

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

Minutes of Meeting  
2021 Regular Session  
May 3, 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 9:15 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 Wilford Dan Carter, Sr.  
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 Alan Seabaugh

#### **MEMBERS ABSENT:**

Representative Robby Carter  
Representative Thomas A. Pressly

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

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

**ADDITIONAL ATTENDEES PRESENT:**

Zachary Gonzales, attorney  
Jayde Daniel, clerk  
Vivian Hurst, sergeant at arms  
Danny Leming, sergeant at arms  
Angela McKnight, sergeant at arms

**III. DISCUSSION OF LEGISLATION****House Bill No. 143 by Representative Willard**

Representative Willard presented House Bill No. 143, a constitutional amendment which limits the amount of the increase in the assessed value of certain immovable property in Orleans Parish following reassessment of property for purposes of ad valorem taxes.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 143, 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. 143 was adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Echols, Frieman, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Jenkins offered a motion to report House Bill No. 143 without amendments. Without objection, House Bill No. 143 was reported without amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Echols, Frieman, 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: 2 in support and 4 in opposition. Witness cards are included in the committee records.

**House Bill No. 331 by Representative Bourriaque**

Representative Bourriaque presented House Bill No. 331, a constitutional amendment which authorizes the state to enter into certain agreements with landowners concerning boundaries between state claimed and privately claimed water bottoms.

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 10 yeas, 0 nays, and 1 abstention. Representatives Echols, Frieman, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Kevin Hayes, Louisiana Land Owners Association, 412 N. 7<sup>th</sup> St., No. 328, Baton Rouge, LA 70802, (225) 268-2725, spoke in support of House Bill No. 331.

Emory Belton, Louisiana Sportsmen's Coalition, 7266 Tom Dr., Baton Rouge, LA 70810, (225) 615-0212, spoke in opposition to House Bill No. 331.

John R. Daniel, Louisiana Sportsmen's Coalition, 3412 E. Nic Dr., Addis, LA 70710, (225) 776-2030, spoke in opposition to House Bill No. 331.

Lucas J. Ragusa, Louisiana Sportsmen's Coalition, 41465 Pertuis Acres, Gonzales, LA 70737, (504) 400-5420, spoke in opposition to House Bill No. 331.

Jody Meche, Louisiana Crawfish Producers Association West, commercial fisherman, P.O. Box 694, Henderson, LA 70517, (337) 257-3331, spoke in opposition to House Bill No. 331.

Richard Fischer, executive director, Louisiana Charter Boat Association, 4409 Meadowdale St., Metairie, LA 70006, (985) 691-3474, spoke in opposition to House Bill No. 331.

Representative Muscarello offered an amendment to change the proposed election date from November 8, 2022, to November 7, 2024. Representative Muscarello offered a motion to adopt the proposed amendment, to which Representative Mike Johnson objected. The administrative assistant called the roll, and the amendment was adopted by a vote of 6 yeas, 5 nays, and 1 abstention. Representatives Emerson, Frieman, Landry, Muscarello, Nelson, and Seabaugh voted yea. Representatives Echols, Jenkins, Mike Johnson, Larvadain, and Marino voted nay. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 331, 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. 331 was adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Echols, Emerson, Frieman, 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. 331 with amendments. Without objection, House Bill No. 331 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Echols, Emerson, Frieman, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted for individuals who did not speak are as follows: 4 in support, 44 in opposition, and 1 for information only. Witness cards are included in the committee records.

*41 witness cards were submitted in opposition to House Bill No. 399 which was not on the committee agenda but is companion legislation to House Bill No. 331.*

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in opposition. Copies of these statements are included in the committee records.

### **House Bill No. 154 by Representative Zeringue**

On behalf of Representative Zeringue, Terrance Ginn, Board of Regents, 1201 N. 3<sup>rd</sup> St., Baton Rouge, LA 70802, (225) 342-4253, presented House Bill No. 154, a constitutional amendment which provides relative to the maximum amount of monies in certain funds that may be invested in stocks.

John Broussard, assistant state treasurer, chief investment officer, Louisiana Treasury, 21<sup>st</sup> Floor, Louisiana State Capitol, (225) 342-0013, spoke for information only on House Bill No. 154.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 154, 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. 154 was adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Emerson, Frieman, Hodges, Jenkins, Mike Johnson, Landry, Larvadain, Marino, and Nelson voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to report House Bill No. 154 without amendments. Without objection, House Bill No. 154 was reported without amendments by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Emerson, Frieman, Hodges, Jenkins, Mike Johnson, Landry, Larvadain, Marino, and Nelson voted yea. Representative Gregory Miller abstained.

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

### **House Bill No. 275 by Representative Riser**

Representative Riser presented House Bill No. 275, a constitutional amendment which eliminates the mandate for the corporation income tax deduction for federal income taxes paid.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 275, 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. 275 was adopted by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Echols, Emerson, Frieman, Hodges, 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. 275 without amendments. Without objection, House Bill No. 275 was reported without amendments by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Echols, Emerson, Frieman, Hodges, 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. 103 by Representative McCormick**

Representative McCormick presented House Bill No. 103, which provides for liability relative to the administration of COVID-19 vaccinations.

At the request of the author, Representative Gregory Miller offered amendments to make a technical change and provide legislative findings, COVID-19 vaccination mandates, limitations on liability, and protection of business permits and professional licenses. Representative Gregory Miller 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 Echols, Emerson, Frieman, Hodges, 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. 103. Without objection, action on House Bill No. 103 was voluntarily deferred by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Echols, Emerson, Frieman, Hodges, Jenkins, Mike Johnson, Larvadain, Marino, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 7 in opposition. 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: 4 in support. Copies of these statements are included in the committee records.

***Further action was taken by the committee on House Bill No. 103 at a later meeting held on May 17, 2021. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 103.***

### **House Bill No. 609 by Representative Jordan**

Representative Jordan presented House Bill No. 609, which provides with respect to liability for peace officers engaged in certain actions.

At the request of the author, Representative Jenkins offered amendments to:

- (1) Make technical changes.
- (2) Remove references to the United States Constitution and the Louisiana Constitution.
- (3) Remove provisions related to burden of proof and applicable state laws.

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

Shannon Dirmann, Louisiana Sheriff's Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (850) 572-9993, spoke in support of House Bill No. 609.

Edgar Cage, Together Louisiana, 2019 Government St., Baton Rouge, LA 70806, (225) 274-5808, spoke in support of House Bill No. 609.

Jack Whitehead, Local 237, 11909 Bricksome Ave., No. W-3, Baton Rouge, LA 70810 (225) 303-8600, spoke in opposition to House Bill No. 609 and provided a handout, Exhibit A, which is included in the committee records.

Rendy Richard, National Police Wives, 35885 Homer Graham, Walker, LA 70785, (225) 405-8071, spoke in opposition to House Bill No. 609.

Darrell Basco, president, Louisiana Fraternal Order of Police, 22444 Hwy. 435, Abita Springs, LA 70402, (225) 343-8367, spoke in opposition to House Bill No. 609.

Jennifer Carwile, Together Baton Rouge, 1855 Old Carriage Lane, Baton Rouge, LA 70806, (504) 526-8090, spoke in support of House Bill No. 609.

Michael Ranatza, Louisiana Sheriff's Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (850) 572-9993, spoke in support of House Bill No. 609.

Siya Creel, Baton Rouge Union of Police, 301 3<sup>rd</sup> St., Baton Rouge, LA 70802, (225) 715-0010, spoke in opposition to House Bill No. 609.

Representative Ted James, District 101, 445 N. 12<sup>th</sup> St., Baton Rouge, LA 70802, spoke in support of House Bill No. 609.

Representative Jenkins offered a motion to report House Bill No. 609 with amendments, to which Representative Hodges objected. The administrative assistant called the roll, and House Bill No. 609

was reported with amendments by a vote of 9 yeas, 4 nays, and 1 abstention. Representatives Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, and Nelson voted yea. Representatives Amedee, Emerson, Hodges, and Seabaugh voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 11 in support, 9 in opposition, and 1 for information only. 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: 5 in support and 6 in opposition. Copies of these statements are included in the committee records.

### **House Bill No. 273 by Representative Beaulieu**

Representative Beaulieu presented House Bill No. 273, a constitutional amendment which provides for changes in the expenditure limit calculation.

At the request of the author, Representative Seabaugh offered an amendment to change the ballot language. Representative Seabaugh 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, Emerson, Frieman, Hodges, Jefferson, Mike Johnson, Landry, 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. 273, 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. 273 was adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedée, Emerson, Frieman, Hodges, Jefferson, Mike Johnson, Landry, Marino, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Frieman offered a motion to report House Bill No. 273 with amendments. Without objection, House Bill No. 273 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedée, Emerson, Frieman, Hodges, Jefferson, Mike Johnson, Landry, Marino, 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.

### **House Bill No. 492 by Representative Hughes**

Representative Hughes presented House Bill No. 492, which provides relative to the prescriptive period for certain actions for abuse of a minor.

On behalf of Representative Hughes, Representative Gregory Miller offered amendments to:

- (1) Provide that actions against a person convicted of a crime against a child shall not prescribe.
- (2) Delete provisions for the revival of prescribed claims.

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

James Adams, 2 Kinder Lane, River Ridge, LA 70123, (504) 952-2746 spoke in support of House Bill No. 492.

Letitia M. Peyton, 859 Hicks Rd., Washington, LA 70589, (337) 308-9120, spoke in support of House Bill No. 492.

Jackie Berthelot, 33 Derbes Dr., Gretna, LA 70053, (504) 931-9836, spoke in support of House Bill No. 492.

Teresa Pastor, 144 River Rd., Lafayette, LA 70501, (337) 230-2271, spoke in support of House Bill No. 492.

Quinn Hebert, Society of St. Peter Damian, 243 High View Park Ln., Arnaudville, LA 70512, (337) 251-1740, spoke in support of House Bill No. 492.

Jillian Edwards Coburn, 7908 Arbor Knoll Ct., Lago Vista, TX 78645, (512) 608-6668, spoke in support of House Bill No. 492.

Kevin Bourgeois, S.N.A.P., 3215 Maurepas St., New Orleans, LA 70119, (504) 376-5445, spoke in support of House Bill No. 492.

Richard Windmann, Survivors of Childhood Sexual Abuse, 124 Bent Tree Trail, Fort Worth, TX 76028, (682) 710-1965, spoke in support of House Bill No. 492.

Mark Vath, 60408 Cypress Dr., Lacombe, LA 70445, (504) 442-8687, spoke in support of House Bill No. 492.

Representative Frieman offered an amendment to change the prescriptive period from 35 years to 20 years. Representative Frieman offered a motion to adopt the proposed amendment, to which Representative Jenkins objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 2 yeas, 8 nays, and 1 abstention. Representatives Frieman and Seabaugh voted



yea. Representatives Emerson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, and Nelson voted nay. Representative Gregory Miller abstained.

Representative Frieman offered an amendment to remove the prescriptive period entirely. Representative Frieman offered a motion to adopt the proposed amendment, to which Representative Marino objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 3 yeas, 7 nays, and 1 abstention. Representatives Frieman, Muscarello, and Seabaugh voted yea. Representatives Emerson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, and Nelson voted nay. Representative Gregory Miller abstained.

Representative Jenkins offered a motion to report House Bill No. 492 with amendments. Without objection, House Bill No. 492 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 7 in support and 1 in opposition. 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: 2 in support and 1 in opposition. Copies of these statements are included in the committee records.

### **House Bill No. 379 by Representative Larvadain**

*Representative Mike Johnson in the chair.*

Representative Larvadain presented House Bill No. 379, which provides for liability for damages caused by sexual harassment.

Morgan Lamandre, Sexual Trauma Awareness and Response, 5615 Corporate Blvd., Ste. 200, Baton Rouge, LA 70808, (215) 615-7093, spoke in support of House Bill No. 379.

*Chairman Gregory Miller in the chair.*

Representative Larvadain offered an amendment to define an act of sexual harassment in the workplace as provided in R.S. 42:342. Representative Larvadain 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 Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Larvadain offered a motion to report House Bill No. 379 with amendments. Without objection, House Bill No. 379 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Frieman, 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: 3 in support. Witness cards are included in the committee records.

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

Representative Ivey presented House Bill No. 417, a constitutional amendment which revises Article VII of the Constitution of Louisiana.

Representative Gregory Miller offered an amendment to add the phrase "relative to revenue and finance" 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 Emerson, Frieman, 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. 417, 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. 417 was adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Emerson, Frieman, 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. 417 with amendments. Without objection, House Bill No. 417 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, 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 2:21 p.m.

Respectfully submitted,

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