

House Committee on Civil Law and Procedure

Minutes of Meeting
2024 Regular Session
May 13, 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 10:05 a.m. in Room 4, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Nicholas Muscarello, Jr., chairman
Representative Chad Brown
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 John E. Wyble

MEMBERS ABSENT:

Representative Wilford Dan Carter, Sr.
Representative Lauren Ventrella
Representative Mark Wright

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**Senate Bill No. 246 by Senator Luneau**

Senator Luneau presented Senate Bill No. 246, which provides for the prescriptive period for certain actions for abuse of a minor.

Representative Larvadain offered a motion to report Senate Bill No. 246 favorably. Without objection, Senate Bill No. 246 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Carlson, Chenevert, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, and Wyble voted yea. Representative Muscarello abstained.

Senate Bill No. 75 by Senator Morris

Senator Morris presented Senate Bill No. 75, which provides for electronic filing and record retention.

At the request of the author, Representative Muscarello offered amendments to:

- (1) Specify that an original document or exhibit shall be produced to the court or opposing party upon request or reasonable expense.
- (2) Require clerks of court to return and preserve original records.
- (3) Provide a protection for clerks of court for any destruction or disposition of records prior to the effective date, in accordance with the law in effect at the time of the destruction or disposition.

Representative Muscarello 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 Brown, Carlson, Chenevert, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, and Wyble voted yea. Representative Muscarello abstained.

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 Senate Bill No. 75.

Representative Taylor offered a motion to report Senate Bill No. 75 with amendments. Without objection, Senate Bill No. 75 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Chenevert, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, and Wyble voted yea. Representative Muscarello abstained.

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

Senate Bill No. 483 by Senator Morris

Senator Morris presented Senate Bill No. 483, which provides relative to attorney service contracts.

On behalf of the author, Representative Muscarello offered amendments to:

- (1) Make technical changes.
- (2) Change reference from "Chapter 9 of the Louisiana Commercial Laws" to the correct cite which is "Uniform Commercial Code-Secured Transactions".
- (3) Provide that the special privileges granted to attorneys would have priority over all privileges and encumbrances except for previously perfected security interests.
- (4) Provide that the special privilege would be subject to and inferior to the rights of any person named as a loss payee under the policy if the special privilege attaches to proceeds payable under a policy of insurance.

Representative Muscarello 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 Brown, Carlson, Chenevert, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, and Wyble voted yea. Representative Muscarello abstained.

David Boneno, Louisiana Bankers Association, 5555 Bankers Ave., Baton Rouge, LA 70808, spoke in support of Senate Bill No. 483.

Representative Muscarello offered a motion to voluntarily defer action on Senate Bill No. 483. Without objection, action on Senate Bill No. 483 was voluntarily deferred by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, and Wyble voted yea. Representative Muscarello abstained.

Further action was taken by the committee on Senate Bill No. 483 at a later meeting held on May 20, 2024. Please check for the subsequent action to complete the record of discussion and motions on Senate Bill No. 483.

Senate Bill No. 78 by Senator Morris

On behalf of Senator Morris, Representative Muscarello offered a motion to voluntarily defer action on Senate Bill No. 78, a constitutional amendment which authorizes the legislature, by law, to establish additional courts enacted by a two-thirds vote. Without objection, action on Senate Bill No. 78 was voluntarily deferred by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, and Wyble voted yea. Representative Muscarello abstained.

Senate Bill No. 177 by Senator Morris

On behalf of Senator Morris, Representative Muscarello offered a motion to voluntarily defer action on Senate Bill No. 177, a constitutional amendment which increases the non-lawyer membership of and provides for the selection of judiciary commission members and requires investigations be conducted by directive of the supreme court. Without objection, action on Senate Bill No. 177 was voluntarily deferred by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, and Wyble voted yea. Representative Muscarello abstained.

House Resolution No. 192 by Representative Berault

Representative Berault presented House Resolution No. 192, which directs the Louisiana State Law Institute to study adoption proceedings.

Representative Muscarello offered a motion to report House Resolution No. 192 favorably. Without objection, House Resolution No. 192 was reported favorably by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Brown, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, and Wyble voted yea. Representative Muscarello abstained.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 10:49 a.m.

Respectfully submitted,

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