

House Committee on Civil Law and Procedure

Minutes of Meeting
2022 Regular Session
April 5, 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 10:02 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 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 Raymond E. Garofalo, Jr.
Representative Valarie Hodges

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

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

III. DISCUSSION OF LEGISLATION**House Bill No. 850 by Representative Frieman**

At the request of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 850, which provides relative to medical malpractice claims. Without objection, action on House Bill No. 850 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

House Concurrent Resolution No. 42 by Representative Coussan

Representative Coussan presented House Concurrent Resolution No. 42, which directs the Louisiana State Law Institute to study and make recommendations relative to the Uniform Collaborative Law Act.

Representative Echols offered a motion to report House Concurrent Resolution No. 42 favorably. Without objection, House Concurrent Resolution No. 42 was reported favorably by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, McCormick, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Bill No. 213 by Representative Gregory Miller

On behalf of Representative Gregory Miller, Professor Ron Scalise, reporter, Louisiana State Law Institute, Room W127, LSU Law Center, 1 E. Campus Dr., Baton Rouge, LA 70803, (225) 578-0200, presented House Bill No. 213, which provides for the revocation of beneficiary designations for certain assets.

Representative Gregory Miller offered amendments to:

- (1) Provide that revocation provisions for retirement benefits apply only to revocable designations.

- (2) Except beneficiary designations made pursuant to the Public Retirement Law from the revocation provisions.
- (3) Revise the comments to reflect the adopted amendments.

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, Wilford Carter, Echols, Jefferson, Jenkins, McCormick, Muscarello, and Nelson voted yea.

Vice Chairman Mike Johnson in the chair.

Representative Mike Johnson offered a motion to report House Bill No. 213 with amendments, to which Representative Robby Carter objected. The administrative assistant called the roll, and House Bill No. 213 was reported with amendments by a vote of 8 yeas, 4 nays, and 1 abstention. Representatives Amedee, Boyd, Wilford Carter, Echols, Frieman, Mike Johnson, McCormick, and Muscarello voted yea. Representatives Brown, Robby Carter, Jefferson, and Jenkins voted nay. Representative Gregory Miller abstained.

Chairman Gregory Miller in the chair.

House Bill No. 225 by Representative Gregory Miller

On behalf of Representative Gregory Miller, Professor Ron Scalise, reporter, Louisiana State Law Institute, Room W127, LSU Law Center, 1 E. Campus Dr., Baton Rouge, LA 70803, (225) 578-0200, presented House Bill No. 225, which provides for the return of donated property.

Representative Gregory Miller offered a motion to report House Bill No. 225 favorably. Without objection, House Bill No. 225 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Jefferson, McCormick, and Muscarello voted yea.

House Bill No. 172 by Representative Gregory Miller

On behalf of Representative Gregory Miller, Professor Ron Scalise, reporter, Louisiana State Law Institute, Room W127, LSU Law Center, 1 E. Campus Dr., Baton Rouge, LA 70803, (225) 578-0200, presented House Bill No. 172, which provides relative to revocable trusts.

Representative Gregory Miller offered a motion to report House Bill No. 172 favorably. Without objection, House Bill No. 172 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Jefferson, Jenkins, Mike Johnson, McCormick, Muscarello, and Nelson voted yea.

House Bill No. 395 by Representative Willard

Representative Willard presented House Bill No. 395, a constitutional amendment, which removes the requirement that certain property owners annually certify income to receive the special assessment level for ad valorem property taxes.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 395, 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. 395 was adopted by a vote of 14 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, McCormick, Nelson, and Seabaugh voted yea.

Representative Robby Carter offered a motion to report House Bill No. 395 without amendments. Without objection, House Bill No. 395 was reported without amendments by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Frieman, 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: 2 in support. Witness cards are included in the committee records.

House Bill No. 842 by Representative McMahan

Representative McMahan presented House Bill No. 842, which provides relative to liability for veterinary professionals for the reporting of animal cruelty.

Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 842. Without objection, action on House Bill No. 842 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Gregory Miller, Boyd, Brown, Robby Carter, Echols, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, McCormick, Muscarello, and Nelson voted yea.

Further action was taken by the committee on House Bill No. 842 at a later meeting held on April 11, 2022. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 842.

House Bill No. 309 by Representative Jenkins

Representative Jenkins presented House Bill No. 309, which provides relative to small successions.

Representative Jenkins offered an amendment to provide that for recordation purposes, a photocopy of the certified death certificate may serve as, and take the place of, the certified copy of the death

certificate. 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, Robby Carter, Echols, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, McCormick, Muscarello, and Nelson voted yea. Representative Gregory Miller abstained.

Representative Jenkins offered a motion to report House Bill No. 309 with amendments. Without objection, House Bill No. 309 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, Jefferson, Jenkins, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted on behalf of individuals who did not speak are as follows: 1 in support and 2 for information only. Witness cards are included in the committee records.

House Bill No. 164 by Representative Pressly

Previous action was taken by the committee on House Bill No. 164 at an earlier meeting held on March 21, 2022. Please check for the prior action to complete the record of discussion and motions on House Bill No. 164.

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

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

- (1) Remove reference to Civil Code of Procedure Article 258.
- (2) Provide that filing shall be deemed complete on the date and time indicated on the clerk of court facsimile transmission receipt.

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, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Representative Gregory Miller offered a motion to report House Bill No. 164 with amendments. Without objection, House Bill No. 164 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Jefferson, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Witness cards submitted on behalf of individuals who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

House Bill No. 681 by Representative Schexnayder

On behalf of Representative Schexnayder, Chairman Gregory Miller presented House Bill No. 681, a constitutional amendment, which provides relative to state and local sales and use taxes.

Jason DeCuir, Advantous Consulting, 440 N. 3rd Street, Baton Rouge, LA 70802, (225) 317-3345, spoke in support of House Bill No. 681.

Representative Gregory Miller offered an amendment to amend the ballot language. 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, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Jefferson, Mike Johnson, 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. 681, 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. 681 was adopted by a vote of 15 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Jefferson, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Representative Gregory Miller offered a motion to report House Bill No. 681 with amendments. Without objection, House Bill No. 681 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Jefferson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Witness cards submitted on behalf of individuals who did not speak are as follows: 2 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 58 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 58, which provides relative to irrevocable trusts for individuals interdicted.

Representative Gregory Miller offered a motion to report House Bill No. 58 favorably. Without objection, House Bill No. 58 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Echols, Emerson, Frieman, Jefferson, Muscarello, Nelson, and Seabaugh voted yea.

House Bill No. 13 by Representative Nelson

Representative Nelson presented House Bill No. 13, which provides for a prescriptive period for delictual actions for damages arising from the operation of a vehicle.

Rodney Braxton, State Farm, 543 Spanish Town Rd., Baton Rouge, LA 70802, (225) 381-0166, spoke in opposition to House Bill No. 13.

Kevin Cunningham, APCIA, 543 Spanish Town Rd., Baton Rouge, LA 70802, (225) 381-0166, spoke in opposition to House Bill No. 13.

David Marcase, La. Municipal Association, 700 N. 10th St., Baton Rouge, LA 70802, (318) 730-2105, spoke in opposition to House Bill No. 13.

Representative Nelson offered a motion to report House Bill No. 13 favorably, to which Representative Seabaugh objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 8 yeas and 8 nays. Representatives Amedee, Brown, Robby Carter, Wilford Carter, Jefferson, Jenkins, Muscarello, and Nelson voted yea. Representatives Gregory Miller, Boyd, Echols, Emerson, Frieman, Mike Johnson, McCormick, and Seabaugh voted nay.

Witness cards submitted on behalf of individuals who did not speak are as follows: 6 in opposition and 1 for information only. Witness cards are included in the committee records.

House Bill No. 584 by Representative Bagley

On behalf of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 584, which provides liability for selling certain safety equipment in the state. Without objection, action on House Bill No. 584 was voluntarily deferred by a vote of 16 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Vice Chairman Mike Johnson in the chair.

House Bill No. 703 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 703, which provides relative to repair contracts following a natural disaster.

Representative Gregory Miller offered amendments to:

- (1) Provide for bringing a dispute in a venue, rather than a forum or jurisdiction.

- (2) Provide for consistent use of the phrase "federally declared state of emergency following a natural disaster".
- (3) Allow for payment of the cost of work performed and material ordered or delivered prior to cancellation, along with reasonable overhead.
- (4) Create exceptions applicable to materialmen.
- (5) Create an exception for the rights of any party provided by the Private Works Act and the provision for claims on open account.

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, Amedee, Boyd, Brown, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Nelson, and Seabaugh voted yea.

Representative Gregory Miller offered a motion to report House Bill No. 703 with amendments. Without objection, House Bill No. 703 was reported with amendments by a vote of 16 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Witness cards submitted on behalf of individuals who did not speak are as follows: 1 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 12:55 p.m.

Respectfully submitted,

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

Date adopted: