

House Committee on Civil Law and Procedure

Minutes of Meeting
2022 Regular Session
May 2, 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 9:37 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 Michael Charles Echols
Representative Julie Emerson
Representative Lawrence "Larry" Frieman
Representative Raymond E. Garofalo, Jr.
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 Chad Brown
Representative Robby Carter
Representative Wilford Dan Carter, Sr.
Representative Valarie Hodges
Representative Patrick O. Jefferson

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

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 12 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Echols, Emerson, Frieman, Jenkins, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

House Bill No. 146 by Representative Charles Owen

Representative Charles Owen presented House Bill No. 146, which provides relative to consent with regard to certain medical procedures. Representative Charles Owen provided the committee with a handout, Exhibit A, which is included in the committee records.

Angie Thomas, Louisiana Right to Life, 200 Allen Toussaint, New Orleans, LA 70124, (504) 296-0323, spoke in support of House Bill No. 146.

Jonathan Trunnell, 320 N. Carrollton Ave., New Orleans, LA 70119, (510) 384-0368, spoke in support of House Bill No. 146.

Kathy Dwyer, 1525 Papworth Ave., Metairie, LA 70005, (504) 833-2439, spoke in opposition to House Bill No. 146.

Representative Frieman offered a motion to report House Bill No. 146 favorably. Without objection, House Bill No. 146 was reported favorably by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Boyd, Echols, Emerson, Frieman, Garofalo, 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 2 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: 1 in support and 5 in opposition. Copies of these statements are included in the committee records.

Senate Bill No. 102 by Senator Foil

Senator Foil presented Senate Bill No. 102, which provides for cotutorship of a child in that either parent acting alone can act on behalf of the child.

Representative Gregory Miller offered an amendment to make technical changes. 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, Echols, Emerson, Frieman, Garofalo, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Representative Seabaugh offered a motion to report Senate Bill No. 102 with amendments. Without objection, Senate Bill No. 102 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Boyd, Echols, Emerson, Frieman, Garofalo, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Senate Bill No. 363 by Senator Foil

Senator Foil presented Senate Bill No. 363, which provides for release of superior mortgage payoff amount for sheriff sales.

David Boneno, Louisiana Bankers Association, 5555 Bankers Ave., Baton Rouge, LA 70808, (225) 214-4836, spoke in support of House Bill No. 363.

Representative Gregory Miller offered an amendment to make technical changes. 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, Echols, Emerson, Frieman, Garofalo, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Representative Gregory Miller offered a motion to report Senate Bill No. 363 with amendments. Without objection, Senate Bill No. 363 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Gregory Miller, Boyd, Echols, Emerson, Frieman, Garofalo, Jenkins, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Senate Bill No. 284 by Senator Foil

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

Representative Gregory Miller offered an amendment to make technical changes. 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, Echols, Emerson, Frieman, Garofalo, Jenkins, McCormick, Muscarello, and Seabaugh voted yea.

Trent McCarthy, 7922 Picardy, Baton Rouge, LA 70802, (225) 767-9055, spoke in support of Senate Bill No. 284.

William Cherbonnier, 2550 Belle Chasse Hwy., Gretna, LA 70053, (504) 309-3304, spoke in opposition to Senate Bill No. 284.

Representative Gregory Miller offered a motion to voluntarily defer action on Senate Bill No. 284. Without objection, action on Senate Bill No. 284 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Boyd, Echols, Emerson, Frieman, Garofalo, Jenkins, Mike Johnson, McCormick, and Seabaugh 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.

Further action was taken by the committee on Senate Bill No. 284 at a meeting held on May 9, 2022. Please check for the subsequent action to complete the record of discussion and motions on Senate Bill No. 284.

Senate Concurrent Resolution No. 18 by Senator Connick

On behalf of Senator Connick, Representative Gregory Miller 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.

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

Representative Gregory Miller offered an amendment to require that the Louisiana State Law Institute submit its report to the House of Representatives. 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, Emerson, Frieman, Garofalo, Jenkins, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Representative Gregory Miller offered a motion to voluntarily defer action on Senate Concurrent Resolution No. 18. Without objection, action on Senate Concurrent Resolution No. 18 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Gregory Miller, Boyd, Echols, Emerson, Frieman, Garofalo, Jenkins, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Further action was taken by the committee on Senate Concurrent Resolution No. 18 at a meeting held on May 9, 2022. Please check for the subsequent action to complete the record of discussion and motions on Senate Concurrent Resolution No. 18.

Senate Bill No. 486 by Senator Morris

On behalf of Senator Morris, Representative Gregory Miller presented Senate Bill No. 486, which provides relative to clerks of court.

Debbie Hudnall, Louisiana Clerks of Court Association, 10202 Jefferson Hwy., Baton Rouge, LA 70809, (225) 293-1162, spoke in support of Senate Bill No. 486.

Representative Muscarello offered a motion to report Senate Bill No. 486 favorably. Without objection, Senate Bill No. 486 was reported favorably by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Boyd, Echols, Emerson, Frieman, 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: 1 in support. Witness cards are included in the committee records.

House Bill No. 705 by Representative Seabaugh

Representative Seabaugh presented House Bill No. 705, which provides relative to additional medical examinations.

Representative Seabaugh offered amendments to:

- (1) Remove requirement of a party to submit to an examination as soon after the incident that caused the action in controversy as demanded by the requesting party and thereafter when reasonably necessary.
- (2) Provide that the party shall not be examined by more than one duly qualified medical practitioner in any one field or specialty for the same injury except for good cause shown.
- (3) Prohibit individuals and emancipated minors from having the examination videotaped or having a third party present.

Representative Seabaugh offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Boyd, Echols, Emerson, Frieman, Garofalo, Jenkins, Mike Johnson, McCormick, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Matthew Pryor, 9456 Jefferson Hwy., Baton Rouge, LA 70816, (225) 923-7860, spoke in support of House Bill No. 705.

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

Representative Mike Johnson in the chair.

Russell Beall, Louisiana Association of Justice, 351 St. Ferdinand St., Baton Rouge, LA 70802, (225) 383-3499, spoke in opposition to House Bill No. 705.

Representative Gregory Miller in the chair.

Representative Seabaugh offered a motion to report House Bill No. 705 with amendments, to which Representative Muscarello objected. The administrative assistant called the roll, and House Bill No. 705 was reported with amendments by a vote of 9 yeas, 3 nays, and 1 abstention. Representatives Amedee, Echols, Emerson, Frieman, Garofalo, Mike Johnson, McCormick, Nelson, and Seabaugh voted yea. Representatives Boyd, Jenkins, and Muscarello voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 2 in opposition. 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 12:56 p.m.

Respectfully submitted,

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