

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

Minutes of Meeting  
2021 Regular Session  
April 26, 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 10:03 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 Valarie Hodges  
Representative Patrick O. Jefferson  
Representative Sam L. Jenkins, Jr.  
Representative Michael T. Johnson, vice chairman  
Representative Mandie Landry  
Representative Ed Larvadain, III  
Representative Joseph A. Marino, III  
Representative Nicholas Muscarello, Jr.  
Representative Richard James Nelson  
Representative Thomas A. Pressly  
Representative Alan Seabaugh

#### **MEMBERS ABSENT:**

Representative Wilford Dan Carter, Sr.

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

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

**ADDITIONAL ATTENDEES PRESENT:**

Zachary Gonzales, attorney  
Diane Merritt, committee administrative assistant  
Danny Leming, sergeant at arms  
Jayde Daniel, clerk  
Sharon Bourque, sergeant at arms

**III. DISCUSSION OF LEGISLATION****House Bill No. 100 by Representative Davis**

At the request of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 100, which provides relative to partial partition of community property. Without objection, action on House Bill No. 100 was voluntarily deferred by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedée, Frieman, Hodges, Jenkins, Mike Johnson, Landry, Larvadain, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

**House Bill No. 500 by Representative McMahan**

At the request of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 500, which provides relative to the prohibition against alcohol consumption for noncompliance of child support orders. Without objection, action on House Bill No. 500 was voluntarily deferred by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedée, Frieman, Hodges, Jenkins, Mike Johnson, Landry, Larvadain, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

**House Bill No. 202 by Representative Bishop**

Representative Bishop presented House Bill No. 202, a constitutional amendment which provides for an increased vote requirement when enacting certain new tax incentives.

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 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Emerson, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 202, 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. 202 was adopted by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Emerson, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to report House Bill No. 202 with amendments. Without objection, House Bill No. 202 was reported with amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Emerson, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, 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. 274 by Representative Bishop**

Representative Bishop presented House Bill No. 274, a constitutional amendment which provides for the rates and brackets for purposes of calculating income taxes and limits the mandatory deduction for federal income taxes paid to corporate income taxes.

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 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Emerson, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 274, 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. 274 was adopted by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Emerson, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to report House Bill No. 274 with amendments. Without objection, House Bill No. 274 was reported with amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Emerson, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, 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. 21 by Representative Charles Owen**

Representative Charles Owen presented House Bill No. 21, which provides for civil liability for the intentional dissemination of personally identifiable information.

Representative Gregory Miller offered a technical amendment to prohibit application to news or public interest news organizations. Representative Gregory Miller 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 Amedée, Emerson, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

At the request of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 21. Without objection, action on House Bill No. 21 was voluntarily deferred by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Emerson, Frieman, Hodges, Jefferson, Landry, Larvadain, Marino, and Nelson 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.

***Further action was taken by the committee on House Bill No. 21 at a later meeting held on May 11, 2021. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 21.***

**House Bill No. 207 by Representative Zeringue**

At the request of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 207, a constitutional amendment which provides for the rates and brackets for purposes of calculating income taxes and eliminates the mandatory deduction for federal income taxes paid for purposes of computing income taxes. Without objection, action on House Bill No. 207 was voluntarily deferred by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Emerson, Frieman, Hodges, Jefferson, Landry, Larvadain, Marino, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

**House Bill No. 474 by Representative Mincey**

***This a continuation of the discussion on House Bill No. 474 from an earlier meeting held on April 21, 2021. Please check for the prior action to complete the records of discussion and motions on House Bill No. 474.***

Representative Mincey presented House Bill No. 474, which provides relative to civil liability for the crime of hit-and-run driving.

Representative Gregory Miller offered amendments to:

- (1) Create a rebuttable presumption.
- (2) Remove amendments to R.S. 22:1973 regarding insurers duties.
- (3) Make technical changes.

Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 15 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Emerson, Frieman, Hodges, Jefferson, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Seabaugh offered amendments to:

- (1) Remove the amendments adopted on April 21, 2021.
- (2) Remove amendments to R.S. 22:1973 regarding insurers duties.
- (3) Require that a person convicted of the crime of hit-and-run driving pursuant to R.S. 14:100 shall be presumed to be the legal cause of the accident.
- (4) Make technical changes.

Representative Seabaugh offered a motion to adopt the proposed amendments, to which Representative Robby Carter objected. The administrative assistant called the roll, and the amendments were adopted by a vote of 11 yeas, 5 nays, and 1 abstention. Representatives Amedée, Echols, Emerson, Frieman, Hodges, Mike Johnson, Marino, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representatives Robby Carter, Jefferson, Jenkins, Landry, and Larvadain voted nay. Representative Gregory Miller abstained.

At the request of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 474. Without objection, action on House Bill No. 474 was voluntarily deferred by a vote of 16 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Emerson, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, 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. 369 by Representative Ivey**

Representative Ivey presented House Bill No. 369, a constitutional amendment, which provides for a flat tax on individual income and eliminates the mandatory income tax deduction for federal income taxes paid for purposes of computing income taxes.

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 16 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Emerson, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered amendments to:

- (1) Change the date of submission of the proposed amendment to the voters from October 9, 2021, to November 8, 2022.
- (2) Change the effective date from January 1, 2022, to January 1, 2023.

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, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 369, 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. 369 was adopted by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to report House Bill No. 369 with amendments. Without objection, House Bill No. 369 was reported with amendments by a vote of 15 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, 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. 370 by Representative Ivey**

Representative Ivey presented House Bill No. 370, a constitutional amendment which establishes certain property tax exemptions for capital investment projects.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 370, 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. 370 was adopted by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Frieman, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to report House Bill No. 370 without amendments. Without objection, House Bill No. 370 was reported without amendments by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Frieman, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

**House Bill No. 417 by Representative Ivey**

Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 417. Without objection, action on House Bill No. 417 was voluntarily deferred by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Nelson, Pressly, 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 12:17 p.m.

Respectfully submitted,

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