

House Committee on Civil Law and Procedure

Minutes of Meeting
2022 Regular Session
April 26, 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 9:11 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 Delisha Boyd
Representative Chad Brown
Representative Robby Carter
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:

Representative Wilford Dan Carter, Sr.
Representative Michael Charles Echols

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Michael McCain, clerk
Angela McKnight, sergeant at arms
Rebecca Marshall, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 885 by Representative Mike Johnson**

At the request of Representative Mike Johnson, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 885, which provides for the use of prehearing videotape as evidence in administrative appeals of justified reports of child abuse or neglect. Without objection, action on House Bill No. 885 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, McCormick, and Seabaugh voted yea.

House Bill No. 1026 by Representative Amedee

This is a continuation of the discussion on House Bill No. 1026 from an earlier meeting held on April 18, 2022. Please check for prior action to complete the record of discussion and motions on House Bill No. 1026.

At the request of Representative Amedee, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 1026, which provides relative to domestic violence. Without objection, action on House Bill No. 1026 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, McCormick, and Seabaugh voted yea.

House Bill No. 560 by Representative Freeman

This is a continuation of the discussion on House Bill No. 560 from an earlier meeting held on April 18, 2022. Please check for prior action to complete the record of discussion and motions on House Bill No. 560.

On behalf of Representative Freeman, Mallory Waller, coordinator, Louisiana State Law Institute, Room W127, LSU Law Center, 1 E. Campus Dr., Baton Rouge, LA 70802, (225) 578-0200, presented House Bill No. 560, which provides for consistency in the Domestic Abuse Assistance Act in the Children's Code.

Representative Gregory Miller offered an amendment to restore a present law provision regarding coerced abortion. 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, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, McCormick, Muscarello, and Seabaugh voted yea.

Guy Holdridge, director, Louisiana State Law Institute, Room W127, LSU Law Center, 1 E. Campus Dr., Baton Rouge, LA 70802, (225) 578-0200, spoke for information only.

Everett Boudean, Louisiana Shooting Association, 704 S. Foster Dr., Baton Rouge, LA 70806, (504) 237-6543, spoke in opposition to House Bill No. 560.

Representative Jenkins offered an amendment to cross reference R.S. 46:2136.3. Representative Jenkins 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, Brown, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Jenkins offered a motion to report House Bill No. 560 with amendments, 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 Boyd, Brown, Robby Carter, Jefferson, and Jenkins voted yea. Representatives Amedee, Emerson, Frieman, Garofalo, Hodges, McCormick, Muscarello, Nelson, and Seabaugh voted nay. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to involuntarily defer action on House Bill No. 560. Without objection, action on House Bill No. 560 was involuntarily deferred by a vote of 15 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support. Witness cards are included in the committee records.

House Bill No. 923 by Representative McKnight

Representative McKnight presented House Bill No. 923, which provides relative to liability associated with Mardi Gras parades.

Representative Mike Johnson in the chair.

Representative Mike Johnson offered a motion to report House Bill No. 923 favorably. Without objection, House Bill No. 923 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Amedee, Boyd, Brown, Robby Carter, Emerson, Garofalo, Jefferson, Jenkins, Mike Johnson, McCormick, and Seabaugh voted yea.

House Bill No. 887 by Representative Robby Carter

Representative Robby Carter presented House Bill No. 887, which provides for the right of action in wrongful death and survival actions.

Representative Robby Carter offered a motion to report House Bill No. 887 favorably. Without objection, House Bill No. 887 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Amedee, Boyd, Brown, Robby Carter, Emerson, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, McCormick, and Muscarello voted yea.

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

House Bill No. 1008 by Representative Robby Carter

Representative Robby Carter presented House Bill No. 1008, which provides for proof of an olographic testament.

Representative Gregory Miller in the chair.

Representative Robby Carter offered a motion to report House Bill No. 1008 favorably, to which Representative Garofalo objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 4 yeas, 9 nays, and 1 abstention. Representatives Robby Carter, Jenkins, Mike Johnson, and Muscarello voted yea. Representatives Amedee, Brown, Emerson, Frieman, Garofalo, Jefferson, McCormick, Nelson, and Seabaugh voted nay. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to involuntarily defer action on House Bill No. 1008. Without objection, action on House Bill No. 1008 was involuntarily deferred by a vote of 13 yeas and 0 nays. Representatives Gregory Miller, Amedee, Brown, Robby Carter, Emerson, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, McCormick, Muscarello, and Nelson voted yea.

House Bill No. 896 by Representative McFarland

Representative McFarland presented House Bill No. 896, which provides for limitations on recoverable past medical expenses.

At the request of the author, Representative Gregory Miller offered amendments to remove provisions regarding the recovery of amounts payable by insurance, Medicare, or Medicaid. 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, Brown, Robby Carter, Emerson, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Representative Robby Carter offered an amendment to add a provision for prospective application only. Representative Robby Carter 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, Brown, Robby Carter, Emerson, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to report House Bill No. 896 with amendments. Without objection, House Bill No. 896 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Emerson, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, Muscarello, Nelson, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support and 1 for information only. 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 10:51 a.m.

Respectfully submitted,

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