

House Committee on Civil Law and Procedure

Minutes of Meeting
2022 Regular Session
May 9, 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 9:38 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 Michael Charles Echols
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 Julie Emerson

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

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

III. DISCUSSION OF LEGISLATION**House Bill No. 177 by Representative Edmonston**

On behalf of Representative Edmonston, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 177, a constitutional amendment, which prohibits discrimination based on vaccination or immunity status. Without objection, action on House Bill No. 177 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Amedee, Brown, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, McCormick, and Nelson voted yea.

Senate Bill No. 214 by Senator Luneau

On behalf of Senator Luneau, Representative Gregory Miller offered a motion to voluntarily defer action on Senate Bill No. 214, which provides for deposition or trial testimony of out-of-state insurance claims adjusters who are licensed or registered in the state. Without objection, action on Senate Bill No. 214 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Amedee, Brown, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, McCormick, and Nelson voted yea.

Senate Bill No. 489 by Senator Jackson

On behalf of Senator Jackson, Representative Gregory Miller offered a motion to voluntarily defer action on Senate Bill No. 489, which provides for suspension of certain licenses for failure to comply with subpoenas, warrants, or court orders in paternity or child support cases. Without objection, action on Senate Bill No. 489 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Amedee, Brown, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, McCormick, and Nelson voted yea.

House Bill No. 179 by Representative Wright

Representative Wright presented House Bill No. 179, a constitutional amendment, which removes the line item veto power of the governor.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 179, 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. 179 was adopted by a vote of 13 yeas and 0 nays. Representatives Gregory Miller, Amedee, Brown, Echols, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Representative Gregory Miller offered a motion to report House Bill No. 179 without amendments, to which Representative Jenkins objected. Upon further discussion, Chairman Miller ruled the objection was out of order.

Representative Gregory Miller again offered a motion to report House Bill No. 179 without amendments. Without objection, House Bill No. 179 was reported without amendments by a vote of 13 yeas and 0 nays. Representatives Gregory Miller, Amedee, Brown, Echols, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 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.

Senate Bill No. 103 by Senator Foil

Senator Foil presented Senate Bill No. 103, which provides relative to legal malpractice.

Timothy Brinks, Adams and Reese, LLP, 701 Poydras St., Ste. 4500, New Orleans, LA 70139, (504) 581-3234, spoke in support of Senate Bill No. 284.

Representative Mike Johnson offered a motion to report Senate Bill No. 103 favorably. Without objection, Senate Bill No. 103 was reported favorably by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedee, Brown, Echols, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 5 in support. Witness cards are included in the committee records.

Senate Bill No. 284 by Senator Foil

This is a continuation of the discussion on Senate Bill No. 284 from an earlier meeting held on May 2, 2022. Please check for prior action to complete the record of discussion and motions on Senate Bill No. 284.

Senator Foil presented Senate Bill No. 284, which provides relative to garnishments.

Trent McCarthy, 7922 Picardy Ave., Baton Rouge, LA 70809, (225) 767-9085, spoke in support of Senate Bill No. 284.

Representative Echols offered amendments to remove an amendment to present law regarding judgment creditors sending judgment debtors written notice of the filing of a garnishment petition. Representative Echols 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, Brown, Echols, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, McCormick, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Echols offered a motion to report Senate Bill No. 284 with amendments. Without objection, Senate Bill No. 284 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Brown, Echols, Frieman, Garofalo, Jefferson, Jenkins, McCormick, and Muscarello voted yea. Representative Gregory Miller abstained.

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. 178 by Representative Villio

Representative Villio presented House Bill No. 178, a constitutional amendment, which provides relative to the right to vote.

Representative Gregory Miller offered an amendment to make technical changes to the ballot language. Representative Gregory Miller offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Echols, Frieman, Garofalo, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 178, 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. 178 was adopted by a vote of 12 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Echols, Frieman, Garofalo, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Secretary of State Kyle Ardoin, P.O. Box 94125, Baton Rouge, LA 70804, (225) 922-2880, spoke for information only on House Bill No. 178.

M. Christian Green, League of Women Voters, 1308 Greenbrier Rd., Lafayette, LA 70503, (404) 520-9326, spoke in opposition to House Bill No. 178.

Representative Gregory Miller offered a motion to report House Bill No. 178 with amendments. Without objection, House Bill No. 178 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Echols, Frieman, Garofalo, Jefferson, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

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.

Senate Concurrent Resolution No. 18 by Senator Connick

This is a continuation of the discussion on Senate Concurrent Resolution No. 18 from an earlier meeting held on May 2, 2022. Please check for prior action to complete the record of discussion and motions on Senate Concurrent Resolution No. 18.

Senator Connick presented Senate Concurrent Resolution No. 18, which requests the Louisiana State Law Institute to study and make recommendations regarding reply memoranda in response to a motion for summary judgment.

Representative Seabaugh offered a motion to report Senate Concurrent Resolution No. 18 with amendments. Without objection, Senate Concurrent Resolution No. 18 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Boyd, Brown, Echols, Frieman, Garofalo, Jefferson, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Bill No. 667 by Representative Phelps

Representative Phelps presented House Bill No. 667, which prohibits race discrimination based on natural hairstyles.

Meridith Trahan, Louisiana Workforce Commission, 1001 N. 23rd St., Baton Rouge, LA 70802, (225) 342-1599, spoke for information only and provided a handout, Exhibit A, which is included in the committee records.

Representative C. Denise Marcelle, a co-author, spoke in support of House Bill No. 667.

Jennifer Miranda, We the People, 37176 Goodwood St., Prairieville, LA 70769, (225) 278-4563, spoke for information only on House Bill No. 667.

Representative Jenkins offered a motion to report House Bill No. 667 favorably, to which Representative Garofalo objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 6 yeas, 8 nays, and 1 abstention. Representatives Boyd, Brown, Robby Carter, Jefferson, Jenkins, and Nelson voted yea. Representatives Amedee, Echols, Frieman, Garofalo, Hodges, McCormick, Muscarello, and Seabaugh voted nay. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to involuntarily defer action on House Bill No. 667. Without objection, action on House Bill No. 667 was involuntarily deferred by a vote of 15 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Echols, Frieman, Garofalo, Hodges, Jefferson, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 9 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: 25 in support. Copies of these statements are included in the committee records.

House Bill No. 31 by Representative Tarver

Representative Tarver presented House Bill No. 31, a constitutional amendment, which dedicates a certain amount of state nonrecurring revenue to state retirement systems for supplemental benefit payments.

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, Boyd, Brown, Robby Carter, Echols, Garofalo, Hodges, Jefferson, Jenkins, McCormick, and Nelson voted yea.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 31, 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. 31 was adopted by a vote of 11 yeas and 0 nays. Representatives Gregory Miller, Boyd, Brown, Robby Carter, Echols, Garofalo, Hodges, Jefferson, Jenkins, McCormick, and Nelson voted yea.

Representative Gregory Miller offered a motion to report House Bill No. 31 with amendments. Without objection, House Bill No. 31 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Gregory Miller, Boyd, Brown, Robby Carter, Echols, Garofalo, Hodges, Jefferson, Jenkins, McCormick, and Nelson voted yea.

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

House Bill No. 288 by Representative Landry

Representative Landry presented House Bill No. 288, a constitutional amendment, which provides for term limits for tax assessors.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 288, 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. 288 was adopted by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Boyd, Brown, Robby Carter, Garofalo, Hodges, Jefferson, Jenkins, McCormick, and Nelson voted yea.

Representative Gregory Miller offered a motion to report House Bill No. 288 without amendments. Without objection, House Bill No. 288 was reported without amendments by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Boyd, Brown, Robby Carter, Garofalo, Hodges, Jefferson, Jenkins, McCormick, and Nelson voted yea.

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. 29 by Representative Nelson

Representative Nelson presented House Bill No. 29, a constitutional amendment, which requires the legislature to appropriate no less than fifty percent of nonrecurring state revenues for application to certain state retirement system unfunded accrued liability.

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 10 yeas and 0 nays. Representatives Gregory Miller, Boyd, Robby Carter, Echols, Garofalo, Hodges, Jefferson, Jenkins, McCormick, and Nelson voted yea.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 29, 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. 29 was adopted by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Boyd, Robby Carter, Echols, Garofalo, Hodges, Jefferson, Jenkins, McCormick, and Nelson voted yea.

Jennifer Miranda, We the People, 37176 Goodwood St., Prairieville, LA 70769, (225) 278-4563, spoke in opposition to House Bill No. 29.

Representative Nelson offered a motion to report House Bill No. 29 with amendments. Without objection, House Bill No. 29 was reported with amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Brown, Robby Carter, Echols, Frieman, Garofalo, Jefferson, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 1 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 opposition. Copies of these statements 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 12:08 p.m.

Respectfully submitted,

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