

House Committee on Civil Law and Procedure

Minutes of Meeting
2018 Regular Session
April 24, 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 10:47 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 Sam L. Jenkins, Jr.
Representative Tanner D. Magee
Representative Gregory A. Miller
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Robby Carter
Representative Gregory Cromer
Representative Julie Emerson
Representative Randal L. Gaines, vice chairman

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Myrtis Jarrell, sergeant at arms
Beverly Vincent, sergeant at arms
Jordan Zeringue, clerk
Madeleine Murphy, clerk

III. DISCUSSION OF LEGISLATION

Senate Bill No. 60 by Senator Martiny

Senator Martiny presented Senate Bill No. 60, which provides relative to civil actions for domestic abuse.

Kim Sport, United Way of Southeast Louisiana, 2515 Canal St., New Orleans, LA 70119, (504) 453-3313, spoke in support of Senate Bill No. 60.

Representative Magee offered a motion to report Senate Bill No. 60 favorably. Without objection, Senate Bill No. 60 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 456 by Senator Johns

Senator Johns presented Senate Bill No. 456, which amends the definition of operations in the Louisiana Oil Well Lien Act.

Thomas C. Stewart, Louisiana Tank, 1101 Hugh Wallis Rd. S, No. 105, Lafayette, LA 70508, (337) 231-0032, spoke in support of Senate Bill No. 456.

Representative Magee offered a motion to report Senate Bill No. 456 favorably. Without objection, Senate Bill No. 456 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Senate Bill No. 56 by Senator Milkovich

Senator Milkovich presented Senate Bill No. 56, which provides right of an oral argument in contradictory proceedings.

Representative Gregory Miller offered amendments to: (1) revise language and remove waiver and court discretion; (2) changes "obtaining of a judgment" to "rendering of a judgment"; and (3) change grounds for requesting a new hearing. Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Judge Lisa Woodruff-White, Division B, The Family Court for the Parish of East Baton Rouge, 300 North Blvd., Suite 4101, Baton Rouge, LA 70801, spoke for information only on Senate Bill No. 56.

Judge John E. LeBlanc, 17th Judicial District Court, 201 Green St., 1st floor, Thibodaux, LA 70301, (985) 447-3780, spoke for information only on Senate Bill No. 56.

Representative Jenkins offered a motion to report Senate Bill No. 56 with amendments, to which Representative Seabaugh objected. The secretary called the roll, and the motion failed to pass by a vote of 2 yeas and 4 nays. Representatives Jenkins and Gregory Miller voted yea. Representatives Garofalo, Crews, Magee, and Seabaugh voted nay.

Representative Seabaugh offered a motion to involuntarily defer action on Senate Bill No. 56. Without objection, action on Senate Bill No. 56 was involuntarily deferred by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

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

Senate Bill No. 366 by Senator Ward

On behalf of Senator Ward, Professor Michelle Ghetti, 18531 Lake Tulip Ave., Baton Rouge, LA 70817, (225) 933-9029, presented Senate Bill No. 366, which provides relative to visitation rights of grandparents and siblings.

On behalf of Senator Ward, Representative Garofalo offered amendments to: (1) provide that visitation rights may be granted to a grandparent or other relative only if the parents are not married or living with another person or if the parents have filed for divorce; (2) remove the requirement that the proceeding to grant visitation be initiated by the parent of a child; (3) add a parent's constitutional right to make decision for a child and a presumption of fitness as factors to be considered by the court; and (4) remove the willingness of the relative to encourage a close relationship between the child and parent as a factor to be considered by the court. Representative Garofalo offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Representative Gregory Miller offered a technical amendment. Representative Gregory Miller 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, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Representative Jenkins offered a motion to report Senate Bill No. 366 with amendments. Without objection, Senate Bill No. 366 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Jenkins, Magee, 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.

Senate Bill No. 326 by Senator Barrow

Senator Barrow presented Senate Bill No. 326, which provides relative to joint custody decrees and implementation orders during a declared disaster.

Judge Lisa Woodruff-White, Division B, The Family Court of East Baton Rouge, 300 North Blvd., Suite 4101, Baton Rouge, LA 70801, spoke for information only on Senate Bill No. 326.

On behalf of Senator Barrow, Representative Garofalo offered an amendment to require the implementation order to provide for the parties to engage in communication regarding the evacuation of the child, the location of the child, and an interim custody plan. 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, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Representative Jenkins offered a motion to report Senate Bill No. 326 with amendments. Without objection, Senate Bill No. 326 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Jenkins, Magee, Gregory Miller, and Seabaugh 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.

Senate Bill No. 291 by Senator Barrow

Senator Barrow presented Senate Bill No. 291, which provides relative to family violence and domestic abuse as factors to consider in determining visitation and custody.

Representative Garofalo offered a technical amendment. 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, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Kim Sport, United Way of Southeast Louisiana, 2515 Canal St., New Orleans, LA 70119, (504) 453-3313, spoke in support of Senate Bill No. 291.

Narquis Barak, 2129 Cadiz St., New Orleans, LA 70115, (504) 376-5738, spoke in support of Senate Bill No. 291.

Jody Curson, 23655 Madisonville Ct., Ponchatoula, LA 70454, (985) 370-2104, spoke in support of Senate Bill No. 291.

Kimberly Menard, 503 E. Butcher Switch Rd., Lafayette, LA 70507, (337) 849-7061, spoke in support of Senate Bill No. 291.

Representative Jenkins offered a motion to report Senate Bill No. 291 with amendments. Without objection, Senate Bill No. 291 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 12 in support. Witness cards are included in the committee records.

Senate Bill No. 330 by Senator Colomb

On behalf of Senator Colomb, Senator Barrow presented Senate Bill No. 330, which provides for the modification of support orders when the Department of Children and Family Services is providing support enforcement services.

Representative Garofalo offered a technical amendment. 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, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Gary Franklin, Department of Children and Family Services, 627 N. 4th St., Baton Rouge, LA 70802, (225) 342-4785, spoke for information only on Senate Bill No. 330.

Representative Jenkins offered a motion to report Senate Bill No. 330 with amendments. Without objection, Senate Bill No. 330 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

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

Senate Bill No. 497 by Senator Cortez

On behalf of Senator Cortez, Representative Garofalo offered a motion to voluntarily defer action on Senate Bill No. 497, which authorizes the expropriation of property including rights-of-way for use in certain projects in the city of Lafayette and parish of Lafayette. Without objection, action on Senate Bill No. 497 was voluntarily deferred by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Senate Bill No. 112 by Senator Gary Smith

Senator Gary Smith presented Senate Bill No. 112, which authorizes business entities to assert or defend certain claims on their own behalf.

At the request of Senator Smith, Representative Gregory Miller offered amendments to: (1) retain the present law \$5,000 limitation on asserting or defending a claim and (2) add a provision authorizing any limited liability company to defend any claim not exceeding \$50,000 by a member holding a 25% ownership interest. Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Larry Murray, Louisiana State Bar Association, P.O. Box 44153, Baton Rouge, LA 70804, (225) 381-0127, spoke in opposition to Senate Bill No. 112.

Dona Renager, Louisiana State Bar Association, 601 St. Charles Ave, New Orleans, LA 70130, (504) 566-1600, spoke in opposition to Senate Bill No. 112.

Representative Magee offered a motion to report Senate Bill No. 112 with amendments. Without objection, Senate Bill No. 112 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 2 for information only.

House Bill No. 309 by Representative Gary Carter

On behalf of Representative Gary Carter, Representative Garofalo presented House Bill No. 309, a constitutional amendment, which allows for the use of the Budget Stabilization Fund for the state costs associated with a declared disaster.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 309, 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. 309 was adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Representative Garofalo offered a motion to report House Bill No. 309 without amendments. Without objection, House Bill No. 309 was reported without amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Senate Bill No. 156 by Senator Carter

Senator Carter presented Senate Bill No. 156, which provides immunity from liability for a person providing gratuitous emergency care to a minor or domestic animal.

At the request of Senator Carter, Representative Garofalo offered an amendment to the definition of "unattended" regarding the application of proposed law to animals, specifying that the driver is more than 30 feet from the vehicle. 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, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Representative Gregory Miller offered a motion to report Senate Bill No. 156 with amendments. Without objection, Senate Bill No. 156 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Jenkins, Magee, Gregory Miller, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 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 1:16 p.m.

Respectfully submitted,

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

Date adopted: