

House Committee on Civil Law and Procedure

Minutes of Meeting
2021 Regular Session
April 21, 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 9:39 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 Michael Charles Echols
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 Joseph A. Marino, III
Representative Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Thomas A. Pressly
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Robby Carter
Representative Wilford Dan Carter, Sr.
Representative Julie Emerson
Representative Valarie Hodges

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Myrtis Jarrell, sergeant at arms
Zachary Gonzales, attorney
Maddie Murphy, clerk

III. DISCUSSION OF LEGISLATION**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. Without objection, action on House Bill No. 500 was voluntarily deferred by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Bill No. 474 by Representative Mincey

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

Representative Mike Johnson offered an amendment to change the phrase "commits the crime of hit-and-run driving" to "is proven by a preponderance of the evidence to have engaged in the act of hit-and-run driving as defined in Revised Statute 14:100". 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 Amedée, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, and Pressly voted yea. Representative Gregory Miller abstained.

On behalf 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 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Echols, 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 and 1 in opposition. Witness cards are included in the committee records.

Further action was taken by the committee on House Bill No. 474 at a later meeting held on April 26, 2021. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 474.

House Bill No. 517 by Representative Thomas

Representative Thomas presented House Bill No. 517, which provides for the limitation of civil liability for agents, contractors, and representatives of proprietors.

Neil Abramson, 5500 Prytania St., No. 314, New Orleans, LA 70115, (504) 897-5444, spoke in support of House Bill No. 517.

Representative Seabaugh offered an amendment to provide for prospective application only. Representative Seabaugh 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, Echols, Frieman, Jefferson, Jenkins, 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. 517 with amendments. Without objection, House Bill No. 517 was reported with amendments by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, and Pressly voted yea. Representative Gregory Miller abstained.

House Bill No. 295 by Representative Seabaugh

This is a continuation of the discussion on House Bill No. 295 from a meeting held on April 20, 2021. Please check for the prior action to complete the record of discussion and motions on House Bill No. 295.

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

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.

Representative Seabaugh offered amendments to:

- (1) Repeal Code of Civil Procedure Article 3421(B).
- (2) Require that the small successions affidavit be in authentic form or that a copy of the death certificate be attached to the affidavit.
- (3) Remove the necessity to open a small succession for a deceased person domiciled in Louisiana if the probate of the testament would have the same effect as if the deceased died intestate.

- (4) Remove the requirement that the deceased leave no immovable property.

Representative Seabaugh offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered an amendment to remove the technical amendment previously adopted on April 20, 2021. Without objection, the amendment was adopted by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Seabaugh offered a motion to report House Bill No. 295 with amendments. Without objection, House Bill No. 295 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedée, Frieman, 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: 2 in support. Witness cards are included in the committee records.

House Bill No. 521 by Representative Seabaugh

This is a continuation of the discussion on House Bill No. 521 from a meeting held on April 20, 2021. Please check for the prior action to complete the record of discussion and motions on House Bill No. 521.

Representative Seabaugh presented House Bill No. 521, which provides relative to partitions of property.

Representative Seabaugh offered amendments to:

- (1) Remove provisions regarding Civil Code Article 811 and Code of Civil Procedure Articles 4607, 4621, 4624, 4625, 4626.1, 4627, and 4643.
- (2) Enact Code of Civil Procedure Articles 4607.1 and 4607.2.
- (3) Add that a petition shall identify whether the proposed purchaser is related to any co-owner within the fourth degree or is a juridical entity in which any co-owner has a financial interest.

Representative Seabaugh 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, Frieman, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, Pressly, 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. 521.

Representative Seabaugh offered an amendment to add execution of an act of sale "on behalf of all co-owners". Representative Seabaugh 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, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Seabaugh offered an amendment to change co-owner's share of proceeds of the sale to co-owner's share of the property. 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, Echols, Frieman, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Seabaugh offered a motion to report House Bill No. 521 with amendments. Without objection, House Bill No. 521 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedée, Echols, Frieman, Jenkins, Mike Johnson, Landry, Larvadain, Marino, 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.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:00 a.m.

Respectfully submitted,

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