

## House Committee on Civil Law and Procedure

Minutes of Meeting  
2022 Regular Session  
March 29, 2022

### I. CALL TO ORDER

Representative Gregory A. Miller, chairman of the House Committee on Civil Law and Procedure, called the meeting to order at 9:07 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 Delisha Boyd  
Representative Chad Brown  
Representative Robby Carter  
Representative Wilford Dan Carter, Sr.  
Representative Michael Charles Echols  
Representative Julie Emerson  
Representative Lawrence "Larry" Frieman  
Representative Raymond E. Garofalo, Jr.  
Representative Valarie Hodges  
Representative Patrick O. Jefferson  
Representative Sam L. Jenkins, Jr.  
Representative Michael T. Johnson, vice chairman  
Representative Danny McCormick  
Representative Nicholas Muscarello, Jr.  
Representative Richard James Nelson  
Representative Alan Seabaugh

#### MEMBERS ABSENT:

None

#### STAFF MEMBERS PRESENT:

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

**ADDITIONAL ATTENDEES PRESENT:**

Angela McKnight, sergeant at arms  
Michael McCain, clerk

**III. DISCUSSION OF LEGISLATION****House Bill No. 164 by Representative Pressly**

On behalf of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 164, which provides relative to electronic filing of documents. Without objection, action on House Bill No. 164 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Echols, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, McCormick, and Nelson voted yea.

**House Bill No. 272 by Representative Jefferson**

Representative Jefferson presented House Bill No. 272, which provides for mental health evaluations in divorce and child custody proceedings.

Professor Andrea Carroll, reporter, Louisiana State Law Institute, Room W127, LSU Law Center, 1 E. Campus Dr., Baton Rouge, LA 70803, (225) 578-0200, spoke for information only on House Bill No. 272.

Richard Ducote, 318 E. Boston St., 2nd Floor, Covington, LA 70433, (985) 898-2755, spoke in support of House Bill No. 272 and provided a handout, Exhibit A, which is included in the committee records.

Representative Frieman offered a motion to report House Bill No. 272 favorably, to which Representative Amedee objected. The administrative assistant called the roll, and House Bill No. 272 was reported favorably by a vote of 14 yeas, 2 nays, and 1 abstention. Representatives Boyd, Brown, Robby Carter, Wilford Carter, Echols, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, Nelson, and Seabaugh voted yea. Representatives Amedee and McCormick 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 Bill No. 403 by Representative Jefferson**

Representative Jefferson presented House Bill No. 403, which provides for the possession and use of community property following a petition for divorce.

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 13 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Echols, Frieman, Garofalo, Hodges, Jefferson, Mike Johnson, McCormick, and Muscarello voted yea.

Professor Andrea Carroll, reporter, Louisiana State Law Institute, Room W127, LSU Law Center, 1 E. Campus Dr., Baton Rouge, LA 70803, (225) 578-0200, spoke for information only on House Bill No. 403.

Representative Jefferson offered a motion to report House Bill No. 403 with amendments. Without objection, House Bill No. 403 was reported with amendments by a vote of 15 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

#### **House Bill No. 184 by Representative Gregory Miller**

On behalf of the author, Guy Holdridge, director, Louisiana State Law Institute, Room W127, LSU Law Center, 1 E. Campus Dr., Baton Rouge, LA 70803, (225) 578-0200, presented House Bill No. 184, which provides relative to the recusal of judges.

Representative Gregory Miller offered an amendment to add recusal provisions relative to parish and city court judges and justices of the peace. Representative Gregory Miller offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 15 yeas and 0 nays. Representatives Gregory Miller, Amedee, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Hodges, Jefferson, Mike Johnson, Muscarello, Nelson, and Seabaugh voted yea.

Representative Gregory Miller offered a motion to report House Bill No. 184 with amendments. Without objection, House Bill No. 184 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Emerson, Frieman, Garofalo, Jenkins, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

#### **House Bill No. 160 by Representative Landry**

Representative Landry and Speaker Pro Tempore Tanner D. Magee presented House Bill No. 160, which provides relative to abandonment of a rental premises following the declaration of a federally declared disaster.

*Vice Chairman Mike Johnson in the chair.*

Representative Robby Carter offered amendments to:

- (1) Specify that in parishes where there is a federally declared disaster, cessation of residential occupancy for the thirty days following the initial federal disaster declaration shall not be admitted as evidence.
- (2) Remove provisions requiring the application of R.S. 9:3252 and R.S. 9:3253.
- (3) Specify that in parishes where there is a federally declared disaster, a residential lessee does not have to provide security for temporary restraining orders or preliminary injunctions for the thirty days following the initial federal disaster declaration.
- (4) Provide that nothing in proposed law shall preempt the lessor's right to make repairs as provided in Civil Code Article 2693.

Maxwell Ciardullo, Louisiana Fair Housing Action Center, 1340 Poydras St., Suite 710, New Orleans, LA 70112, (504) 708-8172, spoke in support of House Bill No. 160.

Representative Robby Carter offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 15 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, McCormick, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Hannah Adams, Southeast Louisiana Legal Services, 1340 Poydras St., Floor 6, New Orleans, LA 70112, no telephone number provided, spoke for information only on House Bill No. 160.

Ben Toups, 10077 Juban Crossing Blvd., Denham Springs, LA 70726, (985) 637-8951, spoke in support of House Bill No, 160.

Representative Jenkins offered a motion to report House Bill No. 160 with amendments. Without objection, House Bill No. 160 was reported with amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Emerson, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, McCormick, and Nelson voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 12 in support. Witness cards are included in the committee records.

*Chairman Miller in the chair.*

**House Bill No. 848 by Representative Bryant**

Representative Bryant presented House Bill No. 848, which provides relative to the disposition of reports from the Department of Children and Family Services.

W. Claire Howington, 16th Judicial District Attorney's Office, 300 Iberia St., Suite 200, New Iberia, LA 70560, (337) 369-4420, spoke in support of House Bill No. 848.

Representative Gregory Miller offered amendments to:

- (1) Provide that the report can be released when the requesting agency has good cause to believe, rather than determines, that the information may be required to be disclosed.
- (2) Prohibit the disclosure of the name of the reporter, except as provided by present law.

Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 15 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Jenkins, Mike Johnson, McCormick, Muscarello, and Nelson voted yea.

Representative Jenkins offered a motion to report House Bill No. 848 with amendments. Without objection, House Bill No. 848 was reported with amendments by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Brown, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Jenkins, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

**House Bill No. 644 by Representative Green**

***This is a continuance of the discussion on House Bill No. 644 from an earlier meeting held on March 15, 2022. Please check for prior action to complete the record of discussion and motions on House Bill No. 644.***

Representative Green presented House Bill No. 644, which provides relative to legislative continuances or extensions.

Representative Gregory Miller offered amendments to resolve conflicts in the amendments previously adopted at a meeting held on March 15, 2022, as follows:

- (1) Provide that the peremptory grounds for continuance or extension of time is applicable to Public Service Commission members or employees and Board of Elementary and Secondary Education members or employees.

- (2) Remove references limiting the motion for continuance or extension of time to legislative members and employees and add public representatives of the Public Service Commission and Board of Elementary and Secondary Education members and employees.
- (3) Provide that the motion for continuance or extension of time shall be available for events in connection with the legislator's role as a legislator for which he is eligible to receive per diem and for meetings and hearings of the Public Service Commission or Board of Elementary and Secondary Education.
- (4) Provide that if a legal deadline has run, a motion to continue or extend a legal deadline shall be timely if filed within five days prior to a hearing or proceeding on a motion for sanctions or penalties brought by opposing counsel for failure to comply with the legal deadline.
- (5) Remove prohibition of continuance or extension of time from cases in the Supreme Court of Louisiana.
- (6) Make technical changes.

Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Jefferson, Jenkins, Muscarello, Nelson, and Seabaugh voted yea.

Representative Gregory Miller offered an amendment to provide for an effective date upon gubernatorial signature. Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendment was adopted by a vote of 14 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Jefferson, Jenkins, Muscarello, Nelson, and Seabaugh voted yea.

Representative Robby Carter offered a motion to report House Bill No. 644 with amendments. Without objection, House Bill No. 644 was reported with amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Boyd, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Jefferson, Mike Johnson, McCormick, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

#### **House Bill No. 549 by Representative Boyd**

Representative Boyd presented House Bill No. 549, which provides relative to certain deed restrictions.

Representative Gregory Miller offered amendments to remove requirements that restrictions which are void be "declared" as void. Representative Gregory Miller offered a motion to adopt the

proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Gregory Miller, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Jefferson, Mike Johnson, McCormick, Nelson, and Seabaugh voted yea.

Representative Boyd offered a motion to report House Bill No. 549 with amendments. Without objection, House Bill No. 549 was reported with amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Brown, Robby Carter, Echols, Emerson, Frieman, Garofalo, Jefferson, Mike Johnson, McCormick, Nelson, 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. 703 by Representative Gregory Miller**

Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 703, which provides relative to repair contracts following a natural disaster. Without objection, action on House Bill No. 703 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Echols, Emerson, Frieman, Garofalo, Jefferson, Mike Johnson, McCormick, Nelson, and Seabaugh voted yea.

### **House Bill No. 599 by Representative Beaulieu**

On behalf of Representative Beaulieu, Chairman Miller presented House Bill No. 599, a constitutional amendment, which would provide for a property tax exemption for certain veterans with disabilities.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 599, 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. 599 was adopted by a vote of 15 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Jefferson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Representative Gregory Miller offered a motion to report House Bill No. 599 without amendments. Without objection, House Bill No. 599 was reported without amendments by a vote of 16 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Jefferson, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

**House Bill No. 166 by Representative Gregory Miller**

Representative Gregory Miller presented House Bill No. 166, a constitutional amendment, which provides relative to the timing of gubernatorial action on a bill.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 166, 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. 166 was adopted by a vote of 15 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Jefferson, Mike Johnson, McCormick, Muscarello, and Seabaugh voted yea.

Representative Gregory Miller offered a motion to report House Bill No. 166 without amendments. Without objection, House Bill No. 166 was reported without amendments by a vote of 15 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Jefferson, Mike Johnson, McCormick, Muscarello, and Seabaugh voted yea.

**IV. OTHER BUSINESS**

There was no other business.

**V. ANNOUNCEMENTS**

There were no announcements.

**VI. ADJOURNMENT**

The meeting was adjourned at 12:07 p.m.

Respectfully submitted,

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

Date adopted: