

House Committee on Civil Law and Procedure

Minutes of Meeting
2022 Regular Session
March 21, 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 9:04 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 Julie Emerson
Representative Lawrence "Larry" Frieman
Representative Sam L. Jenkins, Jr.
Representative Danny McCormick
Representative Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Wilford Dan Carter, Sr.
Representative Raymond E. Garofalo, Jr.
Representative Valarie Hodges
Representative Patrick O. Jefferson
Representative Michael T. Johnson, vice chairman

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Angela McKnight, sergeant at arms
Janet Anthony, sergeant at arms
Michael McMain, clerk

III. DISCUSSION OF LEGISLATION**House Bill No. 50 by Representative Frieman**

At the request of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 50, which provides relative to notice of signing of certain court orders. Without objection, action on House Bill No. 50 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Boyd, Brown, Robby Carter, Echols, Frieman, Jenkins, McCormick, Muscarello, and Nelson voted yea.

House Bill No. 139 by Representative Adams

At the request of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 139, which provides relative to access to enclosed cemeteries. Without objection, action on House Bill No. 139 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Boyd, Brown, Robby Carter, Echols, Frieman, Jenkins, McCormick, Muscarello, and Nelson 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. 644 by Representative Green

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

At the request of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 644, which provides relative to legislative continuances or extensions. Without objection, action on House Bill No. 644 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Boyd, Brown, Robby Carter, Echols, Frieman, Jenkins, McCormick, Muscarello, and Nelson voted yea.

Further action was taken by the committee on House Bill No. 644 at a meeting held on March 29, 2022. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 644.

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 10 yeas and 0 nays. Representatives Gregory Miller, Boyd, Brown, Robby Carter, Echols, Frieman, Jenkins, McCormick, Muscarello, and Nelson voted yea.

House Bill No. 260 by Representative Magee

Representative Magee presented House Bill No. 260, which provides relative to a firearm hold agreement.

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

- (1) Change the definition of "federal firearms licensee".
- (2) Add a definition of "firearm".
- (3) Add immunity for the return of any firearms to an individual firearm owner by a federal firearms licensee when the agreement terminates.
- (4) Rephrase "limitation of liability" to "immunity from civil liability".
- (5) Make technical changes.

Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Boyd, Brown, Robby Carter, Echols, Frieman, Jenkins, McCormick, Muscarello, and Nelson voted yea.

Caleb Morse, FFL Dealers and Veterans, 1070 Babineaux Rd., Breaux Bridge, LA 70517, (337) 441-8187, spoke in support of House Bill No. 260.

Gala True, LSU School of Medicine, 533 Bolvar St., New Orleans, LA 70112, (215) 681-0999, spoke for information only on House Bill No. 260.

Representative Echols offered a motion to report House Bill No. 260 with amendments. Without objection, House Bill No. 260 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Boyd, Brown, Robby Carter, Echols, Frieman, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

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. 389 by Representative Pressly

Representative Pressly presented House Bill No. 389, which provides relative to emergency suspension of legal deadlines.

Representative Gregory Miller offered amendments to:

- (1) Change that the suspended liberative prescription or preemptive periods recommence during the time specified in the order or proclamation or, if no time is specified, from 10 days to 30 days after the executive order or proclamation was issued.
- (2) Change the amount of time a party shall have to file any pleading affected by the suspension from 10 days to 30 days after the period of suspension or extension has expired.

Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Gregory Miller, Boyd, Brown, Robby Carter, Echols, Frieman, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

At the request of the author, Representative Gregory Miller offered an amendment to clarify that the governor may issue an executive order or proclamation. 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, Amedee, Boyd, Brown, Robby Carter, Frieman, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Representative Seabaugh offered a motion to report House Bill No. 389 with amendments. Without objection, House Bill No. 389 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Brown, Robby Carter, Echols, Frieman, McCormick, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

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. 164 by Representative Pressly

Representative Pressly presented House Bill No. 164, which provides relative to electronic filing of documents.

Representative Pressly requested an amendment to provide that filing shall be deemed complete at the time the electronic filing is received.

After discussion of the amendment, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 164. Without objection, action on House Bill No. 164 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Gregory Miller, Boyd, Brown, Robby Carter, Echols, Emerson, Frieman, 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.

Further action was taken by the committee on House Bill No. 164 at a meeting held on April 5, 2022. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 164.

House Bill No. 619 by Representative Selders

At the request of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 619, which provides for immunity for public entities for failure to obtain permits. Without objection, action on House Bill No. 619 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Gregory Miller, Boyd, Brown, Robby Carter, Echols, Emerson, Frieman, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

House Bill No. 450 by Representative Charles Owen

Representative Charles Owen presented House Bill No. 450, which provides for access to an adopted person's original birth certificate.

Jeanette Livingston, Louisiana Adoption Advisory Board, 2323 Honeysuckle Ave., Baton Rouge, LA 70808, (225) 810-2023, spoke in support of House Bill No. 450.

Representative Seabaugh in the chair.

Karen Swaim Babin, Louisiana Adoption Advisory Board, 3503 Bone Street, Metairie, LA 70001, (504) 875-4342, spoke in support of House Bill No. 450.

Chairman Gregory Miller in the chair.

Chairman Gregory Miller asked staff to present research, Exhibit A, which is included in the committee records.

Elise Lewis, adoptee rights advocate, former Mid-Atlantic regional director, 225 Main St., Apt. 306, Winona, MN 55987, (804) 370-6353, spoke in support of House Bill No. 450.

Paula Davis, LSU School of Social Work and Catholic Charities, Diocese of Baton Rouge, no address provided, (225) 266-2325, spoke for information only on House Bill No. 450.

Chairman Gregory Miller read a letter in opposition to House Bill No. 450 into the record from Gene Mills, president of Louisiana Family Forum, Exhibit B, which is included in the committee records.

Teri James Casso, St. Elizabeth Foundation, 8054 Summa Ave., Baton Rouge, LA 70809, (225) 806-4427, spoke in opposition to House Bill No. 450.

Ben Clapper, LA Right to Life, 200 Allen Toussaint Ave., New Orleans, LA 70124, (504) 835, 6520, spoke in opposition to House Bill No. 450.

Representative Seabaugh offered a motion to report House Bill No. 450 favorably. Without objection, House Bill No. 450 was reported favorably by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Brown, Robby Carter, Echols, Emerson, Frieman, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

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.

House Bill No. 507 by Representative Marino

Representative Marino presented House Bill No. 507, which provides relative to surnames recorded on original birth certificates.

Representative Gregory Miller offered amendments to:

- (1) Make the selection of the surname consistent with national custom or practice, rather than national law or custom.
- (2) Use the designation of "mother or the man whose surname may be given to the child", rather than "parent or parents".
- (3) Provide that the official surname of the child may be made consistent with the national custom or practice of the mother or man, rather than require that the child's surname be the paternal surname of the child's father.
- (4) Allow the exception to apply in all instances, rather than only in instances when the mother is married or was married within 300 days prior to the birth of the child.

(5) Make the exception permissive, rather than mandatory.

Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Emerson, Frieman, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Representative Nelson offered a motion to report House Bill No. 507 with amendments. Without objection, House Bill No. 507 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Brown, Robby Carter, Emerson, Frieman, Jenkins, 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.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:25 a.m.

Respectfully submitted,

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

Date adopted: