

House Committee on Civil Law and Procedure

Minutes of Meeting
2018 Regular Session
April 10, 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 9:53 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 Robby Carter
Representative Raymond J. Crews
Representative Gregory Cromer
Representative Julie Emerson
Representative Randal L. Gaines, vice chairman
Representative Sam L. Jenkins, Jr.
Representative Gregory A. Miller
Representative Alan Seabaugh
Representative Walt Leger, III, ex officio

MEMBERS ABSENT:

Representative Tanner D. Magee

STAFF MEMBERS PRESENT:

Robert A. Singletary, attorney
Annie Smith, attorney
Diane Merritt, secretary

ADDITIONAL ATTENDEES PRESENT:

Desiree Cotton, clerk
Myrtis Jarrell, sergeant at arms
Michaela Wells, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 572 by Representative Magee

On behalf of Representative Magee, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 572, which provides for electronic notaries public and electronic notarial acts. Without objection, action on House Bill No. 572 was voluntarily deferred by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Leger, Gregory Miller, and Seabaugh voted yea.

Senate Bill No. 263 by Senator Erdey

On behalf of Senator Erdey, Representative Garofalo presented Senate Bill No. 263, a constitutional amendment which permits the donation of the use of public equipment and personnel to the state or a political subdivision.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to Senate Bill No. 263, 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 Senate Bill No. 263 was adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Leger, Gregory Miller, and Seabaugh voted yea.

Representative Garofalo offered a motion to report Senate Bill No. 263 without amendments. Without objection, Senate Bill No. 263 was reported without amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Leger, Gregory Miller, and Seabaugh voted yea.

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

House Bill No. 97 by Representative Crews

Representative Crews presented House Bill No. 97, which authorizes a qui tam action for persons who disclose certain cases of fraud.

Representative Crews offered amendments to: (1) add a definition for "material"; (2) change prohibition against knowingly engaging in misrepresentations to obtain state funds to knowingly engaging in misrepresentations material to a false or fraudulent claim to obtain state funds; (3) change the conspiracy provision to include reference to prohibited acts enumerated in proposed law; and (4) modify the prescriptive period from three years from the date of discovery by the attorney general or state official charged with responsibility to act in such circumstances not to exceed ten

years for actions brought by the attorney general and six years from the date of the act for actions brought by the qui tam plaintiff.

Jim Harris, Louisiana Coalition for Common Sense, 521 Laurel St., Baton Rouge, LA, (225) 344-1381, spoke for information only on the amendments and House Bill No. 97.

Representative Crews offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, Cromer, Emerson, Jenkins, Gregory Miller, and Seabaugh voted yea.

Representative Crews offered a motion to report House Bill No. 97 with amendments. Without objection, House Bill No. 97 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, Cromer, Emerson, Jenkins, Gregory Miller, and Seabaugh voted yea.

House Bill No. 497 by Representative Pearson

Representative Pearson presented House Bill No. 497, which provides for access to funds in a securities account prior to naming of an executor.

Danny Ford, NAIFA, 732 North 5th Street, Baton Rouge, LA 70802, (225) 247-4102, spoke in support of House Bill No. 497.

Representative Jenkins offered a motion to report House Bill No. 497 favorably. Without objection, House Bill No. 497 was reported favorably by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, Cromer, Emerson, Jenkins, Gregory Miller, and Seabaugh voted yea.

House Bill No. 391 by Representative Pearson

Representative Pearson presented House Bill No. 391, which provides for public access to the running waters of the state.

On behalf of Representative Pearson, Representative Garofalo offered a technical amendment to House Bill No. 391. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, Cromer, Emerson, Jenkins, Gregory Miller, and Seabaugh voted yea.

On behalf of Representative Pearson, Representative Garofalo offered an amendment to: (1) replace the requirement that obstacles constructed by the landowner be in place prior to March 2, 2018, with the requirement that obstacles constructed by the landowner be permitted by the U.S. Army Corps of Engineers; (2) add an exception to proposed law for areas posted against trespassing, hunting, or fishing during open waterfowl seasons; and (3) add provisions relative to the damage of vegetation.

Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, Cromer, Emerson, Jenkins, Gregory Miller, and Seabaugh voted yea.

Darryl L. Carpenter, Louisiana Sportsmen Coalition, 13824 Red River Ave., Baton Rouge, LA 70818, (225) 937-6288, spoke in support of House Bill No. 391.

Sean Robbins, Louisiana Sportsmen Coalition, 6364 Morgan Bend Dr., Baton Rouge, LA 70820, (225) 270-5207, spoke in support of House Bill No. 391.

Robert Breaux, Bob's Bayou Black Marina, no address provided, spoke in support of House Bill No. 391.

Kevin Diez, Chef KD Louisiana Legends, 38278 Hwy 74, Gonzales, LA 70737, (225) 205-2665, spoke in support of House Bill No. 391.

Benjamin Naquin, Louisiana Sportsmen Coalition, 48370 J&L Lane, St. Amant, LA 70774, (225) 675-4404, spoke in support of House Bill No. 391.

Steven Rockweiler, Louisiana Sportsmen Coalition, 1011 Gassen St., Luling, LA 70070, (504) 621-9440, spoke in support of House Bill No. 391.

John Chaney, Louisiana Sportsmen Coalition, 12679 Lake Terrace, Walker, LA 70785, (225) 667-2115, spoke in support of House Bill No. 391.

Jim Breaux, Junior, Southwest Bassmasters, 1225 Wickwood Ave., Baton Rouge, LA 70810, (225) 262-0920, spoke in support of House Bill No. 391.

Scott Hill, Louisiana Sportsmen Coalition, 11021 E. Nickens Rd., Hammond, LA 70403, (985) 974-6996, spoke in support of House Bill No. 391.

Oray Savoie, Jr., Public Access Water Rights Association and Louisiana Sportsmen Coalition, 5034 Hwy. 1, Raceland, LA 70394, (985) 870-5707, spoke in support of House Bill No. 391.

A.J. Holland, Louisiana Sportsmen Coalition, 27435 Gaylord Rd., Walker, LA 70785, (225) 454-5826, spoke in support of House Bill No. 391.

Bo Bienvenu, 39475 Meadowbrook Ave., Prairieville, LA 70769, (225) 622-3753, spoke in support of House Bill No. 391.

Jamie Gaspard, 8250 Hwy. 418, Batchelor, LA 70753, (225) 572-5788, spoke in support of House Bill No. 391.

Devin Denman, Louisiana Fishing Blog, 1029 Forest Ridge Loop, Pearl River, LA 70452, (985) 788-4963, spoke in support of House Bill No. 391.

Ben Weber, Louisiana Charter Boat Association, 62241 Raymond Rd., Lacombe, LA 70445, (225) 212-9130, spoke in support of House Bill No. 391.

Joshua Kaywood, Backcounty Hunters and Anglers, 3507 Lerch St., Chattanooga, TN 37411, (670) 779-4958, spoke in support of House Bill No. 391.

Benny Sanchez, America's Redfish Cup, 348 E. Honors Point Ct., Slidell, LA 70458, (678) 662-5989, spoke in support of House Bill No. 391.

Connor Rushing, Central High School and Louisiana Sportsmen Coalition, 14912 Karly Ct., Pride, LA 70770, (225) 261-7110, spoke in support of House Bill No. 391.

Wayne M. Martin, 1801 Longview Dr., Baton Rouge, LA 70806, (225) 926-4945, spoke in support of House Bill No. 391.

Richard Latimer, 9264 Lockhart Rd., Denham Springs, LA 70726, (225) 665-2266, spoke in support of House Bill No. 391.

Wyatt Ensminger, Central High School and Louisiana Sportsmen Coalition, 15115 Peairs Rd., Pride, LA 70770, (225) 333-0292, spoke in support of House Bill No. 391.

Walter Pilie', 115 Ducayet Dr., Destrehan, LA 70047, (985) 764-0687, spoke in support of House Bill No. 391.

Phil Kerr, 937 Richland Ave., Baton Rouge, LA 70806, (225) 360-3173, spoke in support of House Bill No. 391.

Hayden Staley, Live Oak High School and Louisiana Sportsmen Coalition, 8225 Beechwood Dr., Denham Springs, LA 70706, (225) 369-4949, spoke in support of House Bill No. 391.

A.J. Landry, 8291 Shrimpers Row, Dulac, LA 70353, (985) 320-0285, spoke in support of House Bill No. 391.

David Schutte, 104 John Dr., Slidell, LA 70461, (985) 445-7331, spoke in support of House Bill No. 391.

William O'Neal, Castex Lafourche LA, 333 Clay St., Suite 2900, Houston, TX 77002, (281) 878-0045, spoke in opposition to House Bill No. 391.

Paul Frey, Louisiana Landowner's Association, 10705 Shoreline Dr., Baton Rouge, LA 70809, (225) 933-6451, spoke in opposition to House Bill No. 391.

Taylor Darden, Louisiana Landowners Association, 1100 Poydras St., Suite 3100, New Orleans, LA 70163, (504) 585-3800, spoke in opposition to House Bill No. 391.

Senator R.L. Bret Allain, II, District 21, spoke in opposition to House Bill No. 391.

Bob Baumann, TransCanada, 616 Spanish Town Rd., Baton Rouge, LA 70802, (225) 344-8036, spoke in opposition to House Bill No. 391.

Mike Benge, Delacroix Corporation, 206 Decatur St., New Orleans, LA 70130, (504) 523-2245, spoke in opposition to House Bill No. 391.

Randy Morrille, Rainey Conservation Alliance, Clovelly Farms, and Point Au Fer Island, no address provided, (985) 856-3630, spoke in opposition to House Bill No. 391.

Martin O. Miller, II, M.O. Miller, M.D. Estate, 315 Metairie Rd., Suite 202, Metairie, LA 70005, (504) 832-7936, spoke in opposition to House Bill No. 391.

Gary A. Lee, 201 St. Charles Ave., Suite 4120, New Orleans, LA 70170, (504) 569-1725, spoke in opposition to House Bill No. 391.

Representative Emerson offered a motion to report House Bill No. 391 with amendments, to which Representative Robby Carter objected. The secretary called the roll, and House Bill No. 391 was reported with amendments by a vote of 5 yeas, 3 nays, and 1 abstention. Representatives Crews, Cromer, Emerson, Gaines, and Seabaugh voted yea. Representatives Robby Carter, Jenkins, and Gregory Miller voted nay. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 93 in support, 21 in opposition, and 1 for information only.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 1:04 p.m.

Respectfully submitted,

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

Date adopted: