

House Committee on Civil Law and Procedure

Minutes of Meeting
2022 Regular Session
May 16, 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 10:05 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 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 Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Michael Charles Echols
Representative Danny McCormick

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
Myrtus Jarrell, sergeant at arms
Danny Leming, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 344 by Representative McCormick**

On behalf of Representative McCormick, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 344, which prohibits the state and its political subdivisions from enforcing, administering, or cooperating with the decision and judgments of the United States Supreme Court in *Roe v. Wade*. Without objection, action on House Bill No. 344 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Wilford Carter, Frieman, Garofalo, Jefferson, Jenkins, Muscarello, Nelson, and Seabaugh voted yea.

Senate Bill No. 426 by Senator McMath

Senator McMath presented Senate Bill No. 426, which provides for the Allen Toussaint Legacy Act.

Representative Gregory Miller offered a motion to report Senate Bill No. 426 favorably. Without objection, Senate Bill No. 426 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Wilford Carter, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, Nelson, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support. Witness cards are included in the committee records.

Senate Bill No. 255 by Senator Barrow

Senator Barrow presented Senate Bill No. 255, which provides relative to court costs and fees in domestic abuse cases.

Morgan Lamandre, Sexual Trauma Awareness and Response, 5615 Corporate Blvd., Ste. 200, Baton Rouge, LA 70808, (225) 615-7093, spoke in support of Senate Bill No. 255.

Representative Gregory Miller offered an amendment to remove the definition of frivolous claim. 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, Boyd, Brown, Wilford Carter, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, and Nelson voted yea.

Representative Gregory Miller offered an amendment to provide that the failure to appear on its own is not grounds to access costs or fees. 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, Boyd, Brown, Wilford Carter, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, and Nelson voted yea.

Representative Jefferson offered a motion to report Senate Bill No. 255 with amendments. Without objection, Senate Bill No. 255 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Boyd, Brown, Wilford Carter, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, and Nelson voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 3 in support. Witness cards are included in the committee records.

Senate Bill No. 214 by Senator Luneau

Senator Luneau presented 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.

Jimmy Ordeneaux, Louisiana Farm Bureau Insurance, 701 Poydras St., Ste. 3800, New Orleans, LA 70139, (504) 586-5272, spoke in opposition to Senate Bill No. 214.

Kevin Cunningham, APCIA, 543 Spanish Town Rd., Baton Rouge, LA 70802, (225) 381-0166, spoke in opposition to Senate Bill No. 214.

Tom Clark, AllState Insurance, 301 Main St., Ste. 2300, Baton Rouge, LA 70801, (225) 387-4000, spoke in opposition to Senate Bill No. 214.

Jennifer Miranda, We the People, 37176 Goodwood St., Prairieville, LA 70769, (225) 278-9563, spoke in opposition to Senate Bill No. 214.

Representative Jenkins offered a motion to report Senate Bill No. 214 favorably, to which Representative Seabaugh objected. The administrative assistant called the roll, and Senate Bill No. 214 was reported favorably by a vote of 9 yeas, 5 nays, and 1 abstention. Representatives Boyd, Brown, Robby Carter, Wilford Carter, Jefferson, Jenkins, Mike Johnson, Muscarello, and Nelson voted yea. Representatives Amedee, Frieman, Garofalo, Hodges, and Seabaugh voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 4 in opposition. Witness cards are included in the committee records.

Senate Bill No. 484 by Senator Luneau

Senator Luneau presented Senate Bill No. 484, which authorizes a commercial insurer to select a forum or venue in a policy form.

At the request of the author, Representative Gregory Miller offered a motion to voluntarily defer action on Senate Bill No. 484. Without objection, action on Senate Bill No. 484 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Frieman, Garofalo, Hodges, Jenkins, Mike Johnson, Muscarello, Nelson, and Seabaugh voted yea.

House Bill No. 41 by Representative Newell

Representative Newell presented House Bill No. 41, which provides relative to race and national origin discrimination in education, employment, public accommodations, and housing options.

On behalf of the author, Representative Gregory Miller offered amendments in the form of a substitute bill. 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, Amedee, Boyd, Brown, Wilford Carter, Frieman, Garofalo, Hodges, Jenkins, and Nelson voted yea.

Tatum Neill, Neill Corp., 303 South Pim St., Hammond, LA 70403, (985) 969-0121, spoke in support of House Bill No. 41.

Chelsea Evankow, Tulane School of Public Health and Medicine, 1027 Independence St., New Orleans, LA 70117, (860) 575-3311, spoke in support of House Bill No. 41.

Tyler C. Sanchez, Citizen SHE United, 3424 Acorn Dr., Violet, LA 70092, (504) 481-2108, spoke in support of House Bill No. 41.

Jai Shy, Citizen SHE United, 7214 St. Charles Ave., New Orleans, LA 70119, (404) 630-9103, spoke in support of House Bill No. 41.

Nia Weeks, Citizen SHE United, 4312 Durmaine St., New Orleans, LA 70119, (352) 328-9237, spoke in support of House Bill No. 41.

Kaitlyn Joshua, Promise of Justice, 12296 Oak Colony Dr., Geismar, LA 70734, (225) 454-8321, spoke in support of House Bill No. 41.

Charles Barjon, II, Sierra Club, 6040 Oxford Pl., New Orleans, LA 70119, (562) 922-9964, spoke in support of House Bill No. 41.

Amy Mercieca, 7000 Magazine St., New Orleans, LA 70119, (504) 952-4646, spoke in support of House Bill No. 41.

Kelly Couture, 37173 Sue St., Geismar, LA 70734, (504) 487-1919, spoke in support of House Bill No. 41.

Representative Jenkins offered a motion to report House Bill No. 41 by substitute, to which Representative Amedee objected. The administrative assistant called the roll, and House Bill No. 41 was reported by substitute by a vote of 8 yeas, 6 nays, and 1 abstention. Representatives Boyd, Brown, Robby Carter, Wilford Carter, Jefferson, Jenkins, Muscarello, and Nelson voted yea. Representatives Amedee, Frieman, Garofalo, Hodges, Mike Johnson, and Seabaugh voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 30 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: 38 in support and 1 in opposition. Copies of these statements are included in the committee records.

House Bill No. 298 by Representative Jordan

Representative Jordan presented House Bill No. 298, a constitutional amendment, which prohibits slavery and involuntary servitude.

Representative Nelson offered amendments to:

- (1) Provide that slavery and involuntary servitude are prohibited except for the administration of criminal justice.
- (2) Change ballot language.
- (3) Make technical changes.

Ronald Marshall, VOTE, 4930 Washington St., New Orleans, LA 70117, (504) 547-5709, spoke in support of House Bill No. 298.

Michael Cahoon, The Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, spoke in support of House Bill No. 298.

Marissa K. Bosley, Louisiana Reform/Decarcerate Louisiana, 12901 Jefferson Hwy., Baton Rouge, LA 70816, spoke in support of House Bill No. 298.

Stephanie L. Willis, ACLU of Louisiana, P.O. Box 56157, New Orleans, LA 70156, no telephone number provided, spoke in support of House Bill No. 298.

Laramie Griffin, Decarcerate Louisiana, 2001 S. Sherwood Blvd., Baton Rouge, LA 70816, no telephone number provided, spoke in support of House Bill No. 298.

Representative Nelson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Frieman, Garofalo, Jenkins, Mike Johnson, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to report House Bill No. 298 with amendments. Without objection, House Bill No. 298 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Frieman, Garofalo, Jenkins, Mike Johnson, Muscarello, Nelson, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 22 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: 1 in opposition. Copies of these statements are included in the committee records.

House Bill No. 366 by Representative Frieman

Representative Frieman presented House Bill No. 366, a constitutional amendment, which provides relative to the mandatory retirement age for judges.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 366, 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. 366 was adopted by a vote of 14 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Brown, Robby Carter, Wilford Carter, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, Muscarello, Nelson, and Seabaugh voted yea.

Representative Frieman offered a motion to report House Bill No. 366 without amendments. Without objection, House Bill No. 366 was reported without amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Brown, Robby Carter, Wilford Carter,

Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, 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 and 1 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 opposition. Copies of these statements are included in the committee records.

House Bill No. 253 by Representative Edmonston

Representative Edmonston presented House Bill No. 253, which prohibits discriminatory practices on the basis of vaccination status or immunity status.

Fiorella Trapani, Health Freedom Louisiana, 4412 Lefkoe St., Metairie, LA 70006, (504) 957-7523, spoke in support of House Bill No. 253.

Erin Sandefur, 24411 Oma Harris Ln., Denham Springs, LA 70726, (225) 667-3371, spoke in support of House Bill No. 253.

The committee recessed at 1:22 p.m.

Representative Gregory Miller offered a motion to reconvene. Without objection, the motion passed by a vote of 12 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Robby Carter, Emerson, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Nelson, and Seabaugh voted yea.

The committee reconvened at 5:33 p.m.

Dr. Kathleen Willis, 42386 Forest View Pl., Ponchatoula, LA 70454, (985) 705-0026, spoke in support of House Bill No. 253.

Tommy Waller, Center for Security Policy, 1905 West Thomas St., Hammond, LA 70401, (202) 302-1974, spoke in support of House Bill No. 253.

Deborah Johnston, 39 Snipe St., New Orleans, LA 70124, (504) 202-7264, spoke in support of House Bill No. 253.

Tirzah Douglas, 7654 Ashland Ct., Clinton, LA 70722, (225) 719-1732, spoke in support of House Bill No. 253.

Kelly Couture, 37173 Sue St., Geismar, LA 70734, (504) 487-1919, spoke in support of House Bill No. 253.

Chris Alexander, Louisiana Citizens Advocacy Group, 1380 Steele Blvd., Baton Rouge, LA 70806, (225) 333-6434, spoke in support of House Bill No. 253.

At the request of Representative Edmonston, Representative Gregory Miller offered amendments to remove provisions regarding discrimination in the sale or rental of housing and in residential real estate related transactions. 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, Robby Carter, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Muscarello, and Nelson voted yea.

Representative Amedee offered a motion to report House Bill No. 253 with amendments, to which Representative Jenkins objected. The administrative assistant called the roll, and House Bill No. 253 was reported with amendments by a vote of 9 yeas, 4 nays, and 1 abstention. Representatives Amedee, Emerson, Frieman, Garofalo, Hodges, Mike Johnson, Muscarello, Nelson, and Seabaugh voted yea. Representatives Boyd, Robby Carter, Jefferson, and Jenkins voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 15 in support and 12 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: 493 in support and 3 in opposition. Copies of these statements are included in the committee records.

Senate Bill No. 489 by Senator Jackson

On behalf of Senator Jackson, Representative Gregory Miller presented 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.

Representative Gregory Miller offered amendments to

- (1) Provide that the court may, rather than shall, order the suspension of licenses in actions to make past-due child support executory, actions for contempt of court for failure to comply with an order of support, or in a criminal neglect of family proceeding.
- (2) Remove the necessity of a good cause of action showing to avoid the suspension of licenses.

- (3) Provide for the suspension of licenses only after an immediate income assignment or garnishment of wages did not result in the withholding or seizure of income and the obligor has not otherwise made payment toward the obligation of child support.
- (4) Provide that the incarceration shall not cause the suspension of the obligor's license,

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, Robby Carter, Emerson, Frieman, Garofalo, Jefferson, Jenkins, Muscarello, and Nelson voted yea.

Representative Gregory Miller offered a motion to report Senate Bill No. 489 with amendments. Without objection, Senate Bill No. 489 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Robby Carter, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, and Nelson voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 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 6:21 p.m.

Respectfully submitted,

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