

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

Minutes of Meeting  
2017 Regular Session  
April 13, 2017

### **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 9:48 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 Robby Carter  
Representative Gregory Cromer  
Representative Julie Emerson  
Representative Randal L. Gaines, vice chairman  
Representative Sam L. Jenkins, Jr.  
Representative Tanner D. Magee  
Representative Gregory A. Miller

#### **MEMBERS ABSENT:**

None

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

Robert A. Singletary, attorney  
Steve Kogos, attorney  
Diane Merritt, secretary  
Annie Beckstrom, clerk

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

Janet Anthony, sergeant at arms  
Myrtis Jarrell, sergeant at arms

### III. DISCUSSION OF LEGISLATION

#### **House Concurrent Resolution No. 2 by Representative Foil**

Representative Foil presented House Concurrent Resolution No. 2, which requests the Louisiana State Law Institute to study tutorship and the legal capacity of an emancipated minor.

Stephen M. Whitlow, Gateway Transition Center, 10050 Joor Road, Baton Rouge, LA 70818, (225) 200-3854, spoke in support of House Concurrent Resolution No. 2.

Representative Robby Carter offered a motion to report House Concurrent Resolution No. 2 favorably. Without objection, House Concurrent Resolution No. 2 was reported favorably by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

#### **House Bill No. 317 by Representative Bagley**

Representative Bagley presented House Bill No. 317, which provides for the acceptance of a child surrendered for adoption by the Department of Children and Family Services.

Candice S. LeBlanc, Department of Children and Family Services, 627 North 4<sup>th</sup> Street, Baton Rouge, LA, testified for information only on House Bill No. 317.

Representative Robby Carter offered a motion to report House Bill No. 317 favorably. Without objection, House Bill No. 317 was reported favorably by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

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

#### **House Bill No. 526 by Representative Reynolds**

Representative Reynolds presented House Bill No. 526, which provides for time frames in the Louisiana Medical Malpractice Act.

Corey Shadd, 725 Middle Road, Minden, LA 71055, (318) 707-3213, testified in support of House Bill No. 526.

Jennifer McMahon, representing the Louisiana Hospital Association and Metropolitan Hospital Council of New Orleans, no address provided, (225) 892-8383, testified in opposition to House Bill No. 526.

Jennifer Marusak, representing the Louisiana State Medical Society, 6767 Perkins Road, Suite 100, Baton Rouge, LA 70808, (225) 763-8500, testified in opposition to House Bill No. 526.

Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 526. Without objection, action on House Bill No. 526 was voluntarily deferred by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not wish to speak are as follows: 30 in opposition. Witness cards are included in the committee records.

### **House Bill No. 51 by Representative Pugh**

Representative Pugh presented House Bill No. 51, which increases the medical malpractice cap in certain circumstances.

Angela M. Kraft, 29455 West Bates Road, Hammond, LA 70403, (985) 507-3032, testified in support of House Bill No. 51.

Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 51. Without objection, action on House Bill No. 51 was voluntarily deferred by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not wish to speak are as follows: 5 in support, 32 in opposition, and 1 for information only. Witness cards are included in the committee records.

### **House Bill No. 123 by Representative White**

Representative White presented House Bill No. 123, which amends provisions of law regarding divorce.

Kim Sport, United Against Domestic Violence, 2515 Canal Street, New Orleans, LA, (504) 453-3313, testified in support of House Bill No. 123.

Representative Garofalo offered amendments to eliminate language which would have exempted a petitioner for divorce under Civil Code Article 103(4) or (5) from prepaying court costs or costs of service or subpoena for the filing of the petition for divorce and add that actions for divorce filed pursuant to Civil Code Article 103(4) or (5) be set for hearing as expeditiously as possible and be given priority over other actions for divorce if the petitions are between the same parties and have been set for hearing at the same time. Representative Garofalo offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, and Magee voted yea. Representative Garofalo abstained.

Judge Woodruff White, Family Court, Division B, 300 North Boulevard, Suite 4101, Baton Rouge, LA 70816, (225) 389-7657, testified for information only on House Bill No. 123.

Judge Bob Morrison, Louisiana District Judges Association, P.O. Box 788, Amite, LA 70422, (985) 748-9445, testified for information only on House Bill No. 123.

Morgan Lamandre, STAR, 8281 Goodwood Boulevard, Baton Rouge, LA 70806, (225) 615-7093, testified in support of House Bill No. 123.

Brittany Tassin, STAR, 8281 Goodwood Boulevard, Baton Rouge, LA 70806, (225) 615-7093, testified in support of House Bill No. 123.

Representative Gregory Miller offered an amendment to add that in order for a divorce to be granted on the grounds that a protective order or no communication order was issued as a condition of bail, a contradictory hearing must have occurred. Representative Gregory Miller 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 Robby Carter, Cromer, Emerson, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Gregory Miller offered a motion to report House Bill No. 123 with amendments. Without objection, House Bill No. 123 was reported with amendments by a vote of 5 yeas, 0 nays, and 1 abstention. Representatives Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not wish to speak are as follows: 4 in support. Witness cards are included in the committee records.

#### **House Bill No. 524 by Representative Schroder**

Representative Schroder presented House Bill No. 524, which provides relative to the stay of discovery in certain proceedings.

Kim Sport, United Against Domestic Violence, 1515 Canal Street, New Orleans, LA, (504) 453-3313, testified in support of House Bill No. 524.

Representative Cromer offered a motion to report House Bill No. 524 favorably. Without objection, House Bill No. 524 was reported favorably by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

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

**House Bill No. 137 by Representative Jenkins**

Representative Jenkins presented House Bill No. 137, which provides relative to the filing of requests for medical review panels.

Dave Woolridge, PCF, 8440 Jefferson Highway, Suite 301, Baton Rouge, LA, (225) 929-7033, testified for information only on House Bill No. 137.

Representative Jenkins offered amendments to (1) delete the provisions addressing only requests for review of a malpractice claim which are filed electronically and (2) add provisions specifying the filing date for requests for review of a malpractice claim which are filed electronically, filed by certified or registered mail, or filed by any other method. Representative Jenkins offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Robby Carter offered a motion to report House Bill No. 137 with amendments. Without objection, House Bill No. 137 was reported with amendments by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Cromer, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

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

**VI. OTHER BUSINESS**

There was no other business.

**V. ANNOUNCEMENTS**

There were no announcements.

**VI. ADJOURNMENT**

The meeting was adjourned at 12:17 p.m.

Respectfully submitted,

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

Date adopted: