

House Committee on Civil Law and Procedure

Minutes of Meeting
2023 Regular Session
April 24, 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 10:03 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 Valarie Hodges
Representative Patrick O. Jefferson
Representative Sam L. Jenkins, Jr.
Representative Michael T. Johnson, vice chairman
Representative Alonzo L. Knox
Representative Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Robby Carter
Representative Wilford Dan Carter, Sr.
Representative Danny McCormick

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Michael McCain, clerk
Rebecca Marshall, sergeant at arms
Jaubert Ambeau, audio/visual engineer

III. DISCUSSION OF LEGISLATION**House Concurrent Resolution No. 22 by Representative Frieman**

Representative Frieman presented House Concurrent Resolution No. 22, which directs the Louisiana State Law Institute to study and make recommendations regarding notice and mailing requirements.

Representative Gregory Miller offered an amendment to change United States Post Office to United States Postal Service. Representative Gregory Miller offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Frieman, Garofalo, Jenkins, Knox, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Garofalo offered a motion to report House Concurrent Resolution No. 22 with amendments. Without objection, House Concurrent Resolution No. 22 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Frieman, Garofalo, Hodges, Jenkins, Knox, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Bill No. 273 by Representative Farnum

Representative Farnum presented House Bill No. 273, which provides for the expropriation of property by a declaration of taking by certain political subdivisions of Calcasieu Parish.

Representative Gregory Miller offered an amendment to remove certain references to the Consolidated Gravity Drainage Districts of Calcasieu Parish. 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, Boyd, Echols, Frieman, Garofalo, Hodges, Jenkins, Knox, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

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

Representative Frieman offered a motion to report House Bill No. 273 with amendments. Without objection, House Bill No. 273 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Frieman, Garofalo, Hodges, Jenkins, Knox, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

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. 86 by Representative Hodges

Representative Hodges presented House Bill No. 86, which creates the "Protect Teachers Act".

Representative Hodges offered a motion to report House Bill No. 86 favorably. Without objection, House Bill No. 86 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Emerson, Frieman, Garofalo, Hodges, Jenkins, Knox, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted for individuals not wishing to speak are as follows: 1 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. 61 by Representative Schlegel

Representative Schlegel presented House Bill No. 61, which provides for consent of a legal representative of a minor who contracts with certain parties.

Larry Murray, The Capitol Group, 3650 Morning Glory Ave., Baton Rouge, LA 70808, (225) 413-8705, spoke in opposition to House Bill No. 61.

Representative Jenkins offered an amendment to provide that contracts entered into by a minor without consent of a legal representative shall be relatively null. Representative Jenkins offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Knox, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Mike Johnson in the chair.

Representative Gregory Miller in the chair.

Representative Garofalo offered a motion to report House Bill No. 61 with amendments. Without objection, House Bill No. 61 was reported with amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Knox, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted for individuals not wishing to speak are as follows: 1 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.

House Bill No. 586 by Representative Stefanski

At the request of Representative Stefanski, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 586, which provides for civil liability for actions related to fentanyl. Without objection, action on House Bill No. 586 was voluntarily deferred by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Knox, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

Further action was taken by the committee on House Bill No. 586 at a later meeting held on May 1, 2023. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 586.

Representative Mike Johnson in the chair.

House Bill No. 339 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 339, which provides relative to motions for summary judgment.

Robert Raymond, attorney, 14108 River Rd., Destrehan, LA 70047, (504) 343-9367, spoke in support of House Bill No. 339.

Representative Gregory Miller offered a motion to report House Bill No. 339 favorably. Without objection, House Bill No. 339 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, and Knox voted yea.

Witness cards submitted by individuals not wishing to speak are as follows: 1 in support. Witness cards are included in the committee records.

House Bill No. 290 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 290, which provides relative to collections in legal malpractice.

Representative Mike Johnson offered an amendment to limit the recovery of a client to the maximum amount of damages the client would have collected in the underlying action. Representative Mike Johnson 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, Amedee, Boyd, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Knox, and Muscarello voted yea.

Representative Mike Johnson offered amendments to:

- (1) Add language relative to the ability of a former client to obtain money judgments.
- (2) Limit the recovery of a client.
- (3) Remove retroactivity to July 1, 2022.

Representative Mike Johnson 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, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Knox, and Muscarello voted yea.

Rob Rieger, Adams and Reese, 450 Laurel St., Baton Rouge, LA 70801, (225) 202-6147, spoke in opposition to House Bill No. 290.

Martin Stern, Adams and Reese, 450 Laurel St., Baton Rouge, LA 70801, (504) 585-0289, spoke in opposition to House Bill No. 290.

Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 290. Without objection, action on House Bill No. 290 was voluntarily 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 for individuals not wishing to 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 12:22 p.m.

Respectfully submitted,

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