

House Committee on Civil Law and Procedure

Minutes of Meeting
2017 Regular Session
May 16, 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 10:09 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 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:

Representative Robby Carter

STAFF MEMBERS PRESENT:

Robert A. Singletary, attorney
Steve Kogos, attorney
Diane Merritt, secretary

ADDITIONAL ATTENDEES PRESENT:

Madeleine Murphy, clerk
Jordan Zeringue, clerk
Beverly Vincent, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 448 by Representative Abramson

On behalf of Representative Abramson, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 448, a constitutional amendment which establishes eligibility requirements for the exemption for property owned or leased by a nonprofit organization in Orleans Parish, authorizes adjustment of the status and extent of the exemption by the Orleans Parish governing authority, and requires downward adjustment of all affected millages to prevent any resulting increase in the amount of taxes collected. Without objection, action on House Bill No. 448 was voluntarily deferred by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Crews, Cromer, Emerson, Gaines, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

House Bill No. 180 by Representative Carmody

Representative Carmody presented House Bill No. 180, 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. 180, which stated that the purpose of 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. 180 was adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Crews, Cromer, Emerson, Gaines, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 180 without amendments. Without objection, House Bill No. 180 was reported without amendments by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Crews, Cromer, Emerson, Gaines, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

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. 109 by Senator Claitor

Senator Claitor presented Senate Bill No. 109, which provides for the suspension of prescription.

Representative Garofalo offered amendments to replace all provisions of proposed law with provisions limited to specifying the purpose of proposed law and specifying the termination of the extension of the prescriptive and peremptive periods. 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 Crews, Cromer, Emerson, Gaines, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report Senate Bill No. 109 with amendments. Without objection, Senate Bill No. 109 was reported with amendments by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Crews, Cromer, Emerson, Gaines, Jenkins, and Gregory Miller 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.

Senate Bill No. 9 by Senator Allain

Senator Allain presented Senate Bill No. 9, which provides relative to servitudes of natural drainage.

Representative Garofalo offered a motion to report Senate Bill No. 9 favorably. Without objection, Senate Bill No. 9 was reported favorably by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Crews, 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: 2 in support. Witness cards are included in the committee records.

Senate Bill No. 129 by Senator Allain

Senator Allain presented Senate Bill No. 129, which provides relative to compensation and indemnity for right and servitude of passage on certain waterways.

Amanda Philips, representing WISNER, 935 Gravier Street, New Orleans, LA 70112, (504) 210-1152, spoke in opposition to Senate Bill No. 129.

Robert Baumann, representing Conoco Phillips, 616 Spanish Town Road, Baton Rouge, LA 70802, (225) 344-8036, spoke in opposition to Senate Bill No. 129.

Representative Garofalo offered an amendment to remove the provision requiring compensation for the right and servitude acquired if it is used for commercial or business purposes. Representative Garofalo offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Crews, Cromer, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Magee offered a motion to report Senate Bill No. 129 with amendments, to which Representative Cromer objected. The secretary called the roll, and the motion failed to pass by a

vote of 4 yeas and 4 nays. Representatives Crews, Emerson, Magee, and Gregory Miller voted yea. Representatives Garofalo, Cromer, Gaines, and Jenkins voted nay.

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.

Further action was taken by the committee on Senate Bill No. 129 at a meeting held on May 22, 2017. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 354.

Senate Bill No. 185 by Senator Luneau

Senator Luneau presented Senate Bill No. 185, which provides relative to physical or mental examinations of certain persons.

Tom Anderson, in his capacity as the attorney for Audrey Holmes, 706 E. Charles Street, Hammond, LA 70401, (985) 345-5640, spoke in support of Senate Bill No. 185.

Audrey Holmes, 10822 Stanley Aubin Lane, Baton Rouge, LA 70816, (985) 981-5061, spoke in support of Senate Bill No. 185.

Jared Dunahoe, in his capacity as the attorney for Randy and Kellie Anthony, 402 Second Street, Natchitoches, LA, (318) 353-1999, spoke in support of Senate Bill No. 185.

Kellie Anthony, 9078 Lindsay Road, Mooringsport, LA 71060, (318) 470-7682, spoke in support of Senate Bill No. 185.

Randy Anthony, 9078 Lindsay Road, Mooringsport, LA 71060, (318) 426-8112, spoke in support of Senate Bill No. 185.

Skip Philips, representing the Louisiana Association of Defense Counsel, P.O. Box 2471, Baton Rouge, LA 70821, (225) 381-0276, spoke in opposition to Senate Bill No. 185.

Phillip Foco, 4210 Bluebonnet, Baton Rouge, LA 70809, (225) 388-5600, spoke in opposition to Senate Bill No. 185.

Kevin Ainsworth, representing Property and Casualty Insurance, 8555 United Plaza Boulevard, Baton Rouge, LA 70809, (225) 248-2036, spoke in opposition to Senate Bill No. 185.

Representative Jenkins offered a motion to voluntarily defer action on Senate Bill No. 185, to which Representative Garofalo objected. The secretary called the roll, and the motion failed to pass by a

vote of 4 yeas and 4 nays. Representatives Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representatives Garofalo, Crews, Cromer, and Emerson voted nay.

Representative Garofalo offered a motion to involuntarily defer action on Senate Bill No. 185. Without objection, action on Senate Bill No. 185 was involuntarily deferred by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Crews, 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: 17 in opposition. Witness cards are included in the committee records.

House Bill No. 444 by Representative Seabaugh

Representative Seabaugh presented House Bill No. 444, a constitutional amendment which establishes an ad valorem tax exemption for property subject to a cooperative endeavor agreement requiring the property owner make payments in lieu of taxes.

Representative Garofalo offered an amendment to add technical changes 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, 0 nays, and 1 abstention. Representatives Crews, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 444, which stated that the purpose of 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. 444 was adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Crews, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 444 with amendments. Without objection, House Bill No. 444 was reported with amendments by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Crews, 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: 10 in support. Witness cards are included in the committee records.

House Bill No. 356 by Representative Ivey

Representative Ivey presented House Bill No. 356, a constitutional amendment which provides for a flat rate for individual and business income taxes and eliminates the income tax deduction for federal income taxes paid for purposes of calculating corporate and individual income tax liability.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 356, which stated that the purpose of 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. 356 was adopted by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Crews, Cromer, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 356 without amendments. Without objection, House Bill No. 356 was reported without amendments by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Crews, 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 opposition. Witness cards are included in the committee records.

House Bill No. 366 by Representative Ivey

Representative Ivey presented House Bill No. 366, a constitutional amendment which provides with respect to the classification and valuation of property and local option relative to certain exemptions.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 366, which stated that the purpose of 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. 366 was adopted by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Crews, Cromer, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 366 without amendments. Without objection, House Bill No. 366 was reported without amendments by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Crews, 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 opposition. 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 12:18 p.m.

Respectfully submitted,

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

Date adopted: