ADDITIONAL ATTENDEES PRESENT:

Myrtis Jarrell, sergeant at arms
Jordan Zeringue, clerk
Desiree Cotton, clerk
Michaela Wells, 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, Cromer, Magee, Gregory Miller, and Seabaugh voted yea.

Representative Cromer in the chair.

House Concurrent Resolution No. 31 by Representative Garofalo

Representative Garofalo presented House Concurrent Resolution No. 31, which directs the Louisiana State Law Institute to study and make recommendations relative to electronic notarial acts.

Representative Garofalo offered an amendment to add a reference to "remote online notarization". Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 8 yeas and 0 nays. Representatives Garofalo, Crews, Cromer, Emerson, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Representative Garofalo offered a motion to report House Concurrent Resolution No. 31 with amendments. Without objection, House Concurrent Resolution No. 31 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Garofalo, Crews, Cromer, Emerson, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

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

Chairman Garofalo in the chair.

House Bill No. 792 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 792, which provides for exemplary damages when injuries are caused by a driver operating a motor vehicle while using a wireless telecommunications device.

Representative Robby Carter offered an amendment to add "or property damages". Representative Robby Carter offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 8 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Cromer, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Representative Robby Carter offered a motion to report House Bill No. 792 with amendments, to which Representative Seabaugh objected. The secretary called the roll, and the motion failed to pass by a vote of 4 yeas and 5 nays. Representatives Robby Carter, Cromer, Magee, and Gregory Miller voted yea. Representatives Garofalo, Crews, Emerson, Jenkins, and Seabaugh voted nay.

Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 792. Without objection, action on House Bill No. 792 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Cromer, Emerson, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

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

House Bill No. 789 by Representative Thibaut

On behalf of Representative Thibaut, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 789, which provides relative to the collateral source rule. Without objection, action on House Bill No. 789 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Cromer, Emerson, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

House Bill No. 759 by Representative Foil

Representative Foil presented House Bill No. 759, which provides relative to private actions with respect to the Unfair Trade Practices and Consumer Protection Law.

Representative Gregory Miller offered a motion to report House Bill No. 759 favorably. Representative Magee recused himself from the vote based on a pending court case he has in the matter under discussion. Without objection, House Bill No. 759 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Cromer, Emerson, Jenkins, Gregory Miller, and Seabaugh voted yea.

House Bill No. 744 by Representative Leger

Representative Leger presented House Bill No. 744, which provides for authority of courts in times of an emergency or disaster.

Representative Jenkins offered a motion to report House Bill No. 744 favorably. Without objection, House Bill No. 744 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Cromer, Emerson, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

House Bill No. 720 by Representative Leger

Representative Leger presented House Bill No. 720, which provides relative to liberative prescription.

Bruce Martin, Texas Brine Company, 11507 Island Manor Street, Pearland, TX 77584, (713) 877-2747, spoke in support of House Bill No. 720 and provided his written testimony, Exhibit A, which is included in the committee records.

Fred Wolgel, Texas Brine Company, 4800 San Felipe, Houston, TX 77056, (713) 986-2804, spoke in support of House Bill No. 720 and provided his written testimony, Exhibit B, which is included in the committee records.

Judge James E. Kuhn, 253 West Oak, Ponchatoula, LA 70454, (504) 386-3089, spoke in support of House Bill No. 720 and provided his written testimony, Exhibit C, and "Documents in Support of Judge James Kuhn Testimony", Exhibit D, which is included in the committee records.

Robert Schromm, Louisiana Chemical Association, One American Place, Suite 2040, Baton Rouge, LA 70825, (225) 376-7652, spoke in support of House Bill No. 720.

Michael Tillman, Rain CIT Carbon, no address provided, (985) 635-3400, spoke in support of House Bill No. 720 and provided the committee with a letter of support, Exhibit E, which is included in the committee records.

Michael H. Rubin, Indian Harbor Insurance Company, 301 Main Street, Suite 1400, Baton Rouge, LA 70801, (225) 382-3617, spoke in opposition to House Bill No. 720.

Judy Barrasco, Liberty Mutual Insurance, 909 Poydras Street, New Orleans, LA, (504) 589-9720, spoke in opposition to House Bill No. 720.

Chuck McMains, Institute for Legal Reform - U.S. Chamber and Property and Casualty Insurance Association (PCI), 8555 United Plaza, Baton Rouge, LA, (225) 248-2000, spoke in opposition to House Bill No. 720.

E. L. Henry, appearing on behalf of State Farm, no address provided, Baton Rouge, LA, (225) 378-3201, spoke in opposition to House Bill No. 720.

Representative Magee offered an amendment to remove the retroactivity provision and decrease the prescriptive period from 10 to 5 years. Representative Magee offered a motion to adopt the proposed amendment, to which Representative Cromer objected. The secretary called the roll, and the motion failed to pass by a vote of 3 yeas and 7 nays. Representatives Emerson, Gaines, and Magee voted

yea. Representatives Garofalo, Robby Carter, Crews, Cromer, Jenkins, Gregory Miller, and Seabaugh voted nay.

Representative Robby Carter offered a motion to report House Bill No. 720 favorably, to which Representative Seabaugh objected. The secretary called the roll, and the motion failed to pass by a vote of 5 yeas and 5 nays. Representatives Robby Carter, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representatives Garofalo, Crews, Cromer, Emerson, and Seabaugh voted nay.

Witness cards submitted by individuals who did not speak are as follows: 4 in support and 18 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 3:27 p.m.

Respectfully submitted,

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

Date adopted: