

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

Minutes of Meeting  
2016 Regular Session  
April 5, 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 10:08 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 Gregory Cromer  
Representative Sam L. Jenkins Jr.  
Representative Mike Johnson  
Representative Tanner D. Magee  
Representative Gregory A. Miller  
Representative Clay Schexnayder

#### **MEMBERS ABSENT:**

Representative Robby Carter  
Representative Julie Emerson  
Representative Randal L. Gaines, vice chairman  
Representative Alan Seabaugh

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

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

### III. DISCUSSION OF LEGISLATION

#### **House Bill No. 150 by Representative Talbot**

Representative Talbot presented House Bill No. 150, which provides relative to children conceived through gamete donation.

Representative Garofalo offered an amendment to provide an exception to proposed law when the donor is a person from whom the child could inherit under present law. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Cromer, Jenkins, Mike Johnson, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Representative Gregory Miller offered a motion to report House Bill No. 150 with amendments. Without objection, House Bill No. 150 was reported with amendments by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Cromer, 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: 4 in opposition and 2 for information only. Witness cards are included in the committee records.

#### **House Bill No. 350 by Representative Hilferty**

Representative Hilferty presented House Bill No. 350, which prohibits certain persons from preventing or limiting communication, visitation, or interaction with others.

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, 0 nays, and 1 abstention. Representatives Cromer, Jenkins, Mike Johnson, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Kerri Kasem, Kasem Cares, 5100 Tobias Avenue, Sherman Oaks, CA 91903, (818) 605-9090, spoke in support of House Bill No. 350.

Kathleen Braun, Kasem Cares, 5100 Tobias Avenue, Sherman Oaks, CA 91903, (623) 878-4900, spoke in support of House Bill No. 350.

Ione Daniels, 1065 Cypress Drive, Vista, CA 92089, (760) 945-2326, spoke in support of House Bill No. 350.

Representative Magee offered a motion to report House Bill No. 350 with amendments. Without objection, House Bill No. 350 was reported with amendments by a vote of 6 yeas, 0 nays, and 1

abstention. Representatives Cromer, Jenkins, Mike Johnson, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

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

### **House Bill No. 777 by Representative Moreno**

Representative Moreno presented House Bill No. 777, which provides for the termination of parental rights in certain circumstances.

Representative Garofalo offered a substitute bill to House Bill No. 777. Representative Garofalo offered a motion to adopt the proposed substitute bill. Without objection, the substitute bill was adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Cromer, Jenkins, Mike Johnson, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

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, 0 nays, and 1 abstention. Representatives Cromer, Jenkins, Mike Johnson, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Kathleen Barrios, Louisiana District Attorneys Association, 222 St. Louis Street, 5<sup>th</sup> Floor, Baton Rouge, LA 70802, (225) 389-3386, spoke in support of House Bill No. 777.

Morgan Lamandre, STAR, 8251 Goodwood Boulevard, Suite 1, Baton Rouge, LA 70806, (225) 615-7093, spoke in support of House Bill No. 777.

Representative Mike Johnson offered a motion to report House Bill No. 777 by substitute. Without objection, House Bill No. 777 was reported by substitute by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Jenkins, Mike Johnson, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

### **House Bill No. 500 by Representative Shadoin**

On behalf of the author, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 500, which creates a privilege in favor of financial institutions to prevent the disclosure of certain documents. Without objection, House Bill No. 500 was voluntarily deferred by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Jenkins, Mike Johnson, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

### **House Bill No. 768 by Representative Mack**

On behalf of the author, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 768, which provides with respect to the adoption of biological siblings in the foster

care system. Without objection, House Bill No. 768 was voluntarily deferred by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Jenkins, Mike Johnson, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

#### **House Bill No. 449 by Representative Gregory Miller**

Representative Gregory Miller presented House Bill No. 449, which provides for the completion of a birth certificate.

Professor Randy Trahan, Louisiana State Law Institute, Paul M. Hebert Law Center, Room W127, Baton Rouge, LA 70803, no phone number provided, spoke for information only on House Bill No. 449.

Gary Franklin, Department of Children and Family Services, 627 North 4<sup>th</sup> Street, Baton Rouge, LA 70802, (225) 342-4785, spoke for information only on House Bill No. 449.

Representative Gregory Miller offered a motion to report House Bill No. 449 favorably. Without objection, House Bill No. 449 was reported favorably by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Cromer, Jenkins, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

#### **House Bill No. 410 by Representative Gregory Miller**

Representative Gregory Miller presented House Bill No. 410, which provides relative to the calculation of child support when the parents have shared or split custody.

Professor Randy Trahan, Louisiana State Law Institute, Paul M. Hebert Law Center, Room W127, Baton Rouge, LA 70803, no phone number provided, spoke for information only on House Bill No. 410.

Representative Gregory Miller offered a motion to report House Bill No. 410 favorably. Without objection, House Bill No. 410 was reported favorably by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Cromer, Jenkins, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

#### **House Bill No. 447 by Representative Gregory Miller**

Representative Gregory Miller presented House Bill No. 447, which provides for changes to procedures for continuing tutorships.

Representative Gregory Miller offered amendments to:

- (1) Reinstates the present law requirement of concurrence by the coroner to petition the court for the continuing tutorship.

- (2) Change an obsolete term referring to those with certain disabilities
- (3) Add that the petitioner shall not bear the coroner's costs or fees associated with securing the coroner's concurrence.

Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Cromer, Jenkins, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

Representative Gregory Miller offered a motion to report House Bill No. 447 with amendments. Without objection, House Bill No. 447 was reported with amendments by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Cromer, Jenkins, Magee, Gregory Miller, and Schexnayder voted yea. Representative Garofalo abstained.

#### **House Bill No. 195 by Representative Jenkins**

Representative Jenkins presented House Bill No. 195, which provides relative to transmittal of certain notices required pursuant to medical malpractice law.

David Woolridge, Patients Compensation Fund, 440 Jefferson Highway, Baton Rouge, LA 70806, (225) 929-7033, spoke for information only on House Bill No. 195.

Representative Jenkins offered a motion to voluntarily defer action on House Bill No. 195. Without objection, action on House Bill No. 195 was voluntarily deferred by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Cromer, 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: 3 in opposition and 1 for information only. Witness cards are included in the committee records.

#### **IV. ANNOUNCEMENTS**

There were no announcements.

#### **V. ADJOURNMENT**

The meeting was adjourned at 12:07 p.m.

Respectfully submitted,

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