

House Committee on Civil Law and Procedure

Minutes of Meeting
2021 Regular Session
May 11, 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 9:11 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 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 Laurie Schlegel
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Robby Carter
Representative Valarie Hodges

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

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

III. DISCUSSION OF LEGISLATION**House Bill No. 21 by Representative Charles Owen**

This a continuation of the discussion on House Bill No. 21 from an earlier meeting held on April 26, 2021. Please check for the prior action to complete the records of discussion and motions on House Bill No. 21.

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

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 11 yeas and 0 nays. Representatives Gregory Miller, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Marino, Nelson, Pressly, and Seabaugh voted yea.

House Bill No. 255 by Representative Charles Owen

Representative Charles Owen presented House Bill No. 255, which provides relative to interdiction and curatorship.

At the request of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 255. Without objection, action on House Bill No. 255 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Gregory Miller, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Nelson, Pressly, and Seabaugh voted yea.

Witness cards submitted by individuals that did not speak are as follows: 8 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: 10 in opposition. Copies of these statements are included in the committee records.

House Bill No. 196 by Representative Jordan

Representative Jordan presented House Bill No. 196, a constitutional amendment which prohibits slavery and involuntary servitude.

Curtis Davis, Decarcerate Louisiana, 2509 Mecom Dr., Shreveport, LA 71104, (504) 858-6033, spoke for information only on House Bill No. 196.

Peter Robins-Brown, Louisiana Progress Action, 650 N. 6th St., Baton Rouge, LA 70802, (504) 256-8196, spoke in support of House Bill No. 196.

Michael Cahoon, The Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, spoke in support of House Bill No. 196.

Laramie Griffin, Decarcerate Louisiana, 2001 S. Sherwood Forest Blvd., Baton Rouge, LA 70815, (225) 266-9740, spoke in support of House Bill No. 196.

Maria Harmon, Decarcerate Louisiana, 2022 St. Bernard Ave., No. 124B, New Orleans, LA 70116, (337) 244-1517, spoke in support of House Bill No. 196.

Amanda Smith, Louisiana Coalition to Abolish Slavery/Decarcerate Louisiana, 717 Clara St., No. 7, Lake Charles, LA 70601, (337) 912-8979, spoke in support of House Bill No. 196.

Andrea Nasca, Louisiana Coalition to Abolish Slavery/Decarcerate Louisiana, 24 Canberra Ct., Metairie, LA 70003, (413) 204-3556, spoke in support of House Bill No. 196.

Rusty Havens, SWLA Abolitionists, 1531 Country Club Rd., Lake Charles, LA 70601, (337) 476-9868, spoke in support of House Bill No. 196.

Rev. Alexis Anderson, East Baton Rouge Parish Prison Reform Coalition, 248 Steele Blvd., Baton Rouge, LA 70806, (225) 244-9828, spoke in support of House Bill No. 196.

Representative Jenkins offered a motion to report House Bill No. 196 favorably, to which Representative Seabaugh objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 5 yeas, 9 nays, and 1 abstention. Representatives Wilford Carter, Jefferson, Jenkins, Landry, and Larvadain voted yea. Representatives Amedee, Echols, Emerson, Frieman, Mike Johnson, Muscarello, Nelson, Pressly, and Seabaugh voted nay. Representative Gregory Miller abstained.

Witness cards submitted for individuals who did not speak are as follows: 40 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: 9 in support. Copies of these statements are included in the committee records.

House Bill No. 59 by Representative LaCombe

Representative LaCombe presented House Bill No. 59, a constitutional amendment which authorizes a political subdivision to waive water charges incurred through damage not caused by the customer.

Representative Gregory Miller offered an amendment to amend the ballot language. 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 Amedee, Wilford Carter, Echols, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Muscarello, and Nelson 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. 59, 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. 59 was adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Wilford Carter, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Muscarello, and Nelson voted yea. Representative Gregory Miller abstained.

Representative Jenkins offered a motion to report House Bill No. 59 with amendments. Without objection, House Bill No. 59 was reported with amendments by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Wilford Carter, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Muscarello, and Nelson voted yea. Representative Gregory Miller abstained.

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

Senate Bill No. 9 by Senator Price

Senator Price presented Senate Bill No. 9, which provides relative to the continuous revision of the Children's Code.

Karen Hallstrom, Louisiana State Law Institute, Children's Code Committee, 10120 Ft. Knox Ct., River Ridge, LA 70123, (504) 738-5257, spoke in support of Senate Bill No. 9.

Representative Gregory Miller offered an amendment to make technical corrections. Representative Gregory Miller 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,

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

Representative Jenkins offered a motion to report Senate Bill No. 9 with amendments. Without objection, Senate Bill No. 9 was reported with amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Wilford Carter, Echols, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Larvadain, Marino, Muscarello, Nelson, and Pressly voted yea. Representative Gregory Miller abstained.

Senate Bill No. 91 by Senator Peacock

Senator Peacock presented Senate Bill No. 91, which authorizes transfer on death of certain securities.

On behalf of Senator Peacock, Representative Echols offered an amendment to add a definition of "good faith". Representative Echols 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, Wilford Carter, Echols, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Larvadain, Marino, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Danny Ford, National Association of Insurance and Financial Advisors, 532 Spanish Town Rd., Baton Rouge, LA 70802, (225) 247-4100, spoke in support of Senate Bill No. 91.

Ronald J. Scalise, Jr., 4724 Carondelet St., New Orleans, LA 70115, (504) 256-8071, spoke in opposition to Senate Bill No. 91.

Representative Gregory Miller offered an amendment to allow the registration of a security in beneficiary form to be cancelled or changed by any, rather than all, of the surviving owners. 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 Wilford Carter, Echols, Emerson, Frieman, Jefferson, Larvadain, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Seabaugh offered a motion to report Senate Bill No. 91 with amendments, to which Representative Wilford Carter objected. The administrative assistant called the roll, and Senate Bill No. 91 was reported with amendments by a vote of 8 yeas, 2 nays, and 1 abstention. Representatives Echols, Emerson, Frieman, Jefferson, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representatives Wilford Carter and Larvadain voted nay. Representative Gregory Miller abstained.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 4 in opposition. Copies of these statements are included in the committee records.

Senate Bill No. 62 by Senator Milligan

Senator Milligan presented Senate Bill No. 62, which provides relative to the management of the affairs of an interdict.

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 Wilford Carter, Echols, Emerson, Frieman, Jefferson, Larvadain, 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 Senate Bill No. 62.

Representative Seabaugh offered a motion to report Senate Bill No. 62 with amendments. Without objection, Senate Bill No. 62 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Wilford Carter, Echols, Emerson, Frieman, Jefferson, 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. 449 by Representative Wilford Carter

Representative Wilford Carter presented House Bill No. 449, which provides relative to the suspension of a child support obligation during the obligor's incarceration.

Representative Wilford Carter offered amendments to:

- (1) Make technical changes.
- (2) Remove the exceptions for the suspension of child support.
- (3) Modify the form of notice provided to the custodial party; remove the provision for custodial party to object to suspension; modify the procedural requirements of the Department of Children and Family Services; and provide for the contents of the order of suspension.
- (4) Change the effective date from January 1, 2022, to upon signature of the governor.

Representative Wilford Carter offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Wilford Carter, Echols, Emerson, Frieman, Jefferson, Larvadain, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Konitra Jack, Department of Children and Family Services, child support enforcement, 3050 Winnepeg Dr., Baton Rouge, LA 70819, (225) 342-1312, spoke for information only on House Bill No. 449.

Gary Franklin, Department of Children and Family Services, 627 N. 4th Street, Baton Rouge, LA 70802, (225) 342-4785, spoke for information only on House Bill No. 449.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 2 for information only. Witness cards are included in the committee records.

Further action was taken by the committee on House Bill No. 449 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. 449.

The committee recessed at 12:27 p.m. The committee reconvened at 8:26 p.m.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

After the roll was called by the administrative assistant upon reconvening, Representative Gregory Miller announced that due to the lack of a quorum, the committee would adjourn.

VI. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

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