

House Committee on Civil Law and Procedure

Minutes of Meeting
2023 Regular Session
May 1, 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 12:12 p.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 Wilford Dan Carter, Sr.
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 Danny McCormick

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

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

III. DISCUSSION OF LEGISLATION**House Bill No. 266 by Representative Landry**

At the request of Representative Landry, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 266, which provides relative to the civil liability and criminal prosecution of certain pregnancy outcomes. Without objection, action on House Bill No. 266 was voluntarily deferred by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, Knox, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Bill No. 486 by Representative Hilferty

At the request of Representative Hilferty, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 486, a constitutional amendment, which provides with respect to the applicability of the additional property tax exemptions for certain veterans with disabilities. Without objection, action on House Bill No. 486 was voluntarily deferred by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, Knox, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Bill No. 543 by Representative Jordan

At the request of Representative Jordan, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 543, which provides relative to vehicle pursuits by peace officers. Without objection, action on House Bill No. 543 was voluntarily deferred by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, Knox, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

House Bill No. 586 by Representative Stefanski

Representative Stefanski presented House Bill No. 586, which provides for civil liability for actions related to fentanyl.

Bob Broussard, no address provided, no telephone number provided, spoke in support of House Bill No. 586.

On behalf of the author, Representative Gregory Miller offered amendments to:

- (1) Change references to fentanyl from illegal to illicit.
- (2) Provide for a defendant's liability for damages for ingestion if the defendant was engaging in or facilitating illicit fentanyl trafficking or its related commercial activity within six months of the ingestion.
- (3) Provide that credible information or statistical data shall be sufficient for the plaintiff to meet the plaintiff's burden of proof in establishing the action.
- (4) Amend definitions of commercial activity and person.
- (5) Remove definition of fentanyl.
- (6) Add definitions of illicit fentanyl and trafficking.
- (7) Add a statute title.
- (8) Make technical changes.

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

Representative Garofalo offered a motion to report House Bill No. 586 with amendments. Without objection, House Bill No. 586 was reported with amendments by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Amedee, Wilford Carter, Emerson, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, and Knox voted yea. Representative Gregory Miller abstained.

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

House Bill No. 277 by Representative Bagley

Representative Bagley presented House Bill No. 277, a constitutional amendment, which provides relative to severance tax revenues remitted to parishes in which the associated severance occurs.

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, Wilford Carter, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, 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. 277, 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. 277 was adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Wilford Carter, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, Knox, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Seabaugh offered a motion to report House Bill No. 277 with amendments. Without objection, House Bill No. 277 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Wilford Carter, Frieman, Garofalo, Jefferson, Jenkins, Mike Johnson, Knox, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

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

House Bill No. 278 by Representative McFarland

Representative McFarland presented House Bill No. 278, a constitutional amendment, which increases amounts of severance tax revenues remitted to parishes and requires that portions of these amounts be spent on parish transportation projects.

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 9 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Jefferson, Jenkins, Mike Johnson, Knox, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Seabaugh offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 278, 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. 278 was adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Jefferson, Jenkins, Mike Johnson, Knox, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Jefferson offered a motion to report House Bill No. 278 with amendments. Without objection, House Bill No. 278 was reported with amendments by a vote of 9 yeas, 0 nays, and 1

abstention. Representatives Amedee, Boyd, 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: 5 in support. Witness cards are included in the committee records.

House Bill No. 46 by Representative Hughes

Representative Hughes presented House Bill No. 46, a constitutional amendment, which restricts eligibility of nonprofit organizations for property tax exemptions for residential property found to endanger public health or safety.

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

Representative Jenkins offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 46, 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. 46 was adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Jenkins, Mike Johnson, Knox, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

Woody Jenkins, 910 N. Foster, Baton Rouge, LA 70806, (225) 921-1433, spoke in opposition to House Bill No. 46.

Representative Jenkins offered a motion to report House Bill No. 46 with amendments. Without objection, House Bill No. 46 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Boyd, 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: 3 in support. Witness cards are included in the committee records.

House Bill No. 544 by Representative Jordan

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

Representative Seabaugh offered amendments to:

- (1) Provide for the permissive ordering of attorney fees, court costs, and sanctions and remove the \$1,000 minimum for attorney fees.
- (2) Provide that any waiver of privilege shall be revocable.
- (3) Make technical changes.

Representative Seabaugh 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 Wilford Carter, Echols, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Knox, and Seabaugh voted yea. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 544. Without objection, action on House Bill No. 544 was voluntarily deferred by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Wilford Carter, Echols, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Knox, and Seabaugh voted yea. 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.

Further action was taken by the committee at a later meeting on May 8, 2023. Please check for subsequent action to complete the record of discussion and motions on House Bill No. 544.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 2:11 p.m.

Respectfully submitted,

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