

House Committee on Civil Law and Procedure

Minutes of Meeting
2020 Regular Session
May 18, 2020

I. CALL TO ORDER

Representative Gregory A. Miller, chairman of the House Committee on Civil Law and Procedure, called the meeting to order at 1:12 p.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Gregory A. Miller, chairman
Representative Beryl A. Amedée
Representative Robby Carter
Representative Phillip R. DeVillier
Representative Michael Charles Echols
Representative Lawrence "Larry" Frieman
Representative Valarie Hodges
Representative Patrick O. Jefferson
Representative Sam L. Jenkins, Jr.
Representative Michael T. Johnson, vice chairman
Representative Mandie Landry
Representative Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Thomas A. Pressly
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Wilford Dan Carter, Sr.
Representative Julie Emerson
Representative Cedric B. Glover

STAFF MEMBERS PRESENT:

Annie Smith, attorney
Amy Pirtle, attorney
Margaret "Maggie" O'Roark, committee administrative assistant

III. DISCUSSION OF LEGISLATION

House Bill No. 745 by Representative Villio

On behalf of Representative Villio, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 745, which provides for limited liability for medical services rendered during a state of emergency. Without objection, action on House Bill No. 745 was voluntarily deferred by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Hodges, Mike Johnson, Landry, Muscarello, Nelson, and Pressly voted yea. Representative Gregory Miller abstained.

House Bill No. 778 by Representative Villio

On behalf of Representative Villio, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 778, which provides for the limitation of liability during a declaration of a state of public health emergency. Without objection, action on House Bill No. 778 was voluntarily deferred by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Hodges, Mike Johnson, Landry, Muscarello, Nelson, and Pressly voted yea. Representative Gregory Miller abstained.

House Bill No. 75 by Representative Robby Carter

Representative Robby Carter presented House Bill No. 75, which provides relative to the term of trusts.

Representative Robby Carter offered a motion to report House Bill No. 75 favorably, to which Representative Gregory Miller objected. The administrative assistant called the roll, and House Bill No. 75 was reported favorably by a vote of 10 yeas and 2 nays. Representatives Amedee, Robby Carter, Echols, Frieman, Hodges, Mike Johnson, Landry, Muscarello, Nelson, and Pressly voted yea. Representatives Gregory Miller and DeVillier voted nay.

House Bill No. 361 by Representative Davis

Representative Davis presented House Bill No. 361, which provides relative to supported decisionmaking agreements as a less restrictive means to interdiction.

Kelly Monroe, the Ark of Louisiana, 600 Colonial Drive, Baton Rouge, LA 70806, (225) 383-1033, spoke in support of House Bill No. 361.

Chris Rodriguez, Executive Director, Disability Rights Louisiana, 8325 Oak Street, New Orleans, LA 70118, (504) 522-2337, spoke in support of House Bill No. 361.

Representative Pressly offered a motion to report House Bill No. 361 favorably. Without objection, House Bill No. 361 was reported favorably by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, DeVillier, Echols, Frieman, Hodges, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards received by individuals who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

Statement submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 5 in support. Copies of these statements are included in the committee records.

House Bill No. 820 by Representative Marino

Previous action was taken by the committee on House Bill No. 820 at a meeting held on April 12, 2020. Please check for the previous action to complete the record of discussion and motions on House Bill No. 820.

Representative Marino presented House Bill No. 820, which provides for the emergency suspension of time limitations in certain civil proceedings. Representative Marino stated that an amendment was adopted at the meeting held on April 12, 2020, to add technical changes for the declaration of states of emergency as covered by R.S. 29:721 through 772 and to provide for termination of the period of suspension.

Dean Madeleine Landrieu, Loyola Law School, 526 Pine Street, New Orleans, LA 70118, (504) 495-9959, spoke in support of House Bill No. 820.

Representative Gregory Miller offered a motion to report House Bill No. 820 with amendments, to which Representative Amedee objected. The administrative assistant called the roll, and House Bill No. 820 was reported with amendments by a vote of 8 yeas and 3 nays. Representatives Robby Carter, Echols, Jefferson, Mike Johnson, Landry, Muscarello, Nelson, and Pressly voted yea. Representatives Amedee, Frieman, and Seabaugh voted nay.

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. 410 by Representative LaCombe

Representative LaCombe presented House Bill No. 410, which provides relative to the presumption of paternity.

Gary Franklin, Department of Children and Family Services, 627 North Fourth Street, Baton Rouge, LA 70802, (225) 342-4785, spoke for informational purposes 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 12 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Hodges, Jefferson, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

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

House Bill No. 92 by Representative Wilford Carter

On behalf of Representative Wilford Carter, Representative Robby Carter presented House Bill No. 92, which provides relative to the prescriptive period for delictual actions.

Representative Seabaugh offered a motion to involuntarily defer action on House Bill No. 92, to which Representative Robby Carter objected. The administrative assistant called the roll, and action on House Bill No. 92 was involuntarily deferred by a vote of 8 yeas, 4 nays, and 1 abstention. Representatives Amedee, Echols, Frieman, Hodges, Mike Johnson, Nelson, Pressly, and Seabaugh voted yea. Representatives Robby Carter, Jefferson, Landry, and Muscarello voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 1 in opposition. Witness cards are included in the committee records.

Statement submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

House Bill No. 615 by Representative Seabaugh

Representative Seabaugh presented House Bill No. 615, which provides relative to donors or prospective donors of an organ or tissue.

Robert L. Rieger, Jr., Louisiana Organ Procurement Agency, 450 Laurel Street, Suite 1900, Baton Rouge, LA 70801, (225) 336-5200, spoke for informational purposes only on House Bill No. 615.

Kelly Ranum, Louisiana Organ Procurement Agency, 68190 Highway 190 Service Road, Covington, LA 70433, (504) 837-3355, spoke for informational purposes only on House Bill 615.

Paige Sensenbrenner, Louisiana Organ Procurement Agency, 701 Poydras Street, Suite 4500, New Orleans, LA 70139, (504) 585-0420, spoke for informational purposes only on House Bill No. 615.

Benjamin Mouton, Louisiana Association for Justice, 340 Florida Street, Baton Rouge, LA 70801, (225) 344-3555, withdrew his opposition to House Bill No. 615.

Representative Seabaugh offered a motion to report House Bill No. 615 favorably. Without objection, House Bill No. 615 was reported favorably by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Hodges, Jefferson, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

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

Statement submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

House Bill No. 214 by Representative Stefanski

Representative Stefanski presented House Bill No. 214, a constitutional amendment which provides relative to removal of supreme court jurisdiction over attorney advertisements.

Robert Kutcher, Louisiana State Bar Association, 601 St. Charles Avenue, New Orleans, LA 70130, (504) 250-3228, spoke in opposition to House Bill No. 214.

Vice Chair Mike Johnson in the chair.

Richard Lemmler, Louisiana State Bar Association, 601 St. Charles Avenue, New Orleans, LA 70130, (504) 619-0144, spoke in opposition to House Bill No. 214.

Chairman Gregory Miller back in the chair.

Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 214. Without objection, action on House Bill No. 214 was voluntarily deferred by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Jefferson, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller 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. 525 by Representative Hilferty

Representative Hilferty presented House Bill No. 525, a constitutional amendment which increases the income threshold for purposes of qualifying for the special assessment level.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 525, 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. 525 was adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Amedee, Echols, Frieman, Jefferson, Mike Johnson, Landry, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to report House Bill No. 525 without amendments. Without objection, House Bill No. 525 was reported without amendments by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Amedee, Echols, Frieman, Jefferson, Mike Johnson, Landry, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Bill No. 210 by Representative Mike Johnson

Representative Mike Johnson presented House Bill No. 210, which provides for a child support obligor's right to claim children for tax purposes and provides for the schedule of basic child support obligations.

Representative Mike Johnson offered a motion to report House Bill No. 210 favorably. Without objection, House Bill No. 210 was reported favorably by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Echols, Frieman, Jefferson, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

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

House Bill No. 148 by Representative Mike Johnson

Representative Mike Johnson presented House Bill No. 148, which provides relative to venue for certain actions.

Representative Mike Johnson offered amendments to remove proposed legislation regarding venue for delictual actions, provide for venue for actions on uninsured motorist policies, and provide that proposed law supersedes certain provisions of present law. Representative Mike Johnson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Echols, Frieman, Jefferson, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Judge Guy Holdridge, Louisiana State Law Institute, LSU Law Center, Baton Rouge, LA, (225) 715-6850, spoke for informational purposes only on House Bill No. 148.

Gary Boutwell, II, Attorney at Law, 904 Main Street, Madisonville, LA 70447, (985) 969-5640, spoke in opposition to House Bill No. 148.

Representative Mike Johnson offered a motion to report House Bill No. 148 with amendments, to which Representative Robby Carter objected. The administrative assistant called the roll, and House Bill No. 148 was reported with amendments by a vote of 8 yeas and 5 nays. Representatives Gregory Miller, Amedee, Echols, Frieman, Mike Johnson, Nelson, Pressly, and Seabaugh voted yea. Representatives Robby Carter, Jefferson, Jenkins, Landry, and Muscarello voted nay.

House Bill No. 678 by Representative Robby Carter

Representative Robby Carter offered a motion to voluntarily defer action on House Bill No. 678, which provides relative to actions involving insured defendants. Without objection, action on House Bill No. 678 was voluntarily deferred by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

The committee recessed at 3:25 pm. The committee reconvened at 6:22 pm.

Senate Bill No. 110 by Senator Allain

Senator Allain presented Senate Bill No. 110, which provides relative to servitudes of drainage.

Representative Gregory Miller offered a technical amendment. Representative Gregory Miller offered a motion to adopt the proposed technical amendment. Without objection, the amendment was adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Amedee, Echols, Frieman, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Pressly offered a motion to report Senate Bill No. 110 with amendments. Without objection, Senate Bill No. 110 was reported with amendments by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Amedee, Echols, Frieman, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards presented by individuals who did not speak are as follows: 1 in opposition. Witness cards are included in the committee records.

Senate Bill No. 435 by Senator Abraham

Senator Abraham presented Senate Bill No. 435, which provides relative to certain immunity from civil liability during states of emergency.

Benjamin Mouton, Louisiana Association for Justice, 340 Florida Street, Baton Rouge, LA 70801, (225) 344-3555, spoke in opposition to Senate Bill No. 435.

Representative Pressly offered a motion to report Senate Bill No. 435 favorably. Without objection, Senate Bill No. 435 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Amedee, Echols, Frieman, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 439 by Senator Abraham

Senator Abraham presented Senate Bill No. 439, which limits liability of a nonprofit organization or employee for the disclosure of certain information.

Representative Gregory Miller offered a motion to report Senate Bill No. 439 favorably. Without objection, Senate Bill No. 439 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Amedee, Echols, Frieman, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller 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. 153 by Senator Foil

Senator Foil presented Senate Bill No. 153, which provides relative to continuing tutorship.

There was no further discussion on Senate Bill No. 153.

Representative Gregory Miller offered a motion to report Senate Bill No. 153 favorably. Without objection, Senate Bill No. 153 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Amedee, Echols, Frieman, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

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

Senate Bill No. 433 by Senator Mizell

Senator Mizell presented Senate Bill No. 433, which provides that a mandatory reporter of child abuse has cause to suspect abuse if a child under the age of thirteen is pregnant.

There was no further discussion on Senate Bill No. 433.

Representative Amedee offered a motion to report Senate Bill No. 433 favorably. Without objection, Senate Bill No. 433 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Hodges, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller 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. 597 by Representative Nelson

Representative Nelson presented House Bill No. 597, which provides for evidence in personal injury claims.

Representative Nelson offered amendments to remove the word "medical" from the phrase "prior medical history", remove provisions relative to evidence of the force of impact, remove provisions relative to evidence of amounts received by a testifying healthcare provider, and remove provisions relative to evidence of the failure to wear a safety belt. Representative Nelson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Hodges, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Gary N. Boutwell, II, Attorney at Law, 904 Main Street, Madisonville, LA 70447, (985) 969-5640, spoke in opposition to House Bill No. 597.

Representative Nelson offered a motion to report House Bill No. 597 with amendments, to which Representative Robby Carter objected. The administrative assistant called the roll, and House Bill No. 597 was reported with amendments by a vote of 8 yeas and 6 nays. Representatives Amedee, Echols, Frieman, Hodges, Mike Johnson, Nelson, Pressly, and Seabaugh voted yea. Representatives Gregory Miller, Robby Carter, Jefferson, Jenkins, Landry, and Muscarello voted nay.

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

Statement submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in opposition. Copies of these statements are included in the committee records.

Senate Bill No. 450 by Senator Carter

On behalf of Senator Carter, Representative Gregory Miller presented Senate Bill No. 450, which exempts from seizure payments received under governmental entities as a result of an outstanding emergency event.

Representative Gregory Miller offered amendments to add provisions relative to payments, grants, and loans made by the United States, any state, or any federal or state agency resulting from the occurrence of an extraordinary emergency event. Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

William G. Cherbonnier, Jr., 2550 Belle Chasse Highway, Gretna, LA 70053, (504) 309-3304, spoke in support of Senate Bill No. 450.

Representative Frieman offered an amendment to clarify language regarding the seizure of child and spousal support payments. Representative Frieman offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to report Senate Bill No. 450 with amendments. Without objection, Senate Bill No. 450 was reported with amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Senate Bill No. 424 by Senator White

Senator White presented Senate Bill No. 424, which authorizes the city of Central to expropriate property by declaration for the purpose of maintaining and improving drainage.

There was no further discussion on Senate Bill No. 424.

Representative Robby Carter offered a motion to report Senate Bill No. 424 favorably. Without objection, Senate Bill No. 424 was reported favorably by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

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

House Bill No. 236 by Representative Robby Carter

Representative Robby Carter presented House Bill No. 236, which provides relative to divorce, and requested that this matter be introduced as a study resolution.

Representative Robby Carter offered a motion to voluntarily defer action on House Bill No. 236. Without objection, action on House Bill No. 236 was voluntarily deferred by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller 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. 142 by Representative Robby Carter

Representative Robby Carter presented House Bill No. 142, which provides relative to successions.

There was no further discussion on House Bill No. 142.

Representative Robby Carter offered a motion to report House Bill No. 142 favorably. Without objection, House Bill No. 142 was reported favorably by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Bill No. 648 by Representative Robby Carter

Representative Robby Carter presented House Bill No. 648, which provides relative to final default judgments.

Representative Robby Carter offered a motion to voluntarily defer action on House Bill No. 648. Without objection, action on House Bill No. 648 was voluntarily deferred by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

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

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

Representative Mike Johnson offered a motion to adjourn. Without objection, the motion passed by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Chairman Gregory A. Miller
House Committee on Civil Law and Procedure