

House Committee on Civil Law and Procedure

Minutes of Meeting
2021 Regular Session
May 24, 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 1:02 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 Michael Charles Echols
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 Laurie Schlegel
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Julie Emerson

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Zachary Gonzales , attorney
Myrtus Jarrell, sergeant at arms
Maddie Murphy, clerk
Danny Leming, sergeant at arms

III. DISCUSSION OF LEGISLATION**Senate Bill No. 245 by Senator Bernard**

On behalf of the author, Representative Gregory Miller offered a motion to voluntarily defer action on Senate Bill No. 245, which provides relative to civil jury trials and deposits for costs and expenses. Without objection, action on Senate Bill No. 245 was voluntarily deferred by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Muscarello, Nelson, Pressly, Schlegel, and Seabaugh voted yea. Representative Gregory Miller abstained.

Senate Bill No. 113 by Senator Tarver

On behalf of Senator Tarver, Bryan Wiggins, Louisiana Supreme Court, 400 Royal St., Ste. 1190, New Orleans, LA 70130, (504) 202-0157, presented Senate Bill No. 113, which provides relative to the payment of fees for interpreters for non-English-speaking persons in civil cases.

Representative Larvadain offered a motion to report Senate Bill No. 113 favorably. Without objection, Senate Bill No. 113 was reported favorably by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Muscarello, Nelson, Pressly, Schlegel, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Resolution No. 108 by Representative Charles Owen

On behalf of Representative Charles Owen, Representative Gregory Miller presented House Resolution No. 108, which requests the Louisiana State Law Institute to study provisions of law on civil liability for intentional dissemination of personally identifiable information.

Representative Gregory Miller offered a motion to report House Resolution No. 108 favorably. Without objection, House Resolution No. 108 was reported favorably by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Muscarello, Nelson, Pressly, Schlegel, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Resolution No. 109 by Representative Charles Owen

On behalf of Representative Charles Owen, Representative Gregory Miller presented House Resolution No. 109, which requests the Louisiana State Law Institute to study provisions of law relative to the consent of a curator to an abortion or sterilization of an interdict.

Tony Rocca, Disability Rights Louisiana, 8325 Oak St., New Orleans, LA 70118, (800) 960-7705, spoke in support of House Resolution No. 109.

Representative Gregory Miller offered a motion to report House Resolution No. 109 favorably. Without objection, House Resolution No. 109 was reported favorably by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Muscarello, Nelson, Pressly, Schlegel, 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.

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 Concurrent Resolution No. 92 by Representative Davis

On behalf of Representative Davis, Representative Gregory Miller presented House Concurrent Resolution No. 92, which requests the Louisiana State Law Institute to study provisions of law on partition of community property.

Representative Gregory Miller offered a motion to report House Concurrent Resolution No. 92 favorably. Without objection, House Concurrent Resolution No. 92 was reported favorably by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Muscarello, Nelson, Pressly, Schlegel, 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.

Senate Bill No. 163 by Senator McMath

Senator McMath presented Senate Bill No. 163, a constitutional amendment which increases the composition of the Louisiana Supreme Court from six to eight associate justices.

Representative Gregory Miller offered an amendment to change the ballot language. Representative Gregory Miller offered a motion to adopt the proposed amendment, to which Representative Wilford Carter objected. The administrative assistant called the roll, and the amendment was adopted by a vote of 9 yeas, 6 nays, and 1 abstention. Representatives Amedée, Frieman, Mike Johnson, Marino, Muscarello, Nelson, Pressly, Schlegel, and Seabaugh voted yea. Representatives Robby Carter, Wilford Carter, Jefferson, Jenkins, Landry, and Larvadain voted nay. Representative Gregory Miller abstained.

Representative Gregory Miller offered an amendment to change the effective date in the ballot language from January 1, 2021, to January 1, 2025. Representative Gregory Miller offered a motion to adopt the proposed amendment, to which Representative Wilford Carter objected. The administrative assistant called the roll, and the amendment was adopted by a vote of 9 yeas and 5 nays. Representatives Amedée, Frieman, Mike Johnson, Marino, Muscarello, Nelson, Pressly, Schlegel, and Seabaugh voted yea. Representatives Robby Carter, Wilford Carter, Jenkins, Landry, and Larvadain voted nay.

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, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, Pressly, 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. 163, 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. 163 was adopted by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Frieman, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, Pressly, Schlegel, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Seabaugh offered an amendment to remove the requirement that, when redistricting the supreme court districts, every effort be made to ensure that the number of districts with a majority population of persons in a racial minority group reflects the racial demographics of the population of the state to the extent practicable. Representative Seabaugh offered a motion to adopt the proposed amendment, to which Representative Wilford Carter objected. The administrative assistant called the roll, and the amendment was adopted by a vote of 9 yeas and 6 nays. Representatives Amedée, Frieman, Hodges, Mike Johnson, Muscarello, Nelson, Pressly, Schlegel, and Seabaugh voted yea. Representatives Robby Carter, Wilford Carter, Jenkins, Landry, Larvadain, and Marino voted nay.

Representative Seabaugh offered a motion to report Senate Bill No. 163 with amendments, to which Representative Wilford Carter objected. The administrative assistant called the roll, and Senate Bill No. 163 was reported with amendments by a vote of 10 yeas, 5 nays, and 1 abstention. Representatives Amedée, Frieman, Hodges, Mike Johnson, Marino, Muscarello, Nelson, Pressly, Schlegel, and Seabaugh voted yea. Representatives Robby Carter, Wilford Carter, Jenkins, Landry, and Larvadain voted nay. 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 Concurrent Resolution No. 86 by Representative Gregory Miller

Representative Gregory Miller presented House Concurrent Resolution No. 86, which directs the Louisiana State Law Institute to study the adoption of the Uniform Partition of Heirs' Property Act.

Representative Gregory Miller offered a motion to report House Concurrent Resolution No. 86 favorably. Without objection, House Concurrent Resolution No. 86 was reported favorably by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Echols, Frieman, Hodges, Landry, Marino, Muscarello, Nelson, Pressly, Schlegel, 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.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 2:40 p.m.

Respectfully submitted,

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