

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

Minutes of Meeting  
2019 Regular Session  
April 30, 2019

### **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 9:15 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 Mary DuBuisson  
Representative Randal L. Gaines, vice chairman  
Representative Sam L. Jenkins, Jr.  
Representative Michael T. Johnson  
Representative Tanner D. Magee  
Representative Alan Seabaugh

#### **MEMBERS ABSENT:**

Representative Robby Carter

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

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

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

Myrtis Jarrell, sergeant at arms  
Madeleine Murphy, clerk

### III. DISCUSSION OF LEGISLATION

#### **House Bill No. 203 by Representative Gregory Miller**

Representative Gregory Miller presented House Bill No. 203, which provides relative to privileges on immovables.

David Cromwell, Louisiana State Law Institute, Room W127, Paul M. Hebert Law Center, 1 East Campus Dr., Baton Rouge, LA 70803, spoke for information only on House Bill No. 203.

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 8 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, Magee, and Seabaugh voted yea.

Representative Garofalo offered amendments to: (1) provide a lessor 30 days, rather than 20 days, to deliver notice in order to claim a privilege for rents that accrued prior to the notice being given; (2) delete a provision that would allow a seller who sells movables to a subcontractor to deliver notice on only one occasion; (3) delete proposed law relative to requests for a statement of amounts owed. Representative Garofalo offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, Magee, and Seabaugh voted yea.

Steve Browning, Construction Suppliers Association, 975 North St., Jackson, MS 39202, (601) 842-3745, spoke in support of House Bill No. 203, and provided a handout, Exhibit A, which is included in the committee records.

Representative Seabaugh offered an amendment to require the seller to deliver notice of non-payment at least 10 days prior to filing a statement, a claim, or privilege. Representative Seabaugh offered a motion to adopt the proposed amendment, to which Representative Garofalo objected. The secretary called the roll, and the motion failed to pass by a vote of 2 yeas and 6 nays. Representatives Magee and Seabaugh voted yea. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, and Mike Johnson voted nay.

Representative Garofalo offered a motion to report House Bill No. 203 with amendments. Without objection, House Bill No. 203 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, Magee, 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.

**House Bill No. 248 by Representative Chad Brown**

Representative Chad Brown presented House Bill No. 248, which provides for parenting coordinators in child custody proceedings.

Professor Andi Carroll, Louisiana State Law Institute, Room W127, Paul M. Hebert Law Center, 1 East Campus Dr., Baton Rouge, LA 70803, spoke for information only on House Bill No. 248.

Representative Magee offered a motion to report House Bill No. 248 favorably. Without objection, House Bill No. 248 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Garofalo, DuBuisson, Gaines, Jenkins, Mike Johnson, and Magee voted yea.

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

**House Bill No. 252 by Representative Gaines**

Representative Gaines presented House Bill No. 252, which provides relative to aleatory contracts.

Professor Ron Scalise, Louisiana State Law Institute, Room W127, Paul M. Hebert Law Center, 1 East Campus Dr., Baton Rouge, LA 70803, spoke for information only on House Bill No. 252.

Representative Garofalo offered a motion to report House Bill No. 252 favorably. Without objection, House Bill No. 252 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, and Magee voted yea.

**House Bill No. 377 by Representative Leger**

Representative Leger presented House Bill No. 377, which provides for the Allen Toussaint Legacy Act.

On behalf of Representative Leger, Representative Garofalo offered amendments to: (1) add the definition of "expressive work" and change the definition of "individual" and (2) provide that proposed law shall not apply to claims arising from a publication created prior to August 1, 2019. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, Magee, and Seabaugh voted yea.

On behalf of Representative Leger, Representative Garofalo offered amendments to: (1) specify that a transfer of ownership of identity rights is not valid unless it is in writing; (2) provide that proposed law shall not be construed to render invalid contracts entered into by the individual during his lifetime; (3) remove exemptions from the exceptions to proposed law; and (4) specify that the

carriage or transmission by a radio or television station of content violating proposed law shall not be considered a violation by the radio or television station. Representative Garofalo offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, Magee, and Seabaugh voted yea.

Tim Kappel, Louisiana Music Creators, 4311 S. Galvez St., New Orleans, LA 70125, (504) 405-2012, spoke in support of House Bill No. 377.

Steve Duke, Entertainment Software Association and Motion Picture Association of America, P.O. Box 80029, Baton Rouge, LA 70898, (225) 324-6960, spoke in opposition to House Bill No. 377.

Ben Sheffner, Motion Picture Association of America, 15301 Ventura Blvd., Bldg. E, Sherman Oaks, CA 91403, (818) 935-5784, spoke in opposition to House Bill No. 377.

Ben Golant, Entertainment Software Association, 601 Mass Ave. NW, Washington, D.C.20001, (202) 903-2305, spoke in opposition to House Bill No. 377.

Representative Crews offered amendments to: (1) change the period of time in which identity rights terminate after the death of the individual from 70 years to 30 years; and (2) to specify that the transfer of ownership must be signed by authorized representatives holding more than 50% of the rights. 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, DuBuisson, Gaines, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Magee offered a motion to report House Bill No. 377 with amendments. Without objection, House Bill No. 377 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, Magee, and Seabaugh voted yea.

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

### **House Bill No. 113 by Representative Leger**

Representative Leger presented House Bill No. 113, a constitutional amendment which provides that the governor and lieutenant are elected jointly.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 113, 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. 113 was adopted by a vote of 5 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, and Mike Johnson voted yea.

Representative Garofalo offered a motion to report House Bill No. 113 without amendments. Without objection, House Bill No. 113 was reported without amendments by a vote of 5 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, and Mike Johnson voted yea.

#### **House Bill No. 257 by Representative Moss**

On behalf of Representative Moss, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 257. Without objection, action on House Bill No. 257 was voluntarily deferred by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, and Magee voted yea.

#### **House Bill No. 363 by Representative Marino**

On behalf of Representative Marino, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 363. Without objection, action on House Bill No. 363 was voluntarily deferred by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, and Magee voted yea.

#### **House Bill No. 428 by Representative Dwight**

On behalf of Representative Dwight, Representative Garofalo presented House Bill No. 428, a constitutional amendment which extends the jurisdiction of the Board of Tax Appeals to matters concerning the constitutionality of taxes and fees.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 428, 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. 428 was adopted by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, and Magee voted yea.

On behalf of Representative Dwight, 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 7 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, and Magee voted yea.

Representative Garofalo offered a motion to report House Bill No. 428 with amendments. Without objection, House Bill No. 428 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, and Magee 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.

**House Bill No. 231 by Representative Pearson**

Representative Pearson presented House Bill No. 231, which provides for public access to the running waters of the state.

Daryl Carpenter, Louisiana Charter Boat Association, 13824 Red River Ave., Baton Rouge, LA 70818, (225) 937-6288, spoke in support of House Bill No. 231.

Oray Savoie, Louisiana Sportman's Coalition, 5034 Hwy. 1, Raceland, LA 70394, (985) 870-5707, spoke in support of House Bill No. 231.

Steven Rockweiler, Louisiana Sportman's Coalition, 1011 Gassen St., Luling, LA 70070, (504) 621-9440, spoke in support of House Bill No. 231.

Randall Richardson, Junior Southwest Bassmasters, 23988 Ferry Landing Dr., Denham Springs, LA 70726, (225) 665-7374, spoke in support of House Bill No. 231.

Sean Robbins, Louisiana Sportman's Coalition, P.O. Box 14864, Baton Rouge, LA 70898, (225) 270-5207, spoke in support of House Bill No. 231.

Connor Rushing, Central High School Fishing Team, 14912 Karlyn Ct., Pride, LA 70770, (225) 328-7545, spoke in support of House Bill No. 231.

Jim Breaux, Junior Southwest Bassmasters, 12245 Wickwood Ave., Baton Rouge, LA 70818, (225) 772-3026, spoke in support of House Bill No. 231.

Eugene Hoover, Louisiana Bass Nation, 5444 Hwy. 44, Gonzales, LA 70737, (225) 206-0750, spoke in support of House Bill No. 231.

Caiden McDowell, Central High School, 11961 Country Estates Ave., Zachary, LA 70791, (225) 888-5308, spoke in support of House Bill No. 231.

Devin Denman, Inshore Anglers and Louisiana Fishing Blog, 1029 Forest Ridge Loop, Pearl River, LA 70452, (985) 788-4963, spoke in support of House Bill No. 231.

Mark Allen, 14339 Lazy Oaks Dr., Gonzales, LA 70737, (225) 571-5594, spoke in support of House Bill No. 231.

Jim Wilks, 40212 LaRochelle Rd., Prairieville, LA 70769, (225) 772-5598, spoke in support of House Bill No. 231.

John R. Daniel, 3412 E. Nic Dr., Addis, LA 70710, (225) 776-2030, spoke in support of House Bill No. 231.

Donelson Caffery, Louisiana Landowners Association, 543 Spanish Town Rd., Baton Rouge, LA 70802, (337) 280-6687, spoke in opposition to House Bill No. 231.

Tony Simmons, Avery Island, Inc., P.O. Box 188, Avery Island, LA 70513, (337) 373-6162, spoke in opposition to House Bill No. 231.

Buck Vandersteen, Louisiana Forestry Association, no address provided, Alexandria, LA 71307, (318) 443-2558, spoke in opposition to House Bill No. 231.

Joe Mapes, Louisiana Farm Bureau, 731 Lakeland Dr., Baton Rouge, LA 70802, (225) 268-8572, spoke in opposition to House Bill No. 231.

Kevin Hayes, Louisiana Landowners Association, 412 N. 4<sup>th</sup> St., Baton Rouge, LA 70802, (225) 268-2725, spoke in opposition to House Bill No. 231.

Dan Davis, 1607 Coral Dr., Houma, LA 70360, (985) 637-5127, spoke in opposition to House Bill No. 231.

Representative Magee offered a motion to report House Bill No. 231 favorably.

Representative Jenkins offered a substitute motion to involuntarily defer action on House Bill No. 231. Without objection, action on House Bill No. 231 was involuntarily deferred by a vote of 8 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, Magee, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 9 in support and 25 in opposition. Witness cards are included in the committee records.

### **House Bill No. 468 by Representative Henry**

Representative Henry presented House Bill No. 468, which provides relative to the Private Works Act.

Derrell Cohoon, Capitol Partners for AGC, 714 N. 5<sup>th</sup> St., Baton Rouge, LA 70802, (225) 521-9233, spoke in support of House Bill No. 468.

David Boneno, Louisiana Banker's Association, 5555 Bankers Ave., Baton Rouge, LA 70808, (225) 214-4836, spoke in opposition to House Bill No. 468.

Susan G. Talley, Louisiana Bankers Association, 909 Poydras St., Suite 3150, New Orleans, LA 70112, (504) 593-0828, spoke in opposition to House Bill No. 468.

Representative Garofalo offered a motion to report House Bill No. 468 favorably. Without objection, House Bill No. 468 was reported favorably by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, and Magee voted yea.

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

#### **House Bill No. 505 by Representative Coussan**

Representative Coussan presented House Bill No. 505, which provides relative to parenting education programs and child custody.

Donelson Caffery, Southern Strategy Group, 543 Spanish Town Rd., Baton Rouge, LA 70802, (337) 280-6687, spoke in support of House Bill No. 505.

Representative Magee offered a motion to report House Bill No. 505 favorably. Without objection, House Bill No. 505 was reported favorably by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, and Magee 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 2:13 p.m.



Respectfully submitted,

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

Date adopted: