

House Committee on Civil Law and Procedure

Minutes of Meeting
2020 First Extraordinary Session
June 17, 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 9:03 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 Robby Carter
Representative Wilford Dan Carter, Sr.
Representative Phillip R. DeVillier
Representative Michael Charles Echols
Representative Julie Emerson
Representative Lawrence "Larry" Frieman
Representative Valarie Hodges
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 Cedric B. Glover

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Myrtis Jarrell, sergeant at arms
Faye Talbot, sergeant at arms

III. DISCUSSION OF LEGISLATION**Senate Bill No. 9 by Senator Hewitt**

On behalf of Senator Hewitt, Senator Peacock presented Senate Bill No. 9, which provides relative to safety belts.

Representative Pressly offered a motion to report Senate Bill No. 9 favorably, to which Representative Robby Carter objected. The administrative assistant called the roll, and Senate Bill No. 9 was reported favorably by a vote of 10 yeas, 4 nays, and 1 abstention. Representatives Amedee, Echols, Emerson, Frieman, Hodges, Mike Johnson, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representatives Robby Carter, Wilford Carter, Jefferson, and Landry voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 2 in opposition. Witness cards are included in the committee records.

House Concurrent Resolution No. 18 by Representative Seabaugh

Representative Seabaugh presented House Concurrent Resolution No. 18, which suspends provisions relative to safety belt evidence.

Representative Seabaugh offered a motion to report House Concurrent Resolution No. 18 favorably, to which Representative Landry objected. The administrative assistant called the roll, and House Concurrent Resolution No. 18 was reported favorably by a vote of 10 yeas, 5 nays, and 1 abstention. Representatives Amedee, DeVillier, Echols, Emerson, Frieman, Hodges, Mike Johnson, Muscarello, Nelson, and Seabaugh voted yea. Representatives Robby Carter, Wilford Carter, Jefferson, Jenkins, and Landry voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 2 in opposition. Witness cards are included in the committee record.

House Concurrent Resolution No. 19 by Representative Seabaugh

Representative Seabaugh presented House Concurrent Resolution No. 19, which suspends provisions of law relative to direct actions against insurers.

Representative Seabaugh offered a motion to report House Concurrent Resolution No. 19 favorably, to which Representative Jenkins objected. The administrative assistant called the roll, and House Concurrent Resolution No. 19 was reported favorably by a vote of 11 yeas, 5 nays, and 1 abstention. Representatives Amedee, DeVillier, Echols, Emerson, Frieman, Hodges, Mike Johnson, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representatives Robby Carter, Wilford Carter, Jefferson, Jenkins, and Landry voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 4 in opposition. Witness cards are included in the committee records.

House Concurrent Resolution No. 20 by Representative Seabaugh

Representative Seabaugh presented House Concurrent Resolution No. 20, which suspends provision of law relative to jury trial threshold.

Representative Seabaugh offered technical amendments. Representative Seabaugh offered a motion to adopt the proposed technical amendments. Without objection, the amendments were adopted by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, DeVillier, Emerson, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller read into the record a letter in opposition from the Louisiana District Judges Association, Exhibit "A", which is included in the committee records.

Glenn Ansardi, Louisiana District Judges Association, 200 Derbigny Street, Gretna, LA 70053, (504) 812-1337, spoke for informational purposes only on House Concurrent Resolution No. 20.

Representative Gregory Miller read into the record a letter in opposition from the Louisiana City Judges Association, Exhibit "B", which is included in the committee records.

Debbie D. Hudnall, Louisiana Clerks of Court Association, 10202 Jefferson Highway, Building A, Baton Rouge, LA 70809, (225) 293-1162, spoke in opposition to House Concurrent Resolution No. 20.

Representative Seabaugh offered a motion to report House Concurrent Resolution No. 20 with amendments, to which Representative Jenkins objected. The administrative assistant called the roll, and House Concurrent Resolution No. 20 was reported with amendments by a vote of 8 yeas, 6 nays, and 1 abstention. Representatives Amedee, DeVillier, Echols, Frieman, Hodges, Mike Johnson, Nelson, and Seabaugh voted yea. Representatives Robby Carter, Wilford Carter, Jefferson, Jenkins, Landry, and Muscarello voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 3 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.

Senate Bill No. 11 by Senator Fesi

On behalf of Senator Fesi, Representative Gregory Miller offered a motion to voluntarily defer action on Senate Bill No. 11, which provides relative to civil liability and certain actions for nullity involving fraud. Without objection, action on Senate Bill No. 11 was voluntarily deferred by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Wilford Carter, DeVillier, Echols, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Bill No. 59 by Representative Mincey

Representative Mincey presented House Bill No. 59, which provides relative to limitations of liability for public school districts during declared states of emergency and public health emergencies.

Representative Echols offered amendments to add charter schools to the list of protected school entities and extend the proposed law immunity from civil liability to public postsecondary education institutions. Representative Echols offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Wilford Carter, DeVillier, Echols, Frieman, Hodges, Jefferson, Jenkins, Mike Johnson, Landry, Muscarello, Nelson, and Pressly voted yea. Representative Gregory Miller abstained.

Representative Echols offered a motion to report House Bill No. 59 with amendments. Without objection, House Bill No. 59 was reported with amendments by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Wilford Carter, DeVillier, Echols, Frieman, Hodges, Jefferson, 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: 7 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 support. Copies of these statements are included in the committee records.

House Bill No. 51 by Representative Jordan

Representative Jordan presented House Bill No. 51, which provides with respect to immunity from civil liability for law enforcement engaged in certain actions.

James Craig, Roderick and Salange MacArthur Justice Center, 4400 S. Carrollton Avenue, New Orleans, LA 70118, (504) 620-2259, spoke in support of House Bill No. 51.

Chris Kaiser, ACLU of Louisiana, 1230 Poydras, New Orleans, LA 70112, (512) 740-1317, spoke in support of House Bill No. 51.

Ronalo Haley, Jr., attorney for victims and families affected by police misconduct, 8211 Goodwood Boulevard, Suite E, Baton Rouge, LA, (225) 328-5103, spoke in support of House Bill No. 51.

James Bernhard, representing Congressman Cedric L. Richmond, 7958 Settlers Circle, Baton Rouge, LA 70810, (225) 335-4832, spoke in support of House Bill No. 51 and read a statement in opposition from Congressman Cedric Richmond, Exhibit "C", which is included in the committee records.

Marissa Bosley, LA Reform, 4949 Stumberg Lane, 142, Baton Rouge, LA 70816, (225) 620-7712, spoke in support of House Bill No. 51.

Xy Walker, BR for the People, no address or telephone number provided, spoke in support of House Bill No. 51.

Ayanna Kelly, BR for the People, 4500 Burbank Drive, Baton Rouge, LA 70820, (225) 916-8808, spoke in support of House Bill No. 51.

Keondra Carter, BR for the People, 12074 Newcastle Avenue, Baton Rouge, LA 70816, (225) 939-9203, spoke in support of House Bill No. 51.

Alaina Boothe, NAACP, 1520 Thomas H Delpit Drive, Baton Rouge, LA 70802, no telephone number provided, spoke in support of House Bill No. 51.

Dr. Nicholas Mitchell, Jesuit Social Research Institute, 6363 St. Charles Avenue, Box 94, New Orleans, LA 70118, (504) 864-7750, spoke in support of House Bill No. 51.

Meghan Matt, 9063 Gail Drive, Baton Rouge, LA 70809, (225) 413-0463, spoke in support of House Bill No. 51.

Cleve Dunn, Jr., 3412 Woodcrest Drive, Baton Rouge, LA 70814, (225) 921-1788, spoke in support of House Bill No. 51.

Will Harrell, Voice of the Experienced (VOTE), 1221 Kerlerec Street, New Orleans, LA 70116, (512) 695-7519, spoke in support of House Bill No. 51.

Leaha F. Huckabee, BR for the People, 18069 Woodhaven Drive, Prairieville, LA 71291, (225) 247-4469, spoke in support of House Bill No. 51.

Shannon Dirmann, Attorney, Legislative Liaison, Louisiana Sheriffs' Association, 1175 Nicholson Drive, Baton Rouge, LA 70802, (225) 343-8402, spoke in opposition to House Bill No. 51.

Sheriff Greg Champagne, Louisiana Sheriffs' Association, 260 Judge Edward Dufresne Parkway, Luling, LA 70070, (985) 783-6237, spoke in opposition to House Bill No. 51.

Representative Jenkins offered a motion to report House Bill No. 51 favorably, to which Representative Amedee objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 7 yeas, 9 nays, and 1 abstention. Representatives Robby Carter, Wilford Carter, Jefferson, Jenkins, Landry, Nelson, and Pressly voted yea. Representatives Amedee, DeVillier, Echols, Emerson, Frieman, Hodges, Mike Johnson, Muscarello, and Seabaugh voted nay. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 51. Without objection, action on House Bill No. 51 was voluntarily deferred by a vote of 16 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Wilford Carter, DeVillier, Echols, Emerson, Frieman, Hodges, 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: 34 in support and 9 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: 165 in support and 12 in opposition. Copies of these statements are included in the committee records.

The committee recessed at 1:57 p.m. and reconvened at 4:26 p.m.

House Bill No. 66 by Representative Nelson

Representative Nelson presented House Bill No. 66, which enacts the Citizens' Premium Reduction Act.

On behalf of Representative Nelson, Representative Gregory Miller offered amendments to:

- (1) Provide a \$35,000 jury trial threshold for non-tort reforms.

- (2) Specify that a party may only recover past medical expenses if they are paid to a healthcare provider.
- (3) Prohibit insurance policy risk classifications made on the basis of gender of an insured over the age of 25.
- (4) Require the commissioner of insurance to annually report the rate change of certain automobile insurance premiums to the legislature.

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, Robby Carter, DeVillier, Echols, Mike Johnson, Landry, Muscarello, Nelson, and Pressly voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller read a statement from the Louisiana District Judges Association, Exhibit "A", which is included in the committee records.

Benjamin Mouton, Louisiana Association for Justice and MGM Injury Attorneys, 340 Florida Street, Baton Rouge, LA 70801-1720, (225) 344-3555, spoke in opposition to House Bill No. 66 and provided a handout "Report of the Actuarial Subcommittee" of the Louisiana High Auto Rates Task Force dated February 19, 2019, Exhibit "D", which is included in the committee records.

Representative DeVillier offered a motion to report House Bill No. 66 with amendments, to which Representative Robby Carter objected. The administrative assistant called the roll, and House Bill No. 66 was reported with amendments by a vote of 7 yeas, 4 nays, and 1 abstention. Representatives Amedee, DeVillier, Echols, Mike Johnson, Muscarello, Nelson, and Pressly voted yea. Representatives Robby Carter, Wilford Carter, Jefferson, and Landry voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 4 in support, 2 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 opposition. 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 5:23 p.m.

Respectfully submitted,

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