

House Committee on Civil Law and Procedure

Minutes of Meeting
2022 Regular Session
April 25, 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 10:03 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 Wilford Dan Carter, Sr.
Representative Michael Charles Echols
Representative Julie Emerson
Representative Lawrence "Larry" Frieman
Representative Raymond E. Garofalo, Jr.
Representative Valarie Hodges
Representative Michael T. Johnson, vice chairman
Representative Danny McCormick
Representative Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Chad Brown
Representative Robby Carter
Representative Patrick O. Jefferson
Representative Sam L. Jenkins, Jr.

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Michael McCain, clerk
Bella Taylor, clerk
Rebecca Marshall, Sergeant at Arms
Angela McKnight, Sergeant at Arms

III. DISCUSSION OF LEGISLATION**House Bill No. 250 by Representative Magee**

Representative Magee presented House Bill No. 250, a constitutional amendment, which provides for appropriations from the Education Excellence Fund.

Representative Gregory Miller offered an amendment to change 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 and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Echols, Emerson, Frieman, Hodges, Mike Johnson, McCormick, Muscarello, and Seabaugh voted yea.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 250, 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. 250 was adopted by a vote of 11 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Echols, Emerson, Frieman, Hodges, Mike Johnson, McCormick, Muscarello, and Seabaugh voted yea.

Representative Amedee offered a motion to report House Bill No. 250 with amendments. Without objection, House Bill No. 250 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Hodges, Mike Johnson, McCormick, Muscarello, and Seabaugh voted yea.

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. 4 by Representative Tarver

Representative Tarver presented House Bill No. 4, a constitutional amendment, which eliminates the gubernatorial appointment of three members of the State Board of Elementary and Secondary Education, providing for an all-elected membership and reducing the membership to eight.

Tom Costanza, Louisiana Conference of Catholic Bishops, 2431 S. Acadian Thruway, Suite 250, Baton Rouge, LA 70802, (504) 874-7829, spoke in opposition to House Bill No. 4.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 4, 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. 4 was adopted by a vote of 12 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Hodges, Mike Johnson, McCormick, Muscarello, and Seabaugh voted yea.

Representative Gregory Miller offered a motion to report House Bill No. 4 without amendments. Without objection, House Bill No. 4 was reported without amendments by a vote of 12 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Hodges, Mike Johnson, McCormick, Muscarello, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 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: 3 in support. Copies of these statements are included in the committee records.

House Bill No. 702 by Representative Jordan

Representative Jordan presented House Bill No. 702, which provides relative to liability for certain actions by peace officers.

Patrick Jaicomo, Institute for Justice, 901 N. Glebe Rd., Suite 900, Arlington, VA 22203, (250) 403-1482, spoke in support of House Bill No. 702.

Chris Kaiser, ACLU of Louisiana, 1340 Poydras, New Orleans, LA 70112, (512) 740-1317, spoke in support of House Bill No. 702.

On behalf of the author, Representative Gregory Miller offered amendments to:

- (1) Delete provisions providing for an officer's personal liability and requiring employer indemnification if the officer's portion is uncollectible.
- (2) Add provision related to termination of employment for peace officers and the continued liability of a public entity for payment of indemnification to a plaintiff, regardless of the termination of employment of an officer.

- (3) Make technical changes.

Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Hodges, Mike Johnson, McCormick, Muscarello, and Seabaugh voted yea.

At the request of the author, Representative Gregory Miller offered amendments to:

- (1) Remove financial liability for peace officers and provide for liability for public entity employers for injuries caused by an act or omission of a peace officer.
- (2) Provide for notification of a peace officer whose act or omission is the subject of a claim and provide for an officer's right to intervene in the action as a third party defendant.
- (3) Provide for reasonable attorney fees.
- (4) Exclude availability of certain defenses including qualified immunity.
- (5) Delete provisions providing for an officer's personal liability and requiring employer indemnification if the officer's portion is uncollectable.
- (6) Add provision related to termination of employment for peace officers and the continued liability of a public entity for payment of indemnification to a plaintiff, regardless of the termination of employment of an officer.
- (7) Make technical corrections.

Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Hodges, Mike Johnson, McCormick, Muscarello, and Seabaugh voted yea.

David Brown, Law Enforcement Action Partnership, 121 Mystic Ave., Suite 9, Medford, MA 02155, (225) 255-1030, spoke in support of House Bill No. 702.

Marissa Bosley, VOTE, 12901 Jefferson Hwy., Apt. 1035, Baton Rouge, LA 70816, (225) 620-7712, spoke in support of House Bill No. 702.

Sheriff Greg Champagne, St. Charles Parish, 260 Judge Edward Dufresne Pkwy., Luling, LA 70070, (985) 722-6393, spoke in opposition to House Bill No. 702.

Craig Frosch, Louisiana Sheriffs' Association, 1615 Poydras St., Ste. 1250, New Orleans, LA 70112, (504) 592-4600, spoke in opposition to House Bill No. 702.

Michael Ranatza, executive director, Louisiana Sheriffs' Association, 1175 Nicholson, Baton Rouge, LA 70802, (225) 343-8402, spoke in opposition to House Bill No. 702.

Representative Garofalo offered a motion to involuntarily defer action on House Bill No. 702. No vote was taken.

Darrell Basco, Louisiana Fraternal Order of Police, 1618 Jewel St., Pineville, LA 71360, (318) 401-0421, spoke in opposition to House Bill No. 702.

Jay O'Quinn, Louisiana State Troopers Association, 8120 Jefferson Hwy., Baton Rouge, LA 70816, (985) 630-8168, spoke in opposition to House Bill No. 702.

Hackley Willis, Louisiana State Troopers Association, 8120 Jefferson Hwy., Baton Rouge, LA 70816, (225) 928-2000, spoke in opposition to House Bill No. 702.

Dr. Michael E. Carter, Shreveport Police Officers Association, 1527 Garland Pl., Shreveport, LA 71105, (318) 423-3779, spoke in opposition to House Bill No. 702.

Kevin Goodwin, Shreveport Police Officers Association, 5520 Hickory Ridge, Bossier City, LA 71111, (318) 572-1330, spoke in opposition to House Bill No. 702.

Representative Garofalo withdrew his motion to involuntarily defer action on House Bill No. 702.

At the request of Representative Jordan, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 702. Without objection, action on House Bill No. 702 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Hodges, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support and 30 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: 187 in support and 2 in opposition. Copies of these statements are included in the committee records.

House Bill No. 53 by Representative Frieman

Representative Frieman presented House Bill No. 53, a constitutional amendment, which provides with respect to autonomy in making personal health care decisions.

Representative Frieman offered amendments to provide an exception for a present constitutional provision regarding abortion and to change the ballot language. Representative Frieman offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Frieman, Garofalo, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Frieman offered an amendment to provide an exception for certain healthcare providers. Representative Frieman 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 Amedee, Boyd, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Hodges, Mike Johnson, McCormick, Muscarello, Nelson, 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. 53.

Crystal Rommen, Louisiana Families for Vaccines, 2252 S. Tower Dr., Ste. 108, Monroe, LA 71201, (253) 682-9442, spoke in opposition to House Bill No. 53.

Representative Frieman offered a motion to report House Bill No. 53 with amendments, to which Representative Wilford Carter objected. The administrative assistant called the roll, and House Bill No. 53 was reported with amendments by a vote of 11 yeas, 1 nays, and 1 abstention. Representatives Amedee, Boyd, Emerson, Frieman, Garofalo, Hodges, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea. Representative Wilford Carter voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 12 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 and 7 in opposition. Copies of these statements are included in the committee records.

House Bill No. 953 by Representative Seabaugh

Representative Seabaugh presented House Bill No. 953, which provides relative to the free exercise of religion.

Representative Seabaugh offered a motion to report House Bill No. 953 favorably. Without objection, House Bill No. 953 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Wilford Carter, Emerson, Frieman, Garofalo, Hodges, Mike Johnson, McCormick, Nelson, and Seabaugh 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.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 12:15 p.m.

Respectfully submitted,

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