

House Committee on Civil Law and Procedure

Minutes of Meeting
2021 Regular Session
April 20, 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 9:40 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
Vivian Hurst, sergeant at arms
Jayde Daniel, clerk

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

On behalf 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 14 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Emerson, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Bill No. 521 by Representative Seabaugh

At the request of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 521. Without objection, action on House Bill No. 521 was voluntarily deferred by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Emerson, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Bill No. 199 by Representative Schexnayder

On behalf of the author, Representative Gregory Miller presented House Bill No. 199, a constitutional amendment, which provides for the State and Local Streamlined Sales and Use Tax Commission.

Jason DeCuir, Chair of House Resolution No. 31, 504 Spanish Town Rd., Baton Rouge, LA 70802, spoke in support of House Bill No. 199.

Michael Ranatza, Executive Director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA, (225) 343-8402, spoke in support of House Bill No. 199.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 199, 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. 199 was 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, Marino, Muscarello, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to report House Bill No. 199 without amendments. Without objection, House Bill No. 199 was reported without amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Echols, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, 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.

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. 294 by Representative Romero

Representative Romero presented House Bill No. 294, which provides relative to the withholding of retainage.

At the request of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 294. Without objection, action on House Bill No. 294 was voluntarily deferred by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 1 in support, 2 in opposition. Witness cards are included in the committee records.

House Bill No. 400 by Representative Coussan

Representative Coussan presented House Bill No. 400, which provides relative to the partition of property.

Kathryn Belanger, Louisiana Land Title Association, 433 Metairie Rd, Ste. 525, Metairie, LA 70003, (504) 648-8828, spoke in opposition to House Bill No. 400.

Representative Emerson offered a motion to report House Bill No. 400 favorably. Without objection, House Bill No. 400 was reported favorably by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Emerson, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Bill No. 81 by Representative Pressly

Representative Pressly presented House Bill No. 81, which provides relative to prescription.

Professor Ron Scalise, 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. 81.

Lesli Bolner, Louisiana Land Title Association, 200 N. Cate St., Hammond, LA 70401, (985) 542-8500, spoke in opposition to House Bill No. 81.

Kathryn Belanger, Louisiana Land Title Association, 433 Metairie Rd., Ste. 525, Metairie, LA 70005, (504) 648-8828, spoke in opposition to House Bill No. 81.

Representative Pressly offered an amendment to delete the provisions repealing Civil Code Article 3502. Representative Pressly offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Emerson, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Pressly offered a motion to report House Bill No. 81 with amendments. Without objection, House Bill No. 81 was reported with amendments by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Emerson, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, 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. 295 by Representative Seabaugh

Representative Seabaugh presented House Bill No. 295, which provides relative to immovable property in successions.

On behalf of the author, 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 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

Kathryn Belanger, Louisiana Land Title Association, 433 Metairie Rd., Ste. 525, Metairie, LA 70005, (504) 648-8828, spoke in support of House Bill No. 295.

Ronald Scalise, 4724 Carondelet St., New Orleans, LA 70115, (504) 256-8071, spoke in opposition to House Bill No. 295.

Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 295. Without objection, action on House Bill No. 295 was voluntarily deferred by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Emerson, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 5 in support. Witness cards are included in the committee records.

Further action was taken by the committee on House Bill No. 295 at a meeting held on April 21, 2021. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 295.

House Bill No. 418 by Representative Robby Carter

Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 418. Without objection, action on House Bill No. 418 was voluntarily deferred by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Emerson, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, 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 11:29 a.m.

Respectfully submitted,

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