

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

Minutes of Meeting  
2017 Regular Session  
May 22, 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 2:02 p.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 Raymond J. Crews  
Representative Gregory Cromer  
Representative Julie Emerson  
Representative Sam L. Jenkins, Jr.  
Representative Tanner D. Magee  
Representative Gregory A. Miller

#### **MEMBERS ABSENT:**

Representative Randal L. Gaines, vice chairman

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

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

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

Jordan Zeringue, clerk  
Madeleine Murphy, clerk  
Myrtis Jarrell, sergeant at arms



### III. DISCUSSION OF LEGISLATION

#### **Senate Bill No. 81 by Senator Bishop**

On behalf of Senator Bishop, Professor Karen Hallstrom, Louisiana State Law Institute, Paul M. Hebert Law Center, Room W127, University Station, Baton Rouge, LA70803-1016, no telephone number provided, presented Senate Bill No. 81, which provides for curatorship.

Candice Leblanc, Department of Children and Family Services, 627 North 4<sup>th</sup> Street, Baton Rouge, LA, (225) 342-5744, spoke for informational purposes on Senate Bill No. 81.

Senate Bill No. 81 was temporarily returned to the calendar.

*Further action was taken by the committee on Senate Bill No. 81 at a later point in the meeting. Please check for the subsequent action to complete the record of discussion and motions on Senate Bill No. 81.*

#### **Senate Bill No. 129 by Senator Allain**

*This is a continuation of the discussion on Senate Bill No. 129 from the meeting of May 16, 2017. Please check for the prior action to complete the record of discussion and motions on Senate Bill No. 129.*

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

Representative Garofalo reminded the committee that an amendment to delete provisions requiring reasonable compensation for the right and servitude acquired if it is used for commercial or business purposes was adopted at the committee meeting of May 16, 2017.

Representative Garofalo offered a motion to report Senate Bill No. 129 with amendments. Without objection, Senate Bill No. 129 was reported with amendments by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, 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.

#### **House Bill No. 443 by Representative Stokes**

Representative Stokes presented House Bill No. 443, a constitutional amendment which dedicates revenue to fund the inspector general's office.

Stephen Street, inspector general, 602 North 5<sup>th</sup> Street, Suite 621, Baton Rouge, LA 70804, (225) 342-4262, spoke for information only on House Bill No. 443.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 443, which stated that the purpose of the measure could be accomplished statutorily; however, a constitutional amendment was requested to provide constitutional protection to the dedication of these funds. Without objection, House Rule 6.8(A) Report to House Bill No. 443 was adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 443 without amendments. Without objection, House Bill No. 443 was reported without amendments by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

### **House Bill No. 353 by Representative Stokes**

Representative Stokes presented House Bill No. 353, a constitutional amendment which eliminates the income tax deduction for federal income taxes paid for purposes of computing individual income taxes and the references to the maximum amount of individual income tax rates and brackets.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 353, 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. 353 was adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 353 without amendments. Without objection, House Bill No. 353 was reported without amendments by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

### **Senate Bill No. 81 by Senator Bishop**

***This is a continuation of the discussion on Senate Bill No. 81 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on Senate Bill No. 81.***

Representative Robby Carter offered an amendment to add provisions specifying that it is not necessary to appoint a curator when the mother is unable to provide a first and last name of the putative father. Representative Robby Carter 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, Crews, Cromer, Emerson, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report Senate Bill No. 81 with amendments. Without objection, Senate Bill No. 81 was reported with amendments by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

### **House Bill No. 145 by Representative Garofalo**

Representative Garofalo presented House Bill No. 145, a constitutional amendment which establishes an ad valorem property tax exemption for the surviving spouse of a person who died while performing their duties as an emergency medical responder, technician, or paramedic.

Butch Browning, state fire marshal, 8181 Independence Boulevard, Baton Rouge, LA 70806, (225) 924-4911, appeared for information only.

Representative Garofalo offered an amendment to add authorization for the exemption for certain volunteer firefighters and certain law enforcement and fire protection officers. 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 Robby Carter, Crews, Cromer, Emerson, Jenkins, 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. 145, 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. 145 was adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 145 with amendments. Without objection, House Bill No. 145 was reported with amendments by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

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

### **House Bill No. 354 by Representative Thibaut**

Representative Thibaut presented House Bill No. 354, a constitutional amendment which provides relative to the dedication of proceeds of the tax levied on motor fuels.

Representative Cromer offered an amendment to change the ballot language. Representative Cromer 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 Robby Carter, Crews, Cromer, Emerson, 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. 354. Without objection, the House Rule 6.8(A) Report to House Bill No. 354 was adopted by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 354 with amendments. Without objection, House Bill No. 354 was reported with amendments by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, Jenkins, Magee, and Gregory Miller voted yea. Representative Garofalo abstained.

### **House Bill No. 236 by Representative Shadoin**

On behalf of Representative Shadoin, Representative Garofalo presented House Bill No. 236, a constitutional amendment which eliminates certain constitutional dedication of revenue and certain treasury funds.

Representative Garofalo offered technical amendments, including adding an omitted reference to a fund in the ballot language. Representative Garofalo 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, Crews, Cromer, Emerson, 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. 236, 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. 236 was adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 236 with amendments. Without objection, House Bill No. 236 was reported with amendments by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, Jenkins, and Gregory Miller voted yea. Representative Garofalo abstained.

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

**House Bill No. 255 by Representative Gary Carter**

Representative Gary Carter presented House Bill No. 255, a constitutional amendment which allows for the use of the Budget Stabilization Fund for the state costs associated with a declared disaster.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 255, 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. 255 was adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, Jenkins, and Magee voted yea. Representative Garofalo abstained.

Representative Jenkins offered a motion to report House Bill No. 255 without amendments. Without objection, House Bill No. 255 was reported without amendments by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, Jenkins, and Magee voted yea. Representative Garofalo abstained.

**House Bill No. 448 by Representative Abramson**

Representative Abramson presented 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.

Representative Robby Carter offered amendments to add restrictions for eligibility for the exemption concerning vacant property and proportions of revenue from such property being subject to reporting as taxable income for purposes of federal taxes. Representative Robby Carter 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, Crews, Cromer, Emerson, Jenkins, and Magee voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 448, 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. 448 was adopted by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, Jenkins, and Magee voted yea. Representative Garofalo abstained.

Representative Garofalo offered a motion to report House Bill No. 448 with amendments. Without objection, House Bill No. 448 was reported with amendments by a vote of 6 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Crews, Cromer, Emerson, Jenkins, and Magee voted yea. Representative Garofalo abstained.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 4 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 3:35 p.m.

Respectfully submitted,

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

Date adopted: