

House Committee on Civil Law and Procedure

Minutes of Meeting
2023 Regular Session
May 8, 2023

I. CALL TO ORDER

Representative Gregory A. Miller, chairman of the House Committee on Civil Law and Procedure, called the meeting to order at 10:17 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 Patrick O. Jefferson
Representative Sam L. Jenkins, Jr.
Representative Michael T. Johnson, vice chairman
Representative Alonzo L. Knox
Representative Danny McCormick
Representative Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Robby Carter
Representative Wilford Dan Carter, Sr.
Representative Valarie Hodges

STAFF MEMBERS PRESENT:

Amy Pirtle, attorney
Allison Shirey, attorney
Megan Sanders, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Rebecca Marshall, sergeant at arms
Michael McCain, clerk

III. DISCUSSION OF LEGISLATION**House Bill No. 99 by Representative Orgeron**

Representative Orgeron presented House Bill No. 99, a constitutional amendment, which provides relative to the disposition of funds derived from alternative energy production in the coastal area.

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, 0 nays, and 1 abstention. Representatives Amedee, Echols, Emerson, Frieman, Garofalo, Jenkins, Mike Johnson, Knox, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 99, which stated that this 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. 99 was adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Echols, Emerson, Frieman, Garofalo, Jenkins, Mike Johnson, Knox, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Knox offered a motion to report House Bill No. 99 with amendments. Without objection, House Bill No. 99 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Echols, Emerson, Frieman, Garofalo, Jenkins, Mike Johnson, Knox, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 7 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 support. Copies of these statements are included in the committee records.

House Bill No. 254 by Representative Thomas

Representative Thomas presented House Bill No. 254, a constitutional amendment, which repeals provisions in the Louisiana Constitution related to various funds.

Steven Procopio, Public Affairs Research, 410 Laurel St., Baton Rouge, LA 70802, (225) 276-0426, spoke in support of House Bill No. 254.

Representative Frieman offered an amendment to change the ballot language to specify that the special funds being removed from the constitution are inactive. Representative Frieman offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Jenkins, Knox, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 254, 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. 254 was adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Jenkins, Knox, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Amedee offered a motion to report House Bill No. 254 with amendments. Without objection, House Bill No. 254 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Jenkins, Knox, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Bill No. 47 by Representative Nelson

Representative Nelson presented House Bill No. 47, a constitutional amendment, which requires the legislature to appropriate no less than twenty-five percent of nonrecurring state revenues for application to certain state retirement system unfunded accrued liability.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 47, 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. 47 was adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Jenkins, Knox, and Nelson voted yea. Representative Gregory Miller abstained.

Representative Nelson offered a motion to report House Bill No. 47 without amendments. Without objection, House Bill No. 47 was reported without amendments by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Jenkins, Knox, and Nelson 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. 152 by Representative Amedee

Representative Amedee presented House Bill No. 152, a constitutional amendment, which provides relative to fundamental parental rights and provided a handout, Exhibit A, which is included in the committee records.

William A. Estrada, Parental Rights Foundation, 1 Patrick Henry Cir., Purcellville, VA 20132, (571) 246-6792, spoke in support of House Bill No. 152.

Woody Jenkins, 910 N. Foster, Baton Rouge, LA 70806, (225) 921-1433, spoke in support of House Bill No. 152.

Representative Amedee offered amendments to:

- (1) Replace proposed law with provisions modeled after the preamble of the Children's Code.
- (2) Provide that parents have the paramount right to raise their children in accordance with their own values and traditions.
- (3) Provide that the role of the state in the family is limited and should only be asserted when there is a serious threat to the family.
- (4) Provide that any law, rule, regulation, or decision which would diminish parental rights shall be subject to strict scrutiny.
- (5) Change the ballot language.

Representative Amedee 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 Amedee, Boyd, Echols, Frieman, Garofalo, Jenkins, Mike Johnson, Knox, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Jill Hines, Health Freedom LA, 3301 17th St., No. 7443, Metairie, LA 70010, (904) 318-6018, spoke in support of House Bill No. 152.

Gene Mills, LA Family Forum, 655 St. Ferdinand, Baton Rouge, LA 70802, (225) 266-4357, spoke in support of House Bill No. 152.

Fiorella Trapani, Health Freedom LA, 3301 17th St., No. 7443, Metairie, LA 70010, (904) 318-6018, spoke in support of House Bill No. 152.

Representative Mike Johnson in the chair.

Katherine Diamond, 2105 Kleinert Ave., Baton Rouge, LA, 70806 (225) 421-4740, spoke in support of House Bill No. 152.

Dale Clary, Convention of States Action, 18688 Manchac Highlands, Prairieville, LA 70769, (225) 572-3289, spoke in support of House Bill No. 152.

Dr. Will Hall, Louisiana Baptist Office of Public Policy, 1250 MacAuthor Dr., Alexandria, LA 71303, (318) 449-4348, spoke in support of House Bill No. 152.

Representative Garofalo offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 152, which stated that this 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. 152 was adopted by a vote of 11 yeas and 0 nays. Representatives Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Jenkins, Mike Johnson, Knox, Nelson, and Seabaugh voted yea.

Representative Amedee offered a motion to report House Bill No. 152 with amendments. Without objection, House Bill No. 152 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Jenkins, Mike Johnson, Knox, Nelson, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support and 24 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: 483 in support. Copies of these statements are included in the committee records.

House Bill No. 266 by Representative Landry

Representative Landry presented House Bill No. 266, which provides relative to the civil liability and criminal prosecution of certain pregnancy outcomes and provided a handout, Exhibit B, which is included in the committee records..

Ashley Saucier, MD, Louisiana Physicians for Patient Protection, 1611 E. Lakeshore Dr., Baton Rouge, LA 70808, (901) 833-4289, spoke in support of House Bill No. 266.

Representative Gregory Miller in the chair.

Representative Jenkins offered an amendment to remove the phrase "discriminated against" with respect to the limitation of liability for the outcome of a pregnancy. Representative Jenkins offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedee, Echols, Emerson, Frieman,

Garofalo, Jefferson, Jenkins, Mike Johnson, Knox, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Tara Wicker, Louisiana Right to Life, 200 Allen Toussaint Blvd., New Orleans, LA 70124, (225) 317-7899, spoke in opposition to House Bill No. 266.

Ben Clapper, Louisiana Right to Life, 200 Allen Toussaint Blvd., New Orleans, LA 70124, (504) 835-6520, spoke in opposition to House Bill No. 266.

Representative Jenkins offered a motion to report House Bill No. 266 with amendments, to which Representative Seabaugh objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 6 yeas, 7 nays, and 1 abstention. Representatives Boyd, Jefferson, Jenkins, Knox, Muscarello, and Nelson voted yea. Representatives Amedee, Echols, Emerson, Frieman, Garofalo, Mike Johnson, and Seabaugh voted nay. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to involuntarily defer action on House Bill No. 266. Without objection, action on House Bill No. 266 was involuntarily deferred by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, Knox, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 13 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: 5 in opposition. Copies of these statements are included in the committee records.

House Bill No. 544 by Representative Jordan

This is a continuation of the discussion on House Bill No. 544 from an earlier meeting held on May 1, 2023. Please check for the prior action to complete the record of discussion and motions on House Bill No. 544.

Representative Jordan presented House Bill No. 544, which provides relative to legislative continuances.

Representative Gregory Miller offered amendments to:

- (1) Provide for the permissive ordering of attorney fees, court costs, and sanctions and remove the one thousand dollar minimum for attorney fees.

- (2) Provide that any waiver of privilege shall be revocable.
- (3) Provide that continuances and extensions are not applicable to incidental demands and third party demands barred by prescription or peremption.
- (4) Provide for the applicability of continuances and extensions to organizational and veto sessions.
- (5) Remove provision authorizing the timely filing of a continuance or extension prior to a proceeding on a motion for sanctions or penalties brought by opposing counsel for the failure to comply with a legal deadline.
- (6) Remove permissive applicability of the continuance or extension to cases before the Supreme Court of Louisiana.
- (7) Make technical changes.

Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Jenkins, Mike Johnson, and Knox voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered an amendment to remove authority to request a judicial recusal for denials of continuance or extensions. Representative Gregory Miller offered a motion to adopt the proposed amendment, to which Representative Jenkins objected. The administrative assistant called the roll, and the amendment was adopted by a vote of 11 yeas, 1 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Jefferson, Mike Johnson, Knox, Muscarello, and Nelson voted yea. Representative Jenkins voted nay. Representative Gregory Miller abstained.

Representative Jenkins offered a motion to report House Bill No. 544 with amendments, to which Representative Echols objected. The administrative assistant called the roll, and House Bill No. 544 was reported with amendments by a vote of 7 yeas, 5 nays, and 1 abstention. Representatives Boyd, Jefferson, Jenkins, Mike Johnson, Knox, Muscarello, and Nelson voted yea. Representatives Amedee, Echols, Emerson, Frieman, and Garofalo voted nay. 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.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 12:33 p.m.

Respectfully submitted,

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