

House Committee on Civil Law and Procedure

Minutes of Meeting
2018 Regular Session
April 16, 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 9:36 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 Randal L. Gaines, vice chairman
Representative Sam L. Jenkins, Jr.
Representative Tanner D. Magee
Representative Gregory A. Miller

MEMBERS ABSENT:

Representative Gregory Cromer
Representative Julie Emerson
Representative Alan Seabaugh

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Desiree Cotton, clerk
Myrtis Jarrell, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 838 by Representative Jay Morris

On behalf of Representative Jay Morris, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 838, which provides relative to the suspension of child support obligations for persons who are incarcerated. Without objection, action on House Bill No. 838 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Gaines, Jenkins, Magee, and Gregory Miller voted yea.

House Bill No. 172 by Representative Garofalo

On behalf of Representative Garofalo, Robert L. Rieger, Adams and Reese, LLP, 450 Laurel St., Suite 1900, Baton Rouge, LA 70801, (225) 336-5200, presented House Bill No. 172, which provides relative to the cancellation of inferior liens and mortgages.

Representative Garofalo offered amendments to: (1) specify and require that the clerk of court or proper filing officer shall cancel or partially release the inscription upon receipt of the affidavit; (2) remove proposed law cancellation procedures from the Code of Civil Procedure; (3) add proposed law cancellation procedures to Title 13 of the Revised Statutes; (4) add requirement of actual notice to the mortgage, lien, or privilege holder; (5) require the inclusion of certain information in the affidavit to cancel or partially release; and (6) add exceptions and liability provisions to proposed law. Representative Garofalo 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, Robby Carter, Crews, Gaines, Jenkins, Magee, and Gregory Miller voted yea.

Representative Garofalo offered a motion to report House Bill No. 172 with amendments. Without objection, House Bill No. 172 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Gaines, Jenkins, and Magee voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 1 in opposition. Witness cards are included in the committee records.

Senate Bill No. 30 by Senator Perry

On behalf of Senator Perry, Representative Garofalo presented Senate Bill No. 30, which provides that a member of the Louisiana City Court Judges Association be added to the membership of the Louisiana State Law Institute.

Representative Garofalo offered a motion to report Senate Bill No. 30 favorably. Without objection, Senate Bill No. 30 was reported favorably by a vote of 7 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Gaines, Jenkins, Magee, and Gregory Miller voted yea.

House Bill No. 841 by Representative Billiot

Representative Billiot presented House Bill No. 841, which provides for the filiation of a child under certain circumstances.

Rachael Newsom Cutrer, 603 Central Ave., Westwego, LA 70094, (985)507-3180, spoke in support of House Bill No. 841.

Lee Dupont, 603 Central Ave., Westwego, LA 70094, (504) 206-7221, spoke in support of House Bill No. 841.

Representative Garofalo offered amendments to: (1) add a technical amendment and (2) add a provision to specify the exception from Civil Code Article 196. 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, Jenkins, Magee, and Gregory Miller voted yea.

Representative Magee offered a motion to report House Bill No. 841 with amendments. Without objection, House Bill No. 841 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Jenkins, Magee, and Gregory Miller voted yea.

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

House Bill No. 789 by Representative Thibaut

Representative Thibaut presented House Bill No. 789, which provides relative to the collateral source rule.

Chance McNeely, Louisiana Motor Transport Association, 4838 Bennington Ave., Baton Rouge, LA 70820, (318) 518-5267, spoke in support of House Bill No. 789.

Doug Williams, Louisiana Motor Transport Association, One American Place, 1 N. 4th St., 23rd floor, Baton Rouge, LA 70802, (225) 387-4000, spoke in support of House Bill No. 789.

Randy Guillot, Triple G Express, 800 St. George Ave., Jefferson, LA 70121, (504) 731-2841, spoke in support of House Bill No. 789.

Charles Schudmak, American Sugar Cane League, no address provided, spoke in support of House Bill No. 789.

Ralph E. Kraft, Louisiana Association of Defense Counsel, 600 Jefferson St., Suite 410, Lafayette, LA 70501, (337) 706-1818, spoke in support of House Bill No. 789.

Robert E. Kleinpeter, Louisiana Association for Justice, no address provided, Baton Rouge, LA (225) 383-5554, spoke in opposition to House Bill No. 789.

At the request of Representative Thibaut, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 789. Without objection, action on House Bill No. 789 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Gaines, Jenkins, Magee, and Gregory Miller voted yea.

Witness cards submitted by individuals who did not speak are as follows: 22 in support and 1 in opposition. Witness cards are included in the committee records.

Senate Bill No. 92 by Senator Ward

On behalf of Senator Ward, Representative Garofalo presented Senate Bill No. 92, which provides relative to notarial examinations by the secretary of state.

Representative Garofalo offered a motion to report Senate Bill No. 92 favorably. Without objection, Senate Bill No. 92 was reported favorably by a vote of 7 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Gaines, Jenkins, Magee, and Gregory Miller voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support. 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 11:36 a.m.

Respectfully submitted,

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

Date adopted: