

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

Minutes of Meeting  
2021 Regular Session  
May 17, 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 12:17 p.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 Wilford Dan Carter, Sr.  
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 Ed Larvadain, III  
Representative Joseph A. Marino, III  
Representative Nicholas Muscarello, Jr.  
Representative Richard James Nelson  
Representative Laurie Schlegel  
Representative Alan Seabaugh

#### **MEMBERS ABSENT:**

Representative Michael Charles Echols  
Representative Mandie Landry  
Representative Thomas A. Pressly

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

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

**ADDITIONAL ATTENDEES PRESENT:**

Angela McKnight, sergeant at arms  
Zachary Gonzales, attorney  
Maddie Murphy, clerk  
Danny Leming, sergeant at arms

**III. DISCUSSION OF LEGISLATION****House Bill No. 449 by Representative Wilford Carter**

*This is a continuation of the discussion on House Bill No. 449 from a meeting held on May 11, 2021. Please check for the prior action to complete the record of discussion and motions on House Bill No. 449.*

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

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

Representative Wilford Carter offered amendments to:

- (1) Delete the amendments adopted on May 3, 2021.
- (2) Remove the provisions for the suspension and exceptions to the suspension of a support obligation during the obligor's incarceration.
- (3) Add the provisions for the reduction of a support obligation during the obligor's incarceration.
- (4) Add the conditions for which a material change in circumstances need not be shown.
- (5) Provide for the continuation of support obligations suspended pursuant to present law.
- (6) Add the provisions requiring notice and deadlines for filing certain motions.
- (7) Remove the special effective date.

Representative Wilford Carter offered a motion to adopt the proposed amendments, to which Representative Marino objected. The administrative assistant called the roll, and the amendments

were adopted by a vote of 10 yeas, 2 nays, and 1 abstention. Representatives Amedée, Wilford Carter, Frieman, Hodges, Jefferson, Jenkins, Muscarello, Nelson, Schlegel, and Seabaugh voted yea. Representatives Robby Carter and Marino voted nay. Representative Gregory Miller abstained.

Representative Wilford Carter offered a motion to report House Bill No. 449 with amendments. Without objection, House Bill No. 449 was reported with amendments by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Frieman, Hodges, Jefferson, Jenkins, Marino, Muscarello, Nelson, Schlegel, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals that did not speak are as follows: 1 in support and 3 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: 1 in support. Copies of these statements are included in the committee records.

### **House Bill No. 103 by Representative McCormick**

***This is a continuation of the discussion on House Bill No. 103 from an earlier meeting held on May 3, 2021. Please check for the prior action to complete the record of discussion and motions on House Bill No. 103.***

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

Representative Frieman offered amendments to:

- (1) Delete the amendment adopted on May 3, 2021.
- (2) Make technical changes.
- (3) Replace provisions of proposed law providing for civil liability with a limitation of liability for a natural or juridical person's refusal to mandate COVID-19 vaccinations for employees and customers and add protection of business permits and professional licenses for businesses refusing to mandate COVID-19 vaccinations.

Representative Frieman 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, Robby Carter, Wilford Carter, Frieman, Hodges, Jefferson, Jenkins, Marino, Muscarello, Nelson, Schlegel, and Seabaugh voted yea. Representative Gregory Miller abstained.

Candace Timphony, 4809 Lake Louise Ave., Metairie, LA 70006, (504) 779-6480, spoke in support of House Bill No. 103.

Martha Huckabuy, 1615 Homer St., Metairie, LA 70005, (504) 812-7775, spoke in support of House Bill No. 103.

Angelle Bradford, 4821 Inniswold Rd., Baton Rouge, LA 70809, (225) 459-8319, spoke for information only on House Bill No. 103.

Monika Gerhart, City of New Orleans, 1300 Perdido St., New Orleans, LA 70112, (504) 258-9294, spoke in opposition to House Bill No. 103.

Representative Seabaugh offered a motion to report House Bill No. 103 with amendments. Without objection, House Bill No. 103 was reported with amendments by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, Nelson, Schlegel, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals that did not speak are as follows: 9 in support and 3 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: 1 in support and 2 in opposition. Copies of these statements are included in the committee records.

### **Senate Bill No. 126 by Senator Mizell**

Senator Mizell presented Senate Bill No. 126, which prohibits an unworthy successor from directly or indirectly benefiting from the death of his spouse or his child.

Charles Givens, P.O. Box 520, Independence, LA 70443, (985) 687-2426, spoke in support of Senate Bill No. 126.

Representative Gregory Miller offered amendments to:

- (1) Clarify that the unworthy successor shall be treated as if he never existed for purposes of establishing succession rights.
- (2) Make technical changes.

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, Robby Carter, Wilford Carter, Frieman, Jefferson, Jenkins, Mike Johnson, Muscarello, Nelson, Schlegel, and Seabaugh voted yea. Representative Gregory Miller abstained.

Tom Clark, American Council of Life Insurers, P.O. Box 3197, Baton Rouge, LA 70821, (225) 802-4227, spoke in opposition to Senate Bill No. 126.

Representative Seabaugh offered a motion to report Senate Bill No. 126 with amendments. Without objection, Senate Bill No. 126 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Frieman, Jefferson, Jenkins, Mike Johnson, Muscarello, Schlegel, 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. 498 by Representative Edmonston**

Representative Edmonston presented House Bill No. 498, which prohibits discrimination by government agencies and officials on the basis of vaccination or immunity status.

At the request of the author, Representative Gregory Miller offered an amendment to add an exception prohibiting government officials or agencies from distinguishing COVID-19 immunization requirements for students. 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 Amedée, Robby Carter, Frieman, Hodges, Jefferson, Jenkins, Muscarello, Schlegel, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered an amendment to remove the venue provision. 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 Amedée, Robby Carter, Frieman, Hodges, Jefferson, Jenkins, Muscarello, Schlegel, and Seabaugh voted yea. Representative Gregory Miller abstained.

Jill Hines, Health Freedom Louisiana, 1307 Mesa Ave., Ruston, LA 71270, (904) 318-6018, spoke in support of House Bill No. 498.

Angelia Desselle, 2917 Monica Ln., Marrero, LA 70072, (504) 407-6463, spoke in support of House Bill No. 498.

Amanda Talley, 4382 Magazine St., New Orleans, LA 70115, (504) 913-5883, spoke in support of House Bill No. 498.

Connie Sampana, 510 Griggs Rd., Calhoun, LA 71225, (318) 366-3717, spoke in support of House Bill No. 498 and provided a packet, Exhibit A, which is included in the committee records.

Candace Timphony, 4809 Lake Louise, Metairie, LA 70006, (504) 779-6480, spoke in support of House Bill No. 498.

Martha Huckabuy, 1615 Homer St., Metairie, LA 70005, (504) 812-7775, spoke in support of House Bill No. 498.

Catherine Alexander, 1380 Steele Blvd., Baton Rouge, LA 70806, (225) 408-9498, spoke in support of House Bill No. 498.

Jennifer Herricks, 1300 Ridge Way Dr., Mandeville, LA 70471, (713) 898-2051, spoke in opposition to House Bill No. 498.

Angelle Bradford, 4821 Inniswold Rd., Baton Rouge, LA 70809, (225) 459-8319, spoke in opposition to House Bill No. 498.

Representative Hodges offered a motion to report House Bill No. 498 with amendments, to which Representative Robby Carter objected. The administrative assistant called the roll, and House Bill No. 498 was reported with amendments by a vote of 8 yeas, 3 nays, and 1 abstention. Representatives Amedée, Frieman, Hodges, Mike Johnson, Muscarello, Nelson, Schlegel, and Seabaugh voted yea. Representatives Robby Carter, Wilford Carter, and Jefferson voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 12 in support and 2 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: 55 in support and 2 in opposition. Copies of these statements are included in the committee records.

### **House Bill No. 382 by Representative Newell**

Representative Newell presented House Bill No. 382, which provides relative to race and national origin discrimination in education, employment, public accommodations, and housing opportunities.

Karly Dauphine, a minor child, no address provided, (504) 906-0351, spoke in support of House Bill No. 382.

Dominque Johnson, Daughters Beyond Incarceration, no address provided, (504) 906-0351, spoke in support of House Bill No. 382.

Cameron Weeks, 7312 Dumaine St., New Orleans, LA 70119, (352) 328-9237, spoke in support of House Bill No. 382.

Nina Weeks, Citizen SHE United, 4312 Dumaine St., New Orleans, LA 70119, (352) 328-9237, spoke in support of House Bill No. 382.

Lacey Jackson, Daughters Beyond Incarceration, no address provided, (504) 470-5626, spoke in support of House Bill No. 382.

Cheyenne Williams, Daughters Beyond Incarceration, 1740 Baronne St., New Orleans, LA 70113, (310) 508-4745, spoke in support of House Bill No. 382.

Jai Shy, Citizen SHE United, 200 LaSalle Pl., New Orleans, LA 70118, (504) 630-9103, spoke in support of House Bill No. 382.

Airzola Cleaves, Sexual Trauma Action and Response, 5615 Corporate Blvd., Ste. 200, Baton Rouge, LA 70808, (225) 615-7093, spoke in support of House Bill No. 382.

Representative Marino offered an amendment to remove the requirement that a trait's association with race or national origin be historical. Representative Marino 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, Wilford Carter, Frieman, Jefferson, Jenkins, Mike Johnson, Larvadain, Marino, Muscarello, Nelson, Schlegel, and Seabaugh voted yea. Representative Gregory Miller abstained.

Terry Coleman, 7042 Neptune Ct., New Orleans, LA 70119, (504) 231-7031, spoke in support of House Bill No. 382.

Representative Robby Carter offered a motion to report House Bill No. 382 with amendments, to which Representative Frieman objected. The administrative assistant called the roll, and House Bill No. 382 was reported with amendments by a vote of 8 yeas and 7 nays. Representatives Gregory Miller, Robby Carter, Wilford Carter, Jefferson, Jenkins, Mike Johnson, Larvadain, and Marino voted yea. Representatives Amedée, Frieman, Hodges, Muscarello, Nelson, Schlegel, and Seabaugh voted nay.

Witness cards submitted by individuals who did not speak are as follows: 17 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: 23 in support. Copies of these statements are included in the committee records.

**Senate Bill No. 159 by Senator Allain**

On behalf of Senator Allain, Representative Gregory Miller presented Senate Bill No. 159, a constitutional amendment which reduces the maximum rate of individual income tax and provides for a federal income tax deduction as provided by law.

Representative Gregory Miller offered an amendment to change the election date from October 9, 2021, to November 8, 2022. 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, Robby Carter, Wilford Carter, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Larvadain, Marino, Muscarello, Nelson, Schlegel, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to Senate Bill No. 159, 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 Senate Bill No. 159 was adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Frieman, Hodges, Jefferson, Jenkins, Larvadain, Marino, Muscarello, and Schlegel voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to report Senate Bill No. 159 with amendments. Without objection, Senate Bill No. 159 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Frieman, Hodges, Jefferson, Jenkins, Larvadain, Marino, Muscarello, and Schlegel voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 4 in support. Witness cards are included in the committee records.

**House Bill No. 487 by Representative Echols**

On behalf of Representative Echols, Representative Gregory Miller presented House Bill No. 487, a constitutional amendment which provides relative to deficit avoidance procedures.

Representative Gregory Miller offered a motion to adopt the House Rules 6.8(A) Report to House Bill No. 487, 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. 487 was adopted by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Larvadain, Marino, Muscarello, Nelson, and Schlegel voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to report House Bill No. 487 without amendments. Without objection, House Bill No. 487 was reported without amendments by a vote of 13 yeas, 0



nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Larvadain, Marino, Muscarello, Nelson, and Schlegel voted yea. Representative Gregory Miller abstained.

#### **House Bill No. 315 by Representative Goudeau**

On behalf of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 315. Without objection, action on House Bill No. 315 was voluntarily deferred by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Larvadain, Marino, Muscarello, Nelson, and Schlegel 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 3:34 p.m.

Respectfully submitted,

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