

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

Minutes of Meeting  
2020 First Extraordinary Session  
June 15, 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 9:09 a.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 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  
Representative Valarie Hodges  
Representative Patrick O. Jefferson

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

Annie Smith, attorney  
Amy Pirtle, attorney  
Diane Merritt, committee assistant

**ADDITIONAL ATTENDEES PRESENT:**

Maddie Murphy, clerk  
Myrtis Jarrell, sergeant at arms

**III. DISCUSSION OF LEGISLATION****House Resolution No. 6 by Representative McCormick**

Representative McCormick presented House Resolution No. 6, which directs the governor to protect religious freedoms.

Representative Gregory Miller offered an amendment to change "direct" to "urge and request". Representative Gregory Miller offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Robby Carter, Echols, Frieman, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, and Pressly voted yea.

Brandi Melissa, P.O. Box 2121, Baton Rouge, LA 70821, no telephone number provided, spoke in support of House Resolution No. 6.

Representative Frieman offered a motion to report House Resolution No. 6 with amendments, to which Representative Robby Carter objected. The administrative assistant called the roll, and House Resolution No. 6 was reported with amendments by a vote of 8 yeas and 3 nays. Representatives Amedee, Echols, Frieman, Mike Johnson, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representatives Robby Carter, Jenkins, and Landry voted nay.

Witness cards submitted by individuals who did not speak are as follows: 2 in support. Witness cards are included in the committee record.

**House Concurrent Resolution No. 7 by Representative Ivey**

Representative Ivey presented House Concurrent Resolution No. 7, which directs the Louisiana State Law Institute to study the Constitution of Louisiana and make recommendations to the legislature regarding transitional and outdated language that can be removed or changed without affecting the effect of the constitutional provisions.

Representative Echols offered a motion to report House Concurrent Resolution No. 7 favorably. Without objection, House Concurrent Resolution No. 7 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Jenkins, Mike Johnson, Landry, Muscarello, and Pressly voted yea. Representative Gregory Miller abstained.

**House Bill No. 40 by Representative Ivey**

Representative Ivey presented House Bill No. 40, a constitutional amendment which provides for laws relative to statutory dedications.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 40, which stated that the measure potentially may be accomplished statutorily. Without objection, the House Rule 6.8(A) Report to House Bill No. 40 by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered an amendment to make technical changes to the ballot language. Representative Gregory Miller offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Amedee offered a motion to report House Bill No. 40 with amendments. Without objection, House Bill No. 40 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

**House Bill No. 55 by Representative Mike Johnson**

Representative Mike Johnson presented House Bill No. 55, which provides relative to evidence of causation from nonuse of a safety belt.

Representative Mike Johnson offered an amendment to provide that failure to wear a safety belt may be used as an affirmative defense. Representative Mike Johnson offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Echols, Frieman, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered an amendment to remove the proposed law provision which superseded Section 6 of Senate Bill No. 418 of the 2020 Regular Session. Representative Gregory Miller offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Echols, Frieman, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Robert E. Kleinpeter, Louisiana Association for Justice, 442 Europe Street, Baton Rouge, LA 70802, (225) 323-5554, spoke in opposition to House Bill No. 55.

Representative Mike Johnson offered a motion to report House Bill No. 55 with amendments. Without objection, House Bill No. 55 was reported with amendments by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Frieman, 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: 8 in support. Witness cards are included in the committee records.

### **House Bill No. 56 by Representative Robby Carter**

Representative Robby Carter offered a motion to voluntarily defer action on House Bill No. 56, which provides for the use of evidence of the failure to wear a safety belt. Without objection, action on House Bill No. 56 was voluntarily deferred by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Frieman, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

*Vice Chair Mike Johnson in the chair.*

### **House Bill No. 60 by Representative McFarland**

Representative McFarland presented House Bill No. 60, which enacts the Premium Reduction Act of 2020.

On behalf of Representative McFarland, Representative Nelson offered amendments to:

- (1) Clarify that the motion for supplemental damages may only be made by the plaintiff and remove duplicative language to that effect.
- (2) Specify that supplemental damages are limited to past medical expenses.
- (3) Change the phrase "medical premiums" to "health insurance premiums".
- (4) Add language that the collateral source provision applies notwithstanding conflicting language in the Code of Evidence.

Representative Nelson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Robby Carter, Echols, Frieman, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea.

Doug Williams, Louisiana Motor Transportation Association, P.O. Box 3197, Baton Rouge, LA 70821, (225) 387-4000, spoke in support of House Bill No. 60.

*Chairman Gregory Miller back in chair.*

Toni McAllister, Louisiana Loggers Association, 208 Shady Hills Lane, Winnfield, LA 71483, (318) 729-1726, spoke in support of House Bill No. 60.

Chance McNeely, Premier Policy Solutions, 6252 Morgan Bend Drive, Baton Rouge, LA 70820, (318) 518-5367, spoke in support of House Bill No. 60.

Commissioner James Donelon, Louisiana Department of Insurance, 1702 North Third Street, Baton Rouge, LA 70802, (225) 342-7275, spoke in opposition to House Bill No. 60.

Robert E. Kleinpeter, Louisiana Association for Justice, 442 Europe Street, Baton Rouge, LA 70802, (225) 383-5554, spoke in opposition to House Bill No. 60.

Representative Pressly offered a motion to report House Bill No. 60 with amendments, to which Representative Jenkins objected. The administrative assistant called the roll, and House Bill No. 60 was reported with amendments by a vote of 9 yeas and 3 nays. Representatives Amedee, DeVillier, Echols, Frieman, Mike Johnson, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representatives Robby Carter, Jenkins, and Landry voted nay.

Witness cards submitted by individuals who did not speak are as follows: 12 in support 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**

The meeting was adjourned at 12:26 p.m.

Respectfully submitted,

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