



LSBA FINAL REPORT FOR 2016 REGULAR SESSION

Track: 16 Reg Session Final Slate

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| HB 72 | Pearson, Kevin(R) | Provides for transfer on death securities; creates the Uniform Transfer on Death Security Registration Act. |
| | Position: | Opposed |
| | Remarks: | This bill is opposed so that it can be referred to the Louisiana State Law Institute. LOBBYIST REPORT: The bill was never scheduled for a hearing. |
| | Bill History: | 02-08-16 H Referred to House Committee on House Civil Law |
| HB 89 | Connick, Patrick(R) | Reduces the jury trial threshold amount. |
| | Position: | Opposed |
| | Remarks: | This bill is opposed, consistent with previous positions of the LSBA on similar bills. Such bills negatively impact access to justice, clog civil and criminal justice systems which are already backed up, and place financial burden on clerks of courts and judicial district courts. LOBBYIST REPORT: The bill was scheduled and deferred in its initial committee, following consultation with the author or following committee consideration of our opposition. |
| | Bill History: | 04-19-16 H Voluntarily Deferred in Committee House Civil Law |
| HB 136 | Mack, Sherman(R) Claitor, Dan(R) | Extends the collection of the special cost assessed in criminal cases for the district indigent defender fund. |
| | Position: | Support |
| | Remarks: | The bill serves a funding necessity and is consistent with HOD action (on several occasions) supporting sufficient funding for indigent defense. LOBBYIST REPORT: Supported successfully. |

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| HB 145 | Moreno, Helena(D) Carter, Troy(D) | <p>Bill History: 08-01-16 G Effective</p> <p>Provides for the issuance of a certificate of employability by a reentry division of court under certain circumstances.</p> |
| | | <p>Position: Support</p> |
| | | <p>Remarks: This bill concerns reentry courts which is important to the Louisiana Supreme Court and which the Bar has been involved in.</p> <p>LOBBYIST REPORT: Supported successfully.</p> |
| | | <p>Bill History: 06-02-16 G Sent to the Governor.</p> |
| HB 146 | Moreno, Helena(D) Morrell, J.P.(D) | <p>Provides a limitation of liability for certain persons mentoring an offender on probation.</p> |
| | | <p>Position: Support</p> |
| | | <p>Remarks: This bill concerns reentry courts which is important to the Louisiana Supreme Court and which the Bar has been involved in.</p> <p>While this bill contains a limitation of liability, it is narrowly drawn and meets the exception(s): except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged is directly related to the policy, and the immunity is drawn as narrowly as possible to effect its purpose.</p> <p>LOBBYIST REPORT: Supported successfully.</p> |
| | | <p>Bill History: 06-02-16 G Sent to the Governor.</p> |
| HB 224 | Leger, Walt(D) Bishop, Wesley(D) | <p>Provides with respect to court costs on civil filings to fund the Judicial College.</p> |
| | | <p>Position: Support</p> |
| | | <p>Remarks: Existing Bar policy mandates support for this bill. <i>Approved by House of Delegates January 2014: Approved resolution supporting a dedicated fee of .50 on all civil filings (excluding domestic and juvenile), which would be used to provide the needed supplemental funding for the Louisiana Judicial College for judicial education initiatives.</i></p> <p>LOBBYIST REPORT: Supported successfully.</p> |
| | | <p>Bill History: 08-01-16 G Effective</p> |

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| HB 229 | Smith, Patricia(D) | Expands juvenile court jurisdiction in delinquency cases to include seventeen-year-olds. |
| | | Position: Support |
| | | Remarks: This bill is supported because it increases access to justice. <i>HOD policy approved June 2005: Approved resolution supporting and endorsing the constitutional rights of individuals to have adequate access to defense services, including for juveniles, and further endorses the Ten Core Principles for Providing Quality Delinquency Representation through Indigent Defense Delivery Systems, as guiding principles for improving indigent services for juveniles in Louisiana.</i> |
| | | Bill History: 05-03-16 H Withdrawn |
| HB 317 | Ivey, Barry(R) | Increases penalty provisions for certain crimes when a firearm is possessed, discharged, or used. |
| | | Position: Opposed |
| | | Remarks: While this bill does not necessarily fit within the LSBA policy regarding mandatory minimums, the bill is opposed because it takes away judicial discretion. <i>January 2010 HOD policy position: Approved resolution opposing the imposition and requirement of mandatory minimum sentences for non violent offenses and supports allowing our elected judges and district attorneys to exercise their judgment in sentencing under the law.</i> LOBBYIST REPORT: The bill was scheduled and deferred in its initial committee, following consultation with the author or following committee consideration of our opposition. |
| | | Bill History: 04-13-16 H Involuntarily Deferred House Administration of Criminal Justice |
| HB 320 | Ivey, Barry(R) | Increases penalties for possession of a firearm during the commission of a crime of violence. |
| | | Position: Opposed |

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| | | <p>Remarks: While this bill does not necessarily fit within the LSBA policy regarding mandatory minimums, the bill is opposed because it takes away judicial discretion.</p> <p><i>January 2010 HOD policy position: Approved resolution opposing the imposition and requirement of mandatory minimum sentences for non violent offenses and supports allowing our elected judges and district attorneys to exercise their judgment in sentencing under the law.</i></p> <p>LOBBYIST REPORT: Opposed successfully following LSBA opposition.</p> |
| HB 345 | Broadwater, Chris(R) | <p>Bill History: 04-20-16 H Returned to the calendar - subject to call</p> <p>Provides relative to confidentiality with respect to workers' compensation.</p> |
| | | <p>Companions: HB 611 Brown, Chad (Identical)</p> <p>3- 4-16 H Referred to House Committee on House Labor and Industrial Relations</p> |
| | | <p>Position: Opposed</p> |
| | | <p>Remarks: This bill invades claimant privacy and allows otherwise confidential information about a claimant (medical records, records of payment of compensation and rehabilitation) to be provided to third party entities providing insurance support organization services for workers' compensation compliance, monitoring, reporting, enforcement and fraud identification. The bill is too broad and has HIPAA implications. Many, if not most, worker's compensation claimants are unrepresented in their claims and have no way of protecting their confidential information from being disclosed.</p> <p>LOBBYIST REPORT: The bill was never scheduled for a hearing.</p> |
| HB 536 | Garofalo, Ray(R) | <p>Bill History: 03-02-16 H Referred to House Committee on House Labor and Industrial Relations</p> <p>Provides disclosure procedures for asbestos and silica claims.</p> |
| | | <p>Position: Opposed</p> |
| | | <p>Remarks: This bill is part of a legislative package that substantially changes existing law for a</p> |

special interest group. The package of bills have been consistently opposed by the Bar for several years. This bill primarily deals with the disclosure of trust claims.

Approved by House of Delegates January 2010: Approved resolution opposing the creation of special rules favoring subclasses of parties in certain types of cases in contravention of our Civil Code and Code of Civil Procedure, unless a clear case is made of the need for these rules.

LOBBYIST REPORT: The bill was never scheduled for a hearing.

Bill History: 03-03-16 H Referred to House Committee on House Civil Law

HB 537 Garofalo, Ray(R)
Ward, Rick(R) Provides relative to applicable fees and costs incurred for the production of records.

Position: Opposed

Remarks: Opposing is consistent with prior positions of the Bar. This bill would increase the amount to be paid for the production of digital medical records, including additional handling charges which would significantly increase costs.

LOBBYIST REPORT: This bill was amended to satisfactorily address LSBA concerns.

Bill History: 06-06-16 G Sent to the Governor.

HB 547 Jackson, Katrina(D)
Smith, Gary(D) Provides methods for determining indigency of an accused person.

Position: Opposed

Remarks: This bill would create a new bureaucracy that would break people in rural areas who would be eligible but would have no representation.

LOBBYIST REPORT: This bill was amended to satisfactorily address LSBA concerns.

Bill History: 08-01-16 G Effective

HB 611 Brown, Chad(D) Provides relative to confidentiality with respect to workers' compensation.

Companions: [HB 345](#) Broadwater, Chris (Identical)
3- 2-16 H Referred to House Committee on House Labor and Industrial Relations

Position: Opposed

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| | | <p>Remarks: This bill invades claimant privacy and allows otherwise confidential information about a claimant (medical records, records of payment of compensation and rehabilitation) to be provided to third party entities providing insurance support organization services for workers' compensation compliance, monitoring, reporting, enforcement and fraud identification. The bill is too broad and has HIPAA implications. Many, if not most, worker's compensation claimants are unrepresented in their claims and have no way of protecting their confidential information from being disclosed.</p> <p>LOBBYIST REPORT: The bill was never scheduled for a hearing.</p> |
| HB 734 | Abramson, Neil(D) | <p>Bill History: 03-04-16 H Referred to House Committee on House Labor and Industrial Relations</p> <p>Provides relative to certain procedures in civil proceedings.</p> |
| | | <p>Position: Opposed</p> <p>Remarks: The Bar has consistently opposed class action bills that seek further limitations on the rights of putative class members. This bill would add removal to federal court as an action that causes prescription to run again. It would further prohibit suspension of prescription for members of the class who bring an individual action in certain circumstances unless the action is transferred to the same court where the class action is pending and is consolidated with that case.</p> <p>LOBBYIST REPORT: The bill was never scheduled for a hearing.</p> |
| HB 750 | Garofalo, Ray(R) | <p>Bill History: 03-04-16 H Referred to House Committee on House Civil Law</p> <p>Eliminates the jury trial threshold.</p> <p>Position: Opposed</p> <p>Remarks: This bill is opposed, consistent with previous positions of the LSBA on similar bills. Such bills negatively impact access to justice, clog civil and criminal justice systems which are already backed up, and place financial burden on clerks of courts and judicial district courts.</p> |

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| | | LOBBYIST REPORT: The bill was never scheduled for a hearing. |
| | Bill History: | 03-04-16 H Referred to House Committee on House Civil Law |
| HB 781 | Abramson, Neil(D) | Provides relative to motions for summary judgment. |
| | Position: | Opposed |
| | Remarks: | The Bar opposes this bill. It makes no substantive changes and has been amended multiple times over several years, all of which led to the Law Institute's endeavor to rewrite the article. |
| | | LOBBYIST REPORT: The bill was never scheduled for a hearing. |
| | Bill History: | 03-04-16 H Referred to House Committee on House Civil Law |
| HB 797 | Shadoin, Rob(R) | Provides for venue in actions involving a latent disease. |
| | Position: | Opposed |
| | Remarks: | This bill is part of a legislative package that substantially changes existing law for a special interest group. The package of bills has been consistently opposed by the Bar for several years. This bill primarily deals with the disclosure of trust claims. |
| | | <i>Approved by House of Delegates January 2010: Approved resolution opposing the creation of special rules favoring subclasses of parties in certain types of cases in contravention of our Civil Code and Code of Civil Procedure, unless a clear case is made of the need for these rules.</i> |
| | | LOBBYIST REPORT: The bill was never scheduled for a hearing. |
| | Bill History: | 03-04-16 H Referred to House Committee on House Civil Law |
| HB 818 | Mack, Sherman(R) | Amends provisions of law regarding the provision of indigent defense services. Became HB 1137. |
| | Companions: | HB 1137 Mack, Sherman (Substitute) 5-26-16 H Set on the House Orders |
| | Position: | Opposed |
| | Remarks: | Substituted by HB 1137. The Committee noted that the LSBA has been negotiating |

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| | | with the parties and needs the ability to continue to do so. Hence, a position was advocated to give the LSBA the flexibility to respond. |
| | | LOBBYIST REPORT: Became HB 1137. |
| | Bill History: | 04-11-16 H Substituted by - see HB 1137 |
| HB 856 | Huval, Mike(R) Cortez, Page(R) | Provides a limitation of liability for landowners who grant a right of passage to cemeteries. |
| | Position: | Opposed |
| | Remarks: | This bill contains an immunity provision and is opposed per HOD policy. |
| | | <i>Approved by House of Delegates January 2010: Approved resolution opposing the granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged is directly related to the policy, and the immunity is drawn as narrowly as possible to effect its purpose.</i> |
| | | LOBBYIST REPORT: This bill was amended to satisfactorily address LSBA concerns. |
| | Bill History: | 06-06-16 G Sent to the Governor. |
| HB 905 | Emerson, Julie(R) | Provides with respect to employability certificates for reentry court participants. |
| | Companions: | HB 884 Edmonds, Rick (Identical) 3-29-16 H Voluntarily Deferred in Committee House Civil Law |
| | Position: | Support |
| | Remarks: | This bill concerns reentry courts which is important to the Louisiana Supreme Court and which the Bar has been involved in. |
| | | LOBBYIST REPORT: While this particular bill did not pass, other similar bills did. In all, several bills were passed which either created courts or were favorable to reentry courts, including HB 14, 347, 548 and 1022. |
| | Bill History: | 03-15-16 H Referred to House Committee on House Civil Law |
| HB 1065 | Carter, Robby(D) | Provides relative to discovery of certain evidence. |
| | Position: | Opposed |


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| | | <p>Remarks: The Bar has consistently opposed similar bills which radically change civil procedure without having been vetted by the Law Institute. The Bar notes that the bill would make consulting experts discoverable, a notion opposed by both plaintiff and defense bar.</p> <p>LOBBYIST REPORT: The bill was scheduled and deferred in its initial committee, following consultation with the author or following committee consideration of our opposition. HCR 114 requests a Law Institute study of the issue.</p> |
| HB 1098 | Morris, Jay(R) | <p>Bill History: 04-19-16 H Voluntarily Deferred in Committee House Civil Law</p> <p>Provides relative to motions for summary judgment.</p> <p>Position: Opposed</p> <p>Remarks: The Bar opposes changes to the summary judgment rules.</p> <p>LOBBYIST REPORT: The bill was scheduled and deferred in its initial committee, following consultation with the author or following committee consideration of our opposition.</p> |
| HB 1137 | Mack, Sherman(R) Claitor, Dan(R) | <p>Bill History: 04-18-16 H Not Heard in Committee House Civil Law</p> <p>Provides with respect to indigent defense. Substitute for HB 818.</p> <p>Companions:</p> <p>HB 818 Mack, Sherman (Substitute) 4-11-16 H Substituted by - see HB 1137</p> <p>Position: Opposed</p> <p>Remarks: Substituted for HB 818. The Committee noted that the LSBA has been negotiating with the parties and needs the ability to continue to do so. Hence, a position was advocated to give the LSBA the flexibility to respond.</p> <p>LOBBYIST REPORT: This bill had many players and pieces and was a moving target throughout the legislative process. Ultimately, the LPDB was dramatically restructured; going forward, the</p> |

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| | | size of the board will be 11 members. These 11 appointments include: 5 by the Governor, one from each appellate district from a list of names submitted by the public defenders from that district; 4 by the Supreme Court; and one each from the presiding officers of the Legislature. Also, the bill requires that local public defender offices receive at least 65% of the funds of the LPDB. |
| | | Bill History: 06-06-16 G Sent to the Governor. |
| SB 120 | Martiny(R) | Provides relative to Ascension Parish Court and the judge's salary. |
| | | Position: Support |
| | | Remarks: This bill is supported and is consistent with HOD policy. <i>Approved by House of Delegates January 2012: Approved resolution in support of adequate compensation for members of the state judiciary, and authorized communication of this support to the Judicial Compensation Commission and the Louisiana Legislature.</i> |
| | | LOBBYIST REPORT: At its initial committee hearing, the bill became a "vehicle" for another matter of local application only. |
| | | Bill History: 06-06-16 G Sent to the Governor. |
| SB 194 | Peacock(R) | Provides for an enforceable mediation or arbitration provision in a trust. |
| | | Position: Opposed |
| | | Remarks: This bill should go to the Law Institute first. |
| | | LOBBYIST REPORT: The bill was scheduled and deferred in its initial committee, following consultation with the author or following committee consideration of our opposition. SCR 62 requests a Law Institute study of the issue. |
| | | Bill History: 03-03-16 S Referred to Senate Committee on Senate Judiciary A |
| SB 196 | Cortez(R) Coussan, Jean-Paul(R) | Removes judge's discretion with regard to mandatory sentences for certain offenses involving the possession, use, or discharge of a firearm when the felony results in a fatality. |
| | | Position: Opposed |

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| | | <p>Remarks: While this bill does not necessarily fit within the LSBA policy regarding mandatory minimums, the bill is opposed because it takes away judicial discretion.</p> <p><i>January 2010 HOD policy position: Approved resolution opposing the imposition and requirement of mandatory minimum sentences for non violent offenses and supports allowing our elected judges and district attorneys to exercise their judgment in sentencing under the law.</i></p> <p>LOBBYIST REPORT: This bill was amended to satisfactorily address LSBA concerns.</p> |
| SB 203 | Ward(R) Garofalo, Ray(R) | <p>Bill History: 05-26-16 H Failed to pass (Vote: Y: 33/N: 50)</p> <p>Provides for certain penalties regarding the unauthorized practice of law.</p> <p>Position: Support</p> <p>Remarks: This is the LSBA's bill. <i>Approved by House of Delegates January 2015: Approved submission of a bill regarding unauthorized practice of law.</i></p> <p>LOBBYIST REPORT: Supported successfully, this bill was introduced at the request of the LSBA.</p> |
| SB 221 | Peacock(R) | <p>Bill History: 08-01-16 G Effective</p> <p>Provides for separate writing identifying bequest of corporeal movable property.</p> <p>Position: Opposed</p> <p>Remarks: This bill would impact the whole structure of succession law and should go to the Law Institute.</p> <p>LOBBYIST REPORT: The bill was scheduled and deferred in its initial committee, following consultation with the author or following committee consideration of our opposition. SCR 63 requests a Law Institute study of the issue.</p> |
| SB 242 | Milkovich(D) | <p>Bill History: 04-12-16 S Voluntarily Deferred in Committee Senate Judiciary A</p> <p>Provides right of oral argument in contradictory hearings.</p> <p>Position: Opposed</p> |


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| | | <p>Remarks: This bill would require oral argument in all contradictory hearings unless waived by the parties. As result, the bill would impede judges' control over their dockets.</p> <p>LOBBYIST REPORT: Opposed successfully following LSBA opposition.</p> |
| SB 265 | Peacock(R) | <p>Bill History: 04-26-16 S Failed to pass (Vote: Y: 17/N: 19)</p> <p>Provides for an enforceable mediation or arbitration provision in a testament.</p> <p>Position: Opposed</p> <p>Remarks: This bill would impact the whole structure of succession law and should go to the Law Institute.</p> <p>LOBBYIST REPORT: The bill was scheduled and deferred in its initial committee, following consultation with the author or following committee consideration of our opposition. SCR 62 requests a Law institute study of the issue.</p> <p>Bill History: 03-04-16 S Referred to Senate Committee on Senate Judiciary A</p> |
| SB 301 | Morrell(D) Mack, Sherman(R) | <p>Creates the Juvenile Justice Accountability and Cost Effectiveness Act of 2016.</p> <p>Position: Support</p> <p>Remarks: This bill is supported because it affects the Bar's core policies and because the Supreme Court supports this bill. However, concerns were raised about funding for this bill and the bill's adverse effect upon judge's discretion.</p> <p>LOBBYIST REPORT: Supported successfully.</p> <p>Bill History: 06-02-16 G Sent to the Governor.</p> |
| SB 324 | Morrell(D) | <p>Raises the age for consideration as a juvenile in the criminal justice system and creates the Louisiana Juvenile Jurisdiction Planning and Implementation Committee.</p> <p>Position: Support</p> <p>Remarks: This bill is supported because it affects the Bar's core policies and because the Supreme Court supports this bill. However, concerns were raised about funding for this bill and</p> |

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| | | the bill's adverse effect upon judge's discretion. |
| | | LOBBYIST REPORT: Supported successfully. |
| | | Bill History: 06-06-16 G Sent to the Governor. |
| SB 374 | Lambert(R) | Provides relative to the Louisiana Public Defender Fund. |
| | | Position: Opposed |
| | | Remarks: The Bar notes that the bill requires jurisdiction to secure sufficient funding based on arrests and traffic ticket fines. This is a substitute bill for SB 121. |
| | | LOBBYIST REPORT: Opposed successfully following LSBA opposition. |
| | | Bill History: 04-18-16 S Meeting set for At Adj., Room A-B - Senate Finance SUMMARY |
| SB 376 | Colomb(D) Moreno, Helena(D) | Creates the Louisiana Family Caregiver Act. Substitute for SB 121. |
| | | Companions: |
| | | SB 121 Colomb, Yvonne (Substitute) 3-31-16 S Substituted by - see SB 376 |
| | | Position: Opposed |
| | | Remarks: This bill contains an immunity provision and is opposed per HOD policy. <i>Approved by House of Delegates January 2010: Approved resolution opposing the granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged is directly related to the policy, and the immunity is drawn as narrowly as possible to effect its purpose.</i> |
| | | LOBBYIST REPORT: At odds with AARP, the Louisiana Hospital Assn and the Administration- and 58 co-authors! - we were only able to amend the bill to limit liability with respect to gross negligence or willful and wanton misconduct. |
| | | Bill History: 08-01-16 G Effective. |
| SB 418 | Lambert(R) | Provides for payment of fee for application as an indigent to the judicial district indigent defender fund. |
| | | Position: Opposed |

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| SB 432 | Peterson(D) Bagneris, John(D) | <p>Remarks: The Committee noted that the LSBA has been negotiating with the parties and needs the ability to continue to do so. Hence, a position was advocated to give the LSBA the flexibility to respond.</p> <p>LOBBYIST REPORT: Opposed successfully following LSBA opposition.</p> |
| | | <p>Bill History: 04-12-16 S Voluntarily Deferred in Committee Senate Judiciary B</p> |
| | | <p>Provides for return of certain RSD schools to the transferring school board.</p> |
| | | <p>Position: Opposed</p> |
| | | <p>Remarks: This bill contains an immunity provision and is opposed per HOD policy. <i>Approved by House of Delegates January 2010: Approved resolution opposing the granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged is directly related to the policy, and the immunity is drawn as narrowly as possible to effect its purpose.</i></p> <p>LOBBYIST REPORT: Unsuccessful in addressing the limitation of liability problem in the bill.</p> |
| SB 451 | Ward(R) | <p>Bill History: 05-12-16 G Effective</p> |
| | | <p>Provides relative to judicial treatment of certain arbitration awards.</p> |
| | | <p>Position: Opposed</p> |
| | | <p>Remarks: The bill is contrary to the federal arbitration law and would be preempted in practically all instances; the result would unnecessary litigation – the opposite of what arbitration seeks to accomplish.</p> <p>LOBBYIST REPORT: The bill was scheduled and deferred in its initial committee, following consultation with the author or following committee consideration of our opposition.</p> |
| | | <p>Bill History: 05-23-16 H Meeting set for 10:00 A.M. RM. 4 - House Civil Law SUMMARY </p> |
| SB 462 | Ward(R) | <p>Provides relative to the state or a state agency as a party plaintiff.</p> |
| | | <p>Position: Opposed</p> |

Remarks: This bill contains an immunity provision and is opposed per HOD policy. *Approved by House of Delegates January 2010: Approved resolution opposing the granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged is directly related to the policy, and the immunity is drawn as narrowly as possible to effect its purpose.*

LOBBYIST REPORT: The bill was scheduled and deferred in its initial committee, following consultation with the [author](#) or following committee consideration of our opposition.

Bill History: 05-23-16 H Meeting set for 10:00 A.M. RM. 4 - House Civil Law [SUMMARY](#) 

Resolution of interest which have passed are as follows:

- HRs: 191 and 250
- HCRs: 79, 114 and 133
- HSR: 2
- SRs: 142 and 143
- SCRs: 13, 42, 62, 63 and 100