

House Committee on Civil Law and Procedure

Minutes of Meeting
2021 Regular Session
April 14, 2021

I. CALL TO ORDER

Representative Gregory A. Miller, chairman of the House Committee on Civil Law and Procedure, called the meeting to order at 9:32 a.m. in Room 4, 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 Michael Charles Echols
Representative Julie Emerson
Representative Lawrence "Larry" Frieman
Representative Patrick O. Jefferson
Representative Sam L. Jenkins, Jr.
Representative Michael T. Johnson, vice chairman
Representative Mandie Landry
Representative Ed Larvadain, III
Representative Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Thomas A. Pressly
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Wilford Dan Carter, Sr.
Representative Valarie Hodges
Representative Joseph A. Marino, III

STAFF MEMBERS PRESENT:

Annie Smith, attorney
Amy Pirtle, attorney
Megan Sanders, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Myrtus Jarrell, sergeant at arms
Angela McKnight, sergeant at arms
Jayde Daniel, committee clerk
Maddie Murphy, committee clerk
Zachary Gonzales, attorney

III. DISCUSSION OF LEGISLATION**House Bill No. 294 by Representative Romero**

On behalf of Representative Romero, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 294, which provides relative to the withholding of retainage. Without objection, action on House Bill No. 294 was voluntarily deferred by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Larvadain, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Bill No. 108 by Representative Larvadain

Representative Larvadain presented House Bill No. 108, which provides with respect to in forma pauperis proceedings.

Judge Guy Holdridge, Louisiana State Law Institute, Room W127, Paul M. Hebert Law Center, 1 East Campus Dr., Baton Rouge, LA 70803, spoke for information only on House Bill No. 108.

Representative Larvadain offered a motion to report House Bill No. 108 favorably. Without objection, House Bill No. 108 was reported favorably by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Larvadain, 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 support. Witness cards are included in the committee records.

House Bill No. 140 by Representative Muscarello

Representative Muscarello presented House Bill No. 140, which provides for the modernization of certain provisions of the Code of Civil Procedure.

Judge Guy Holdridge, Louisiana State Law Institute, Room W127, Paul M. Hebert Law Center, 1 East Campus Dr., Baton Rouge, LA 70803, spoke for information only on House Bill No. 140.

Representative Gregory Miller offered an amendment to specify that for service of process a self-represented party shall provide a physical address and designated mailing address if mail is not received at the physical address, but need provide an email address only if he has an email address. Representative Gregory Miller offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Frieman, Jefferson, Mike Johnson, Landry, Larvadain, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Debbie D. Hudnall, Louisiana Clerks of Court Association, 10202 Jefferson Hwy., Bldg. A, Baton Rouge, LA 70809, (225) 293-1162, spoke for information only on House Bill No. 140.

Representative Muscarello offered a motion to report House Bill No. 140 with amendments. Without objection, House Bill No. 140 was reported with amendments by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Muscarello, and Pressly voted yea. Representative Gregory Miller abstained.

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

House Bill No. 164 by Representative Robby Carter

Representative Robby Carter presented House Bill No. 164, which provides relative to default judgments.

Judge Guy Holdridge, Louisiana State Law Institute, Room W127, Paul M. Hebert Law Center, 1 East Campus Dr., Baton Rouge, LA 70803, spoke for information only on House Bill No. 164.

Representative Robby Carter offered amendments to:

- (1) With respect to default judgments in parish and city courts, specify that the plaintiff must establish a prima facie case by competent and admissible evidence.
- (2) Make technical changes.

Representative Robby Carter 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 Amedée, Robby Carter, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Robby Carter offered a motion to report House Bill No. 164 with amendments, to which Representative Seabaugh objected. The administrative assistant called the roll, and House Bill No. 164 was reported with amendments by a vote of 9 yeas, 5 nays, and 1 abstention. Representatives Robby Carter, Echols, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Muscarello, and Nelson voted yea. Representatives Amedée, Emerson, Frieman, Pressly, and Seabaugh voted nay. Representative Gregory Miller abstained.

House Bill No. 375 by Representative Freeman

Representative Freeman presented House Bill No. 375, which provides relative to sexual assault victims as parties to certain residential lease agreements.

On behalf of the author, Representative Gregory Miller offered amendments to:

- (1) Specify that a "qualified third party" includes a prosecuting attorney or investigating law enforcement officer who has personal involvement in the investigation or prosecution of any criminal case relative to the sexual assault.
- (2) Add that the lessor is entitled to an immediate eviction of a sexual assault offender upon presenting the court with reasonable documentation of the assault.

Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Morgan Lamandre, Sexual Trauma Awareness and Response, 5615 Corporate Blvd., Suite 200, Baton Rouge, LA 70808, (225) 615-7093, spoke in support of House Bill No. 375.

Maxwell Ciardullo, Louisiana Fair Housing Action Center, 1340 Poydras St., Suite 710, New Orleans, LA, spoke in support of House Bill No. 375.

Jennifer Ansardi, The Apartment Association of Louisiana, 3017 Harvard Ave. S., Suite 201, Metairie, LA, 70006, (504) 606-7700, spoke in support of House Bill No. 375.

Angelina Cauntelli, Tigers Against Sexual Assault, 17075 Caroline Court, Prairieville, LA 70769, (225) 281-0472, spoke in support of House Bill No. 375.

Isabella Rovere, LSU Student, 19332 Pebble Beach Drive, Baton Rouge, LA 70809, (225) 916-4929, spoke in support of House Bill No. 375.

Alexandra Thibodeaux, LSU Student, 550 Ben Hur Rd., Apt. 1304, Baton Rouge, LA, (225) 335-3184, spoke in support of House Bill No. 375.

Ricky Bryant, LSU Student, 5002 Feliciana Drive, Bossier City, LA, 71112, (318) 470-6322, spoke in support of House Bill No. 375.

Harris Quadir, LSU Student Government, 4000 Lake Beau Pre, Apt. 110, Baton Rouge, LA, (337) 532-8381, spoke in support of House Bill No. 375.

Katie Hunter-Lowrey, Louisiana Survivors for Reform, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 535-4912, spoke in support of House Bill No. 375.

Representative Jenkins offered a motion to report House Bill No. 375 with amendments. Without objection, House Bill No. 375 was reported with amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Emerson, Frieman, 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: 6 in support. Witness cards are included in the committee records.

Statements 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. 385 by Representative Beaulieu

Representative Beaulieu presented House Bill No. 385, which provides for the removal of abandoned manufactured housing units.

David Boneno, Louisiana Bankers Association, 5555 Bankers Ave., Baton Rouge, LA 70808, (225) 214-4836, spoke for information only on House Bill No. 385.

Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 385. Without objection, action on House Bill No. 385 was voluntarily deferred by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Emerson, Frieman, Mike Johnson, Landry, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

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

Further action was taken by the committee on House Bill No. 385 at a later meeting held on April 19, 2021. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 385.

House Bill No. 264 by Representative Seabaugh

Representative Seabaugh presented House Bill No. 264, which provides for advertisement of judicial sales.

Representative Seabaugh offered an amendment to remove references and changes to R.S. 43:201(A), which provides for judicial advertisements and legal notices for parishes outside of Orleans Parish. Representative Seabaugh 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 Amedée, Robby Carter, Echols, Emerson, Frieman, Mike Johnson, Landry, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

David Boneno, Louisiana Bankers Association, 5555 Bankers Ave., Baton Rouge, LA 70808, (225) 214-4836, spoke in support of House Bill No. 264.

Representative Seabaugh offered a motion to report House Bill No. 264 with amendments, to which Representative Robby Carter objected. The administrative assistant called the roll, and House Bill No. 264 was reported with amendments by a vote of 7 yeas, 2 nays, and 1 abstention. Representatives Amedée, Emerson, Frieman, Mike Johnson, Landry, Nelson, and Seabaugh voted yea. Representatives Robby Carter and Larvadain voted nay. 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.

House Bill No. 152 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 152, which provides for the continuous revision of the Code of Civil Procedure.

Judge Guy Holdridge, Louisiana State Law Institute, Room W127, Paul M. Hebert Law Center, 1 East Campus Dr., Baton Rouge, LA 70803, spoke for information only on House Bill No. 152.

Representative Gregory Miller offered an amendment to make technical changes. Representative Gregory Miller offered a motion to adopt the proposed amendment. Without objection, the

amendment was adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Emerson, Frieman, Mike Johnson, Landry, Larvadain, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

William R. Forrester, Jr., Reporter, Louisiana State Law Institute, Room W127, Paul M. Hebert Law Center, 1 East Campus Dr., Baton Rouge, LA 70803, spoke for information only on House Bill No. 152.

Representative Gregory Miller offered a motion to report House Bill No. 152 with amendments. Without objection, House Bill No. 152 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Emerson, Frieman, Jefferson, Larvadain, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 12:45 p.m.

Respectfully submitted,

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