

House Committee on Civil Law and Procedure

Minutes of Meeting
2019 Regular Session
May 6, 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 10:22 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 Alan Seabaugh

MEMBERS ABSENT:

Representative Robby Carter
Representative Tanner D. Magee

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Madison Ramsey, clerk
Myrtis Jarrell, sergeant at arms

III. DISCUSSION OF LEGISLATION

Senate Bill No. 71 by Senator Carter

Senator Carter presented Senate Bill No. 71, which provides relative to interpreters for non-English-speaking persons in civil protective order cases.

Representative Jenkins offered a motion to report Senate Bill No. 71 favorably. Without objection, Senate Bill No. 71 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support. Witness cards are included in the committee records.

House Bill No. 151 by Representative Zeringue

Representative Zeringue presented House Bill No. 151, a constitutional amendment which provides for the rates and brackets for purposes of calculating income taxes and repeals the deduction for federal income taxes paid for purposes of computing individual and corporate income taxes.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 151, 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. 151 was adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Garofalo offered a motion to report House Bill No. 151 without amendments. Without objection, House Bill No. 151 was reported without amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, and Seabaugh voted yea.

House Bill No. 234 by Representative Miguez

Representative Miguez presented House Bill No. 234, a constitutional amendment which extends the ad valorem tax exemption for raw materials, goods, commodities, and other property to property destined for the Outer Continental Shelf.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 234, 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. 234 was adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Garofalo offered a motion to report House Bill No. 234 without amendments. Without objection, House Bill No. 234 was reported without amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, and Seabaugh voted yea.

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

House Bill No. 291 by Representative Barras

On behalf of Representative Barras, Treasurer John Schroder, presented House Bill No. 291, a constitutional amendment which provides relative to dedication of unclaimed property funds and creation of Louisiana Unclaimed Property Permanent Trust Fund and Louisiana Unclaimed Property Support Fund.

Representative Seabaugh offered a technical amendment to the ballot language. Representative Seabaugh 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, DuBuisson, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 291, 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. 291 was adopted by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Garofalo offered a motion to report House Bill No. 291 with amendments. Without objection, House Bill No. 291 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, and Seabaugh voted yea.

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

House Bill No. 76 by Representative Abraham

Representative Abraham presented House Bill No. 76, a constitutional amendment which establishes an ad valorem tax exemption for property subject to a cooperative endeavor agreement requiring the property owner to make payments in lieu of taxes.

Representative Garofalo offered a technical amendment to the ballot language. 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 Seabaugh voted yea.

Representative Seabaugh offered a technical amendment. Representative Seabaugh 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 Seabaugh voted yea.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 76, 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. 76 was adopted by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Garofalo offered a motion to report House Bill No. 76 with amendments. Without objection, House Bill No. 76 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, and Seabaugh voted yea.

After the final motion, Edgar Cage, Together Louisiana, 4302 Melban St., Baker, LA 70714, (225) 274-5808, spoke in opposition to House Bill No. 76.

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

Senate Bill No. 106 by Senator Lambert

Senator Lambert presented Senate Bill No. 106, which authorizes liens against certain immovable property for monies expended from the Hazardous Waste Site Cleanup Fund.

Perry Theriot, Louisiana Department of Environmental Quality, 602 N. 5th St., Baton Rouge, LA 70802, (225) 219-3985, spoke for information only on Senate Bill No. 106.

Representative Jenkins offered a motion to report Senate Bill No. 106 favorably. Without objection, Senate Bill No. 106 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, and Mike Johnson voted yea.

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

House Bill No. 435 by Representative Terry Landry

On behalf of Representative Terry Landry, Representative Garofalo presented House Bill No. 435, a constitutional amendment which provides that the legislature shall provide by law for an independent compensation commission to examine, evaluate, and establish the compensation, benefits, and expense allowances for members of the legislature.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 435, 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. 435 was adopted by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Garofalo offered a motion to report House Bill No. 435 without amendments. Without objection, House Bill No. 435 was reported without amendments by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, and Seabaugh voted yea.

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

House Bill No. 346 by Representative Horton

On behalf of Representative Horton, Representative Seabaugh presented House Bill No. 346, a constitutional amendment which provides relative to the political activity restrictions applicable to classified employees of a fire and police civil service system.

Representative Seabaugh offered a technical amendment to the ballot language. Representative Seabaugh 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 Seabaugh voted yea.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 346, 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. 346 was adopted by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Garofalo offered a motion to report House Bill No. 346 with amendments. Without objection, House Bill No. 346 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 363 by Representative Marino

Representative Marino presented House Bill No. 363, which provides relative to the payment of child support during incarceration.

Representative Mike Johnson offered an amendment to restore present law definition of "suspension" which means the modification of a child support order to zero dollars during the period of an obligor's incarceration. Representative Mike Johnson 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 Seabaugh voted yea.

Chip Coulter, Department of Children and Family Services, 627 N. 4th St., Baton Rouge, LA 70802, (225) 342-5573, spoke for information only on House Bill No. 363.

Representative Gaines offered a motion to report House Bill No. 363 with amendments. Without objection, House Bill No. 363 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, 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. 191 by Senator Chabert

On behalf of Senator Chabert, Representative Davis presented Senate Bill No. 191, which provides actions for damages against real estate appraisers, appraisal management companies, and real estate appraisal companies.

Joe Mier, Louisiana Real Estate Appraisers Coalition, 906 CM Fagan Dr., Suite A4, Hammond, LA 70403, spoke in support of Senate Bill No. 191.

On behalf of Senator Chabert, Representative Garofalo offered amendments to: (1) provide that proposed law shall not affect any action filed prior to the effective date of proposed law; and (2) make proposed law effective Jan. 1, 2020. 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, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Jenkins offered a motion to report Senate Bill No. 191 with amendments. Without objection, Senate Bill No. 191 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Gaines, Jenkins, Mike Johnson, 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.

House Bill No. 440 by Representative Ivey

Representative Ivey presented House Bill No. 440, a constitutional amendment which provides with respect to the ad valorem property tax exemption for certain manufacturers.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 440, 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. 440 was adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Garofalo offered a motion to report House Bill No. 440 without amendments. Without objection, House Bill No. 440 was reported without amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, 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.

House Bill No. 441 by Representative Ivey

Representative Ivey presented House Bill No. 441, a constitutional amendment which provides for a flat tax on individual income and eliminates the income tax deduction for federal income taxes paid for purposes of computing individual, estate and trust, and corporate income taxes.

Representative Garofalo offered a technical amendment to the ballot language. 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, DuBuisson, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 441, 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. 441 was adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Garofalo offered a motion to report House Bill No. 441 with amendments. Without objection, House Bill No. 441 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, and Seabaugh voted yea.

House Bill No. 62 by Representative Steve Carter

On behalf of Representative Steve Carter, Representative Garofalo presented House Bill No. 62, a constitutional amendment which provides for appropriations from the Education Excellence Fund for certain schools.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 62, 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. 62 was adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Garofalo offered a motion to report House Bill No. 62 without amendments. Without objection, House Bill No. 62 was reported without amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, 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.

House Bill No. 260 by Representative Stokes

On behalf of Representative Stokes, Representative Garofalo presented House Bill No. 260, a constitutional amendment which eliminates the income tax deduction for federal income taxes paid for purposes of calculating individual and corporate income taxes and requires the levy of a flat individual income tax rate.

Representative Garofalo offered a technical amendment to the ballot language. 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, DuBuisson, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 260, 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. 260 was adopted by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Garofalo offered a motion to report House Bill No. 260 with amendments. Without objection, House Bill No. 260 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, and Seabaugh voted yea.

House Bill No. 515 by Representative Garofalo

Representative Garofalo presented House Bill No. 515, which provides relative to suits against the state and state officials and employees.

Jacqueline Wilson, Department of Justice, 1885 N. 3rd St., Baton Rouge, LA 70802, (225) 326-6362, spoke for information only on House Bill No. 515.

Representative Garofalo offered amendments to: (1) change the general delay for filing an answer from proposed law thirty days to present law fifteen days; (2) add provisions authorizing the defendant thirty days from service of citation to file an answer if the attorney general is obligated to provide a defense; and (3) add provisions authorizing a defendant to file an answer fifteen days from issuance of written notice that the attorney general is not obligated to provide a defense. 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, DuBuisson, Jenkins, Mike Johnson, and Seabaugh voted yea.

Representative Garofalo offered a motion to report House Bill No. 515 with amendments. Without objection, House Bill No. 515 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, DuBuisson, Jenkins, Mike Johnson, 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.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 12:02 p.m.

Respectfully submitted,

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

Date adopted: