

## **House Committee on Civil Law and Procedure**

Minutes of Meeting  
2018 Regular Session  
May 14, 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 1:17 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 Raymond J. Crews  
Representative Julie Emerson  
Representative Sam L. Jenkins, Jr.  
Representative Tanner D. Magee  
Representative Gregory A. Miller

#### **MEMBERS ABSENT:**

Representative Robby Carter  
Representative Gregory Cromer  
Representative Randal L. Gaines, vice chairman  
Representative Alan Seabaugh

#### **STAFF MEMBERS PRESENT:**

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

#### **ADDITIONAL ATTENDEES PRESENT:**

Jordan Zeringue, clerk  
Myrtis Jarrell, sergeant at arms

### **III. DISCUSSION OF LEGISLATION**

#### **House Concurrent Resolution No. 88 by Representative James**

Representative James presented House Concurrent Resolution No. 88, which provides relative to a study of the issue of courts raising prescription sua sponte.

Representative Gregory Miller offered a motion to report House Concurrent Resolution No. 88 favorably. Without objection, House Concurrent Resolution No. 88 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

#### **Senate Bill No. 537 by Senator Luneau**

Senator Luneau presented Senate Bill No. 537, which provides relative to placement of a minor's funds from a judgment or settlement.

On behalf of Senator Luneau, Representative Garofalo offered amendments to: (1) delete all provisions of proposed law enacting Code of Civil Procedure Article 4269.2; (2) replace present law (Code of Civil Procedure Article 4272) with a cross-reference to the court approval of payments pursuant to Code of Civil Procedure Article 4521; and (3) add amendments to Code of Civil Procedure Article 4521 to provide for the investment of funds in an interest-bearing account, to specify that a trust be administered by an individual or corporate trustee, to require court approval of structured settlement agreements, and to provide for the approval of the payment of funds to an unemancipated minor who is in the legal custody of the Department of Children and Family Services. 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, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

Representative Gregory Miller offered a motion to report Senate Bill No. 537 with amendments. Without objection, Senate Bill No. 537 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

#### **House Concurrent Resolution No. 102 by Representative Coussan**

On behalf of Representative Coussan, David Boneno, Louisiana Bankers Association, 5555 Bankers Ave., Baton Rouge, LA 70808, (225) 214-4836, presented House Concurrent Resolution No. 102, which requests the Louisiana State Law Institute to study provisions of law and make recommendations regarding modular homes.

Representative Magee offered an amendment to change the request from preparing proposed legislation to making recommendations. 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, Jenkins, Magee, and Gregory Miller voted yea.

Representative Magee offered a motion to report House Concurrent Resolution No. 102 with amendments. Without objection, House Concurrent Resolution No. 102 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, 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 Concurrent Resolution No. 101 by Representative Gregory Miller**

Representative Gregory Miller presented House Concurrent Resolution No. 101, which provides relative to the printing of certain constitutional provisions regarding disqualification from holding elective office that were unconstitutionally adopted.

Representative Gregory Miller offered a motion to report House Concurrent Resolution No. 101 favorably. Without objection, House Concurrent Resolution No. 101 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

#### **House Concurrent Resolution No. 89 by Representative Leger**

Representative Leger presented House Concurrent Resolution No. 89, which authorizes and directs the Louisiana State Law Institute to study certain aspects regarding actions for violations of the duty of good faith and fair dealings under insurance policies.

Representative Garofalo offered a motion to report House Concurrent Resolution No. 89 favorably. Without objection, House Concurrent Resolution No. 89 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 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 1:48 p.m.

Respectfully submitted,

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

Date adopted: