

House Committee on Civil Law and Procedure

Minutes of Meeting
2016 Regular Session
March 29, 2016

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 10:07 a.m. in Room 4, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

II. ROLL CALL

MEMBERS PRESENT:

Representative Raymond E. Garofalo, Jr., chairman
Representative Robby Carter
Representative Gregory Cromer
Representative Julie Emerson
Representative Randal L. Gaines, vice chairman
Representative Sam L. Jenkins Jr.
Representative Mike Johnson
Representative Tanner D. Magee
Representative Gregory A. Miller
Representative Clay Schexnayder
Representative Alan Seabaugh

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Robert A. Singletary, attorney
Steve Kobos, attorney
Alicia Spivey, secretary

ADDITIONAL ATTENDEES PRESENT:

Myrtis Jarrell, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 145 by Representative Moreno

Representative Moreno and Representative Edmonds presented House Bill No. 145, which provides for the issuance of a certificate of employability by a reentry division of court under certain circumstances.

Judge William Knight, 22nd Judicial District Court, 701 North Columbia Street, Room 2062, Covington, LA, 70433, (985) 809-5350, spoke in support of House Bill No. 145.

Representative Magee offered a motion to report House Bill No. 145 favorably. Without objection, House Bill No. 145 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

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. 884 by Representative Edmonds

Representative Edmonds presented House Bill No. 884, which provides for the issuance of a certificate of employability by a reentry division of court under certain circumstances.

Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 884. Without objection, action on House Bill No. 884 was voluntarily deferred by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

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. 146 by Representative Moreno

Representative Moreno presented House Bill No. 146, which provides a limitation of liability for certain persons mentoring an offender on probation.

Gene Mills, Louisiana Family Forum, 655 St. Ferdinand, Baton Rouge, LA 70802, (225) 344-8533, spoke in support of House Bill No. 146.

Judge William Knight, 22nd Judicial District Court, 701 North Columbia Street, Room 2062, Covington, LA, 70433, (985) 809-5350, spoke in support of House Bill No. 146.

Representative Garofalo offered an amendment to delete the proposed law reference to the offender being in the training program for purposes of the limitation of liability. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 146 with amendments. Without objection, House Bill No. 146 was reported with amendments by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 5 in support. Witness cards are included in the committee records.

House Bill No. 885 by Representative Edmonds

Representative Edmonds presented House Bill No. 885, which provides a limitation of liability for certain persons mentoring an offender on probation.

Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 885. Without objection, action on House Bill No. 885 was voluntarily deferred by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

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. 195 by Representative Jenkins

On behalf of the author, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 195, which provides relative to transmittal of certain notices required pursuant to medical malpractice law. Without objection, action on House Bill No. 195 was voluntarily deferred by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

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

House Bill No. 580 by Representative Garofalo

On behalf of Representative Garofalo, Bruce Unongst, Appraisal Board, no address provided, (225) 925-1923, presented House Bill No. 580, which provides relative to actions for damages against real estate appraisers and appraisal companies.

Representative Garofalo offered a technical amendment to correct the spelling of a word. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

Joseph Mier, Joseph Mier and Associates, 44065 High Oaks Trail, Hammond, LA, 70403, (985) 230-0730, spoke in support of House Bill No. 580.

Representative Garofalo offered a motion to report House Bill No. 580 with amendments. Without objection, House Bill No. 580 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

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

House Bill No. 285 by Representative Garofalo

On behalf of Representative Garofalo, William Forrester, Louisiana State Law Institute, Paul Hebert Law Center, Room W127, Baton Rouge, LA 70803, (225) 587-0200, presented House Bill No. 285, which provides for continuous revisions to the Code of Civil Procedure and related provisions of the Revised Statutes.

Representative Mike Johnson offered a motion to report House Bill No. 285 favorably. Without objection, House Bill No. 285 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

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

House Bill No. 584 by Representative Schroder

On behalf of the author, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 584, a constitutional amendment, which provides for additional authority for the governor and legislature to reduce budgets if there is a projected deficit. Without objection, action on House Bill No. 584 was voluntarily deferred by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Schexnayder, and Seabaugh voted yea. Representative Garofalo abstained.

House Bill No. 275 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 275, a constitutional amendment, which prohibits, subject to certain exceptions, a person convicted of a felony from holding elective or appointive office.

Representative Garofalo offered a motion to adopt the House Rule 6.8(a) Report to House Bill No. 275, 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. 275 was adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Representative Gregory Miller offered a motion to report House Bill No. 275 without amendments. Without objection, House Bill No. 275 was reported without amendments by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

House Bill No. 856 by Representative Huval

On behalf of the author, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 856, which provides a limitation of liability for landowners who grant a right of passage to cemeteries. Without objection, action on House Bill No. 856 was voluntarily deferred by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Mike Johnson, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

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

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 11:20 a.m.

Respectfully submitted,

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