

House Committee on Civil Law and Procedure

Minutes of Meeting
2024 Regular Session
March 25, 2024

I. CALL TO ORDER

Representative Nicholas Muscarello, Jr., chairman of the House Committee on Civil Law and Procedure, called the meeting to order at 9:33 a.m. in Room 4, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Nicholas Muscarello, Jr., chairman
Representative Josh Carlson
Representative Emily Chenevert
Representative Kathy Edmonston
Representative Peter F. Egan, Sr.
Representative Brian Leonard Glorioso
Representative Michael T. Johnson
Representative Ed Larvadain, III
Representative Michael Melerine
Representative Sylvia Elaine Taylor
Representative Christopher Turner, vice chairman
Representative Lauren Ventrella
Representative Mark Wright
Representative John E. Wyble

MEMBERS ABSENT:

Representative Chad Brown
Representative Wilford Dan Carter, Sr.

STAFF MEMBERS PRESENT:

Allison Alonzo, attorney
Jennifer Nguyen, attorney
Megan Sanders, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Michael McCain, clerk
Rebecca Marshall, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 300 by Representative Orgeron**

Representative Orgeron presented House Bill No. 300, a constitutional amendment, which provides relative to the disposition of funds derived from alternative energy production in the coastal area.

Representative Muscarello offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 300. Without objection, House Rule 6.8(A) Report to House Bill No. 300 was adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, and Wyble voted yea. Representative Muscarello abstained.

Representative Wyble offered a motion to report House Bill No. 300 without amendments. Without objection, House Bill No. 300 was reported without amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, and Wyble voted yea. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 16 in support. Witness cards are included in the committee records.

House Concurrent Resolution No. 28 by Representative Turner

Representative Turner presented House Concurrent Resolution No. 28, which requests the Louisiana State Law Institute to study procedures for establishing child support and paternity for minor parents.

Toni Menard, LDAA, 2525 Quail Run Dr., Baton Rouge, LA 70808, spoke for information only on House Concurrent Resolution No. 28.

Gary Franklin, Department of Children and Family Services, 627 N. Fourth St., Baton Rouge, LA 70802, spoke for information only on House Concurrent Resolution No. 28.

Representative Glorioso offered a motion to report House Concurrent Resolution No. 28 favorably. Without objection, House Concurrent Resolution No. 28 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike

Johnson, Larvadain, Melerine, Taylor, Turner, and Wyble voted yea. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 2 for information only. Witness cards are included in the committee records.

Further testimony was received by the committee on House Concurrent Resolution No. 28 at a later point in the meeting. Please check for the subsequent testimony to complete the record of discussion on House Concurrent Resolution No. 28.

Representative Turner in the chair.

House Bill No. 227 by Representative Muscarello

Representative Muscarello presented House Bill No. 227, which provides for continuous revisions relative to civil procedure.

Guy Holdridge, director, Louisiana State Law Institute, Room W127, LSU Law Center, 1 E. Campus Dr., Baton Rouge, LA 70802, spoke for information only on House Bill No. 227.

Representative Turner offered an amendment to make technical changes. Representative Turner 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 Carlson, Chenevert, Edmonston, Egan, Glorioso, Larvadain, Melerine, Taylor, Turner, and Wyble voted yea. Representative Muscarello abstained.

Representative Muscarello offered a motion to report House Bill No. 227 with amendments. Without objection, House Bill No. 227 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, and Wyble voted yea. Representative Muscarello abstained.

House Concurrent Resolution No. 28 by Representative Turner

This is a continuation of the discussion on House Concurrent Resolution No. 28 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on House Concurrent Resolution No. 28.

Susan Raborn, attorney, 1323 Chippenham Dr., Baton Rouge, LA 70808, spoke in support of House Concurrent Resolution No. 28.

House Bill No. 232 by Representative Muscarello

Representative Muscarello presented House Bill No. 232, which provides relative to warranty for negotiable instruments and depository and collecting banks.

Representative Muscarello offered a motion to report House Bill No. 232 favorably. Without objection, House Bill No. 232 was reported favorably by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, Ventrella, Wright, and Wyble voted yea. Representative Muscarello abstained.

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

Chair Muscarello in the chair.

House Bill No. 245 by Representative Freeman

Representative Freeman presented House Bill No. 245, a constitutional amendment, which provides relative to decisionmaking in reproductive healthcare.

Representative Muscarello offered a motion to adopt the three minute rule for committee discussions. Without objection, the three minute rule was adopted by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, Ventrella, and Wyble voted yea. Representative Muscarello abstained.

Melissa Flournoy, 10,000 Women, 650 N. Sixth St., Baton Rouge, LA 70802, spoke in support of House Bill No. 245.

Angela Adkins, 10,000 Women, 14620 Richardson Dr., Greenwell Springs, LA, 70739, spoke in support of House Bill No. 245.

Julie Schwam Harris, 1208 Pine St., New Orleans, LA 70118, spoke in support of House Bill No. 245.

Nancy Davis, Nancy Davis Foundation, 3849 Webb Dr., Baton Rouge, LA 70805, spoke in support of House Bill No. 245.

Bruce Reilly, VOTE, 4950 Washington Ave., New Orleans, LA, 70125, spoke in support of House Bill No. 245.

Michelle Erenberg, Lift Louisiana, 3157 Gentilly Blvd., New Orleans, LA 70122, spoke in support of House Bill No. 245.

Amy Mercieca, 7000 Magazine St., New Orleans, LA, 70118, spoke in support of House Bill No. 245.

Kaitlyn Joshua, 4821 Inniswold Rd., Baton Rouge, LA 70809, spoke in support of House Bill No. 245.

Helen Frink, Planned Parenthood Gulf Coast, 3825 Government St., Baton Rouge, LA 70802, spoke in support of House Bill No. 245.

Mary Carol Asher, ProLife America, 251 St. Joseph St., Baton Rouge, LA 70802, spoke in opposition to House Bill No. 245.

Ellen Hopper Clements, 103 Hamlet Ln., Lafayette, LA 70508, spoke in opposition to House Bill No. 245.

Ben Clapper, Louisiana Right to Life, 200 Allen Toussant Blvd., New Orleans, LA 70124, spoke in opposition to House Bill No. 245.

Jennifer Maggio, The Life of a Single Mom, 12015 Justice Ave., Baton Rouge, LA 70816, spoke in opposition to House Bill No. 245.

Dr. Will Hall, Louisiana Baptist Office of Public Policy, 1250 MacArthur Dr., Alexandria, LA 71303, spoke in opposition to House Bill No. 245 and provided a handout, Exhibit A, which is included in the committee records.

Sean Corcoran, 4118 Magnolia Ridge Dr., Lake Charles, LA 70605, spoke in opposition to House Bill No. 245.

Deborah Melvin, 322 Cedar Tree Dr., Thibodaux, LA 70301, spoke in opposition to House Bill No. 245.

Representative Turner in the chair.

Hopkins Inzina, 1306 E. Bayou Pkwy., Lafayette, LA 70508, spoke in opposition to House Bill No. 245.

Kim Hardey, MD, 401 Edgehill Circle, Lafayette, LA 70508, spoke in opposition to House Bill No. 245.

Susan Raborn, 1323 Chippenham Dr., Baton Rouge, LA 70808, spoke in opposition to House Bill No. 245.

Robert Voitier, Jr., 205 Rue De Frejus, Broussard, LA 70518, spoke in opposition to House Bill No. 245.

Representative Wyble offered a motion to involuntarily defer action on House Bill No. 245, to which Representative Larvadain objected. The administrative assistant called the roll, and action on House Bill No. 245 was involuntarily deferred by a vote of 10 yeas, 2 nays, and 1 abstention. Representatives Carlson, Chenevert, Edmonston, Egan, Mike Johnson, Melerine, Turner, Ventrella, Wright, and Wyble voted yea. Representatives Larvadain and Taylor voted nay. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 20 in support and 8 in opposition. Witness cards are included in the committee records.

Prepared statements were received via email for House Bill No. 245 pursuant to House Rule 14.33.

The committee stood at ease at 12:15 p.m. The committee reconvened at 12:35 p.m.

House Bill No. 580 by Representative Muscarello

Representative Muscarello presented House Bill No. 580, which provides relative to bankruptcy.

Rob Rieger, Louisiana Land Title Association, 450 Laurel St., Ste. 1900, Baton Rouge, LA 70810, spoke in support of House Bill No. 580.

Representative Turner offered amendments to:

- (1) Add technical changes.
- (2) Add liens to the list of records that a Louisiana licensed attorney may use to specify the particular property subject to the bankruptcy order.
- (3) Provide that a Louisiana licensed attorney may specify by affidavit which liens, judgments, mortgages, or privileges are to be partially cancelled as to the particular property subject to the bankruptcy order.
- (4) Provide that an affidavit that specifies a particular property subject to the bankruptcy order shall include a statement that the holder of the lien, mortgage, or privilege was provided notice of the court order.

(5) Add an effective date.

Representative Turner offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Carlson, Chenevert, Edmonston, Egan, Larvadain, Melerine, Taylor, Turner, Ventrella, and Wyble voted yea. Representative Muscarello abstained.

Anne Raymond, Louisiana Land Title Association, 601 Poydras St., Ste. 2775, New Orleans, LA 70130, spoke in support of House Bill No. 580.

Chris Caplinger, Bankruptcy Practitioner, Louisiana Land Title Association, 601 Poydras St., Ste. 2775, New Orleans, LA 70130, spoke in support of House Bill No. 580.

Representative Turner offered a motion to report House Bill No. 580 with amendments. Without objection, House Bill No. 580 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Carlson, Chenevert, Edmonston, Egan, Larvadain, Melerine, Taylor, Turner, Ventrella, and Wyble voted yea. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 1 in support. 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 12:46 p.m.

Respectfully submitted,

Chairman Nicholas Muscarello, Jr.
House Committee on Civil Law and Procedure