

House Committee on Civil Law and Procedure

Minutes of Meeting
2020 First Extraordinary Session
June 9, 2020

I. CALL TO ORDER

Representative Gregory A. Miller, chairman of the House Committee on Civil Law and Procedure, called the meeting to order at 9:09 a.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Gregory A. Miller, chairman
Representative Beryl A. Amedée
Representative Wilford Dan Carter, Sr.
Representative Phillip R. DeVillier
Representative Michael Charles Echols
Representative Lawrence "Larry" Frieman
Representative Patrick O. Jefferson
Representative Sam L. Jenkins, Jr.
Representative Michael T. Johnson, vice chairman
Representative Mandie Landry
Representative Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Thomas A. Pressly
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Robby Carter
Representative Julie Emerson
Representative Cedric B. Glover
Representative Valarie Hodges

STAFF MEMBERS PRESENT:

Annie Smith, attorney
Amy Pirtle, attorney
Diane Merritt, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Maddie Murphy, clerk
Myrtis Jarrell, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 5 by Representative Marino**

Representative Marino presented House Bill No. 5, which provides for the emergency suspension of time limitations in certain civil proceedings.

There was no further discussion on House Bill No. 5.

Representative Jenkins offered a motion to report House Bill No. 5 favorably. Without objection, House Bill No. 5 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Wilford Carter, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, 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 for information only. 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 Concurrent Resolution No. 4 by Representative Seabaugh

Representative Seabaugh presented House Concurrent Resolution No. 4, which suspends provisions of law relative to recoverable medical expenses.

Representative Mike Johnson offered a motion to report House Concurrent Resolution No. 4 favorably. Without objection, House Concurrent Resolution No. 4 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Wilford Carter, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 14 in support and 1 in opposition. Witness cards are included in the committee records.

House Bill No. 42 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 42, which enacts the Omnibus Premium Reduction Act of 2020.

Representative Gregory Miller offered a technical amendment to correct a citation. Representative Gregory Miller offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Wilford Carter, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered an amendment to provide that evidence of the existence of applicable liability insurance coverage shall be admissible in any action brought against the insured or insurer and not with limitation to direct actions alone. Representative Gregory Miller offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Wilford Carter, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered an amendment to reinstate present law allowing for a direct action against the insurer for policies issued out of state or that include provisions forbidding a direct action. Representative Gregory Miller offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Wilford Carter, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Judge Bob Morrison, Louisiana District Judges Association, P.O. Box 788, Amite, LA 70422, (985) 748-9445, spoke for informational purposes only on House Bill No. 42.

Kevin Cunningham, American Property and Casualty Association, 543 Spanish Town Road, Baton Rouge, LA 70802 (225) 381-0166, spoke in opposition to House Bill No. 42.

Gary Boutwell, II, Louisiana Association for Justice, 904 Main Street, Madisonville, LA 70447, (985) 969-5640, spoke in opposition to House Bill No. 42.

Rodney Braxton, State Farm Insurance Company, 543 Spanish Town Road, Baton Rouge, LA 70802, (225) 381-0166, spoke in opposition to House Bill No. 42.

Richard Haik, Jr., no address provided, (337) 254-2091, spoke in opposition to House Bill No. 42.

Representative Frieman offered a motion to report House Bill No. 42 with amendments. Without objection, House Bill No. 42 was reported with amendments by a vote of 10 yeas, 0 nays, and 1

abstention. Representatives Amedee, Wilford Carter, DeVillier, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, and Nelson voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 8 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: 3 in opposition. Copies of these statements are included in the committee records.

House Bill No. 43 by Representative Garofalo

Representative Garofalo presented House Bill No. 43, which makes revisions to the Omnibus Premium Reduction Act of 2020.

Representative Gregory Miller offered a technical amendment. Representative Gregory Miller offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Wilford Carter, DeVillier, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Nelson, and Pressly voted yea. Representative Gregory Miller abstained.

Vice Chair Mike Johnson in the chair.

Judge Bob Morrison, Louisiana District Judges Association, P.O. Box 788, Amite, LA 70422, (985) 748-9445, spoke for informational purposes on House Bill No. 43.

Chairman Gregory Miller back in the chair.

Gary Boutwell, II, Louisiana Association for Justice, 904 Main Street, Madisonville, LA 70447, (985) 969-5640, spoke in opposition to House Bill No. 43.

Representative Gregory Miller offered a motion to report House Bill No. 43 with amendments, to which Representative Jenkins objected. The administrative assistant called the roll, and House Bill No. 43 was reported with amendments by a vote of 9 yeas, 4 nays, and 1 abstention. Representatives Amedee, DeVillier, Echols, Frieman, Mike Johnson, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representatives Wilford Carter, Jefferson, Jenkins, and Landry voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 9 in support and 1 in opposition. Witness cards are included in the committee records.

House Bill No. 44 by Representative Garofalo

Representative Garofalo presented House Bill No. 44, which enacts the Omnibus Premium Reduction Act of 2020.

Representative Gregory Miller offered a technical amendment. Representative Gregory Miller 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, Wilford Carter, DeVillier, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Echols offered a motion to report House Bill No. 44 with amendments, to which Representative Jenkins objected. The administrative assistant called the roll, and House Bill No. 44 was reported with amendments by a vote of 9 yeas, 4 nays, and 1 abstention. Representatives Amedee, DeVillier, Echols, Frieman, Mike Johnson, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representatives Wilford Carter, Jefferson, Jenkins, and Landry voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 13 in support, 3 in opposition, and 1 for information only. 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. 57 by Representative Schexnayder

On behalf of Representative Schexnayder, Representative Stefanski presented House Bill No. 57, which enacts the Civil Justice Reform Act of 2020.

Representative Gregory Miller offered a technical amendment. 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, Wilford Carter, Echols, Frieman, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, and Pressly voted yea. Representative Gregory Miller abstained.

Judge Bob Morrison, Louisiana District Judges Association, P.O. Box 388, Amite, LA 70422, (985) 748-9445, spoke for informational purposes only on House Bill No. 57.

Representative Echols offered a motion to report House Bill No. 57 with amendments. Without objection, House Bill No. 57 was reported with amendments by a vote of 10 yeas, 0 nays, and 1

abstention. Representatives Amedee, Wilford Carter, Echols, Frieman, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, and Pressly voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 12 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.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 12:22 p.m.

Respectfully submitted,

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