

House Committee on Civil Law and Procedure

Minutes of Meeting
2024 Regular Session
April 8, 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 9:04 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 Wilford Dan Carter, Sr.
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 Mark Wright
Representative John E. Wyble

MEMBERS ABSENT:

Representative Lauren Ventrella

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Cheryl Domino, sergeant at arms
Michael McCain, clerk

III. DISCUSSION OF LEGISLATION

House Resolution No. 69 by Representative Mandie Landry

At the request of Representative Mandie Landry, Representative Muscarello offered a motion to voluntarily defer action on House Resolution No. 69, which requests the Louisiana State Law Institute to study bidding procedures for tax sale property. Without objection, action on House Resolution No. 69 was voluntarily deferred 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 Bill No. 803 by Representative Muscarello

Representative Muscarello offered a motion to voluntarily defer action on House Bill No. 803, which provides relative to interruption of prescription and venue. Without objection, action on House Bill No. 803 was voluntarily deferred 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 Bill No. 858 by Representative Ventrella

At the request of Representative Ventrella, Representative Muscarello offered a motion to voluntarily defer action on House Bill No. 858, which provides relative to the limitation of liability for recreational landowners. Without objection, action on House Bill No. 858 was voluntarily deferred 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 Bill No. 608 by Representative Wilder

Representative Wilder presented House Bill No. 608, which creates the Women's Safety and Protection Act.

Attorney General Liz Murrill, Louisiana Department of Justice, 1885 North Third Street, Baton Rouge, LA 70802, spoke in support of House Bill No. 608.

Pam Roselli, 110 Williams Road, Madisonville, LA 70447, spoke in support of House Bill No. 608.

Kim Sport, United Against Domestic Violence, 21 Muirfield Place, New Orleans, LA 70131, spoke for information only on House Bill No. 608.

Gene Mills, Louisiana Family Forum, 655 St. Ferdinand Street, Baton Rouge, LA 70802, spoke in support of House Bill No. 608.

Matt Sharp, Alliance Defending Freedom, 1000 Hurricane Shoals Road N.E. Suite D-1120, Lawrenceville, GA 30043, spoke in support of House Bill No. 608.

Representative Muscarello offered amendments to make technical changes, to change the reference from "biological female" to "individual", and to change the reference from "biological males" to "members of the opposite sex". Representative Muscarello 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 Carlson, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, and Wyble voted yea. Representative Muscarello abstained.

Mariah Wineski, Louisiana Coalition Against Domestic Violence, P.O. Box 77308, Baton Rouge, LA 70879, spoke for information only on House Bill No. 608.

Charmaine Caccioppi, United Way Southeast Louisiana, 2401 Canal Street, New Orleans, LA 70119, spoke for information only on House Bill No. 608.

Jean Faria, 347 Shady Lake Parkway, Baton Rouge, LA 70810, spoke in opposition to House Bill No. 608.

Elizabeth Loupe, 347 Shady Lake Parkway, Baton Rouge, LA 70810, spoke in opposition to House Bill No. 608.

Melissa Flournoy, 10,000 Women, 650 North Sixth Street, Baton Rouge, LA 70802, spoke in opposition to House Bill No. 608.

Sarah Jane Guidry, Forum for Equality, 4962 Demontluzin Street, New Orleans, LA 70122, spoke in opposition to House Bill No. 608.

Britain Forsythe, 2819 Pine Street, New Orleans, LA 70125, spoke in opposition to House Bill No. 608.

Representative Carlson offered a motion to report House Bill No. 608 with amendments. Without objection, House Bill No. 608 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Carlson, Wilford Carter, Chenevert, Egan, Glorioso, Larvadain, Melerine, Taylor, Turner, and Wyble voted yea. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 7 in opposition. Witness cards are included in the committee records.

Prepared statements were received via email for House Bill No. 608 pursuant to House Rule 14.33.

House Concurrent Resolution No. 38 by Representative Kerner

Representative Kerner presented House Concurrent Resolution No. 38, which requests the Louisiana State Bar Association to work with organizations providing legal aid to assist parents and guardians of children with disabilities to obtain permanent tutorships.

Marsha Clanton, no address provided, spoke in support of House Concurrent Resolution No. 38.

On behalf of Representative Kerner, Representative Muscarello offered an amendment to specify that the Louisiana State Bar Association help parents and guardians obtain other legal options that best suit their families. Representative Muscarello 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 Carlson, Wilford Carter, Chenevert, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, and Wyble voted yea. Representative Muscarello abstained.

Representative Larvadain offered a motion to report House Concurrent Resolution No. 38 with amendments. Without objection, House Concurrent Resolution No. 38 was reported with amendments by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Carlson, Wilford Carter, Chenevert, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, Wright, and Wyble voted yea. Representative Muscarello abstained.

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

House Bill No. 842 by Representative Wiley

Representative Wiley presented House Bill No. 842, which provides relative to civil liability protection for local governments concerning events on the Mississippi River levee.

Pete Dufresne, president, St. James Parish, no address provided, spoke in support of House Bill No. 842.

Representative Taylor offered a motion to report House Bill No. 842 favorably. Without objection, House Bill No. 842 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Carlson, Wilford Carter, Chenevert, Edmonston, Egan, 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: 2 in support. Witness cards are included in the committee records.

House Bill No. 742 by Representative Marcelle

Representative Marcelle presented House Bill No. 742, which provides for immunity from civil and criminal liability for in vitro fertilization service providers.

Representative Muscarello offered a motion to voluntarily defer action on House Bill No. 742. Without objection, action on House Bill No. 742 was voluntarily deferred by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Mike Johnson, Larvadain, Melerine, Taylor, Turner, Wright, and Wyble voted yea. Representative Muscarello abstained.

House Bill No. 818 by Representative Carver

Representative Carver presented House Bill No. 818, which provides relative to forced heirship.

Representative Muscarello offered a motion to voluntarily defer action on House Bill No. 818. Without objection, action on House Bill No. 818 was voluntarily deferred by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Mike Johnson, Larvadain, Melerine, Taylor, Turner, Wright, and Wyble voted yea. Representative Muscarello abstained.

House Bill No. 796 by Representative Wilford Carter

Representative Wilford Carter offered a motion to voluntarily defer action on House Bill No. 796, which provides relative to the presumption of paternity. Without objection, action on House Bill No. 796 was voluntarily deferred by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Turner, and Wyble voted yea. Representative Muscarello abstained.

House Bill No. 784 by Representative Schamerhorn

Representative Schamerhorn presented House Bill No. 784, which provides relative to liability for damages caused by livestock.

On behalf of Representative Schamerhorn, Representative Muscarello offered amendments to make technical changes, remove references to strict liability, and specify that livestock owners are not liable for livestock that escape under certain factors listed in proposed law. Without objection, the amendments were adopted by a vote 9 yeas, 0 nays, and 1 abstention. Representatives Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Larvadain, Melerine, Turner, and Wyble voted year. Representative Muscarello abstained.

Brandon DuBois, Louisiana Cattlemen's Association, 409 Porter Field Road, Winnfield, LA 71483, spoke in support of House Bill No. 784.

Commissioner Mike Strain, Louisiana Department of Agriculture and Forestry, spoke for information only on House Bill No. 784.

Jarett Daigle, Louisiana Cattlemen's Association, 38003 Duplessis Road, Prairieville, La 70769, spoke in support of House Bill No. 784.

Heath Lucas, 539 Highway 524, Pollock, LA 71467, spoke in support of House Bill No. 784.

Representative Wyble offered a motion to report House Bill No. 784 with amendments, to which Representative Wilford Carter objected. The administrative assistant called the roll, and House Bill No. 784 was reported with amendments by a vote of 8 yeas, 3 nays, and 1 abstention. Representatives Carlson, Chenevert, Edmonston, Egan, Glorioso, Melerine, Turner, and Wyble voted yea. Representatives Wilford Carter, Larvadain, and Taylor voted nay. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 12 in support. Witness cards are included in the committee records.

House Bill No. 785 by Representative Schamerhorn

Representative Schamerhorn presented House Bill No. 785, which provides relative to liability for commercial motor vehicles.

Jake Jacoby, Truck Rental and Leasing Association, 674 North Washington Street, #410, Alexandria, VA 22314, spoke in support of House Bill No. 785.

Representative Edmonston offered a motion to report House Bill No. 785 favorably. Without objection, House Bill No. 785 was reported favorably by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Larvadain, Taylor, Turner, and Wyble voted yea. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 14 in support. Witness cards are included in the committee records.

House Bill No. 98 by Representative Mandie Landry

Representative Mandie Landry presented House Bill No. 98, a constitutional amendment which provides relative to the recognition of marriages contracted in other states.

On behalf of Representative Landry, Representative Muscarello offered amendments in the form of a substitute bill. 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 Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Larvadain, Taylor, Turner, and Wyble voted yea. Representative Muscarello abstained.

Representative Muscarello offered a motion to adopt the House Rule 6.8(A) Report to House Bill No. 98. Without objection, the House Rule 6.8(A) R to House Bill No. 98 was adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Larvadain, Taylor, Turner, and Wyble voted yea. Representative Muscarello abstained.

Sarah Jane Guidry, Forum for Equality, 4962 Demontluzin, New Orleans, LA 70122, spoke in support of House Bill No. 98.

Elizabeth Senecal, 633 Camelia Avenue, Baton Rouge, LA 70806, spoke in support of House Bill No. 98.

Rustin Loyd, 11204 Audubon Drive, Hammond, LA 70403, spoke in support of House Bill No. 98.

Emily Lambert, 211 Jackson Avenue, Mandeville, LA 70448, spoke in support of House Bill No. 98.

Anthony "TJ" Chatham, 1316 Calhoun Street, New Orleans, LA 70118, spoke in support of House Bill No. 98.

Courtney Holden, 251 Florida Street, Suite 400, Baton Rouge, LA 70801, spoke in support of House Bill No. 98.

Jen Bordelon, 115 La Rue Vil, Lafayette, LA 70508, spoke in support of House Bill No. 98.

Gretchen Wilson-Martin, NOLA Gay Families, 2700 Hudson Place, New Orleans, LA 70131, spoke in support of House Bill No. 98.

Linsey St. Pierre, 8451 Picardy Avenue, Apt. 2102, Baton Rouge, LA 70809, spoke in support of House Bill No. 98.

Joe Cancienne, representing Emily Cancienne, 8177 Rainbow Drive, Baton Rouge, LA 70809, spoke in support of House Bill No. 98.

Dr. Will Hall, Louisiana Baptist Office of Public Policy, 1250 MacArthur Drive, Alexandria, LA 71303, spoke in opposition to House Bill No. 98.

Representative Mike Johnson offered a motion to voluntarily defer action on House Bill No. 98, to which Representative Wilford Carter objected. The administrative assistant called the roll, and action on House Bill No. 98 was voluntarily deferred by a vote of 8 yeas, 5 nays, and 1 abstention. Representatives Carlson, Chenevert, Edmonston, Egan, Mike Johnson, Melerine, Turner, and Wyble voted yea. Representatives Brown, Wilford Carter, Glorioso, Larvadain, and Taylor voted nay. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 20 in support and 6 in opposition. Witness cards are included in the committee records.

Prepared statements were received via email for House Bill No. 98 pursuant to House Rule 14.33.

House Bill No. 126 by Representative Mandie Landry

At the request of Representative Mandie Landry, Representative Muscarello offered a motion to voluntarily defer action on House Bill No. 126, which provides relative to recognition of marriages from other states. Without objection, action on House Bill No. 126 was voluntarily deferred by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, Turner, and Wyble voted yea. Representative Muscarello abstained.

House Bill No. 787 by Representative Egan

Representative Egan presented House Bill No. 787, which provides relative to evidence in child custody cases.

Richard Ducote, 318 East Boston Street, Covington, LA 70433, spoke in support of House Bill No. 787.

Judge Jeffery Oglesbee, Louisiana Council of Juvenile and Family Court Judges, no address provided, spoke for information only on House Bill No. 787.

Professor Becki Kondkar, 6329 Freret Street, New Orleans, LA 70118, spoke for information only on House Bill No. 787.

Glenn Ansardi, Louisiana District Judges Association, 400 Royal Street, New Orleans, LA 70130, spoke for information only on House Bill No. 787.

Michelle Rees, 118 North Harrison Avenue, Suite 301, New Orleans, LA 70124, spoke in support of House Bill No. 787.

Madeline Clement, 512 Dockside Drive, Slidell, LA 70461, spoke in support of House Bill No. 787.

Kasey Roberie, 495 Highway 748, Washington, LA 70589, spoke in support of House Bill No. 787.

Professor Khristen McCarden, 6329 Freret Street, New Orleans, LA 70118, spoke in support of House Bill No. 787.

Kim Sport, United Against Domestic Violence, 21 Muirfield Place, New Orleans, LA 70131, spoke in support of House Bill No. 787.

Representative Glorioso offered a motion to report House Bill No. 787 favorably. Without objection, House Bill No. 787 was reported favorably by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Larvadain, Melerine, Taylor, Turner, and Wyble voted yea. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 1 for information only. Witness cards are included in the committee records.

IV. OTHER BUSINESS

There is no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 1:22 p.m.

Respectfully submitted,

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