

## House Committee on Civil Law and Procedure

Minutes of Meeting  
2024 Regular Session  
April 22, 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 10:04 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 Lauren Ventrella  
Representative Mark Wright  
Representative John E. Wyble

#### MEMBERS ABSENT:

None

#### 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  
Allie Eaves, clerk

**III. DISCUSSION OF LEGISLATION****House Bill No. 52 by Representative Firment**

At the request of Representative Firment, Representative Muscarello offered a motion to voluntarily defer action on House Bill No. 52, which provides relative to venue for certain legal actions instituted by the Municipal Police Employees' Retirement System. Without objection, action on House Bill No. 52 was voluntarily deferred by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Brown, Chenevert, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, and Wyble voted yea. Representative Muscarello abstained.

**Senate Bill No. 75 by Senator Morris**

At the request of Senator Morris, Representative Muscarello offered a motion to voluntarily defer action on Senate Bill No. 75, which provides for electronic filing and record retention. Without objection, action on Senate Bill No. 75 was voluntarily deferred by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Brown, Chenevert, Egan, Glorioso, Mike Johnson, Larvadain, Melerine, Taylor, and Wyble voted yea. Representative Muscarello abstained.

**House Bill No. 833 by Representative Davis**

Representative Davis presented House Bill No. 833, which provides relative to in vitro fertilization.

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

- (1) Add technical changes.
- (2) Change "in vitro fertilized human ovum" to "in vitro fertilized human embryo" throughout proposed law.
- (3) Add a definition of viability in reference to an in vitro fertilized human embryo.
- (4) Provide that an in vitro fertilized human embryo cannot be owned by the in vitro fertilization patient who owes the in vitro fertilized human embryo a high duty of care and prudent administration.

- (5) Remove language stating that a fertilized human ovum represents the potential for development into a biological human being.
- (6) Provide that an in vitro fertilized human embryo is under the direction and custody of the in vitro fertilization patients.
- (7) Enable individuals the right to adopt a donated embryo.
- (8) Provide that disputes arising between any parties regarding an in vitro fertilized human embryo be resolved by the terms and provisions of the in vitro fertilization agreement before utilizing the courts.
- (9) Include a definition of "good faith" regarding the liability of a physician, hospital, in vitro fertilization clinic, or their agent to an in vitro fertilized human embryo.
- (10) Establish that immunity from liability shall not apply in cases of gross negligence or willful misconduct.
- (11) Extend civil and criminal immunity from liability to manufacturers and providers of services related to in vitro fertilization.
- (12) Emphasize that an in vitro fertilized human embryo is a juridical person.

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.

Katie Bliss, Fertility and Family LLC, 6045 Chandler Drive, Baton Rouge, LA 70808, spoke in support of House Bill No. 833.

Nicole Ulrich, MD, Audubon Fertility, 4321 Magnolia Street, New Orleans, LA 70115, spoke in support of House Bill No. 833.

Representative Mandie Landry, District 91, 3915 Baronne Street, Unit 1, New Orleans, LA 70115, spoke in support of House Bill No. 833.

Deborah Melvin, 322 Cedar Tree, Thibodaux, LA 70301, spoke in opposition to House Bill No. 833.

Chris Alexander, Louisiana Advocacy Group, P.O. Box 64952, Baton Rouge, LA 70896, spoke in opposition to House Bill No. 833.

Representative Melerine offered a motion to report House Bill No. 833 with amendments. Without objection, House Bill No. 833 was reported with amendments by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Larvadain, Melerine, Taylor, Ventrella, and Wyble voted yea. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 5 in opposition. Witness cards are included in the committee records.

Prepared statements were received via email for House Bill No. 833 pursuant to House Rule 14.33.

#### **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.

Melissa Flournoy, 10,000 Women, 650 N. Sixth Street, Baton Rouge, LA 70802, spoke in support of House Bill No. 742.

Representative Larvadain offered a motion to report House Bill No. 742 favorably. Without objection, House Bill No. 742 was reported favorably by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Larvadain, Melerine, Taylor, Turner, Ventrella, and Wyble voted yea. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 6 in opposition. Witness cards are included in the committee records.

Prepared statements were received via email for House Bill No. 742 pursuant to House Rule 14.33.

#### **House Bill No. 783 by Representative McCormick**

Representative McCormick presented House Bill No. 783, which provides relative to eminent domain and compensation for pore space owners.

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

- (1) Provide and specify methods for calculating compensation for a landowner affected by eminent domain exercised to take pore space, rights, or interests, or if the storage rights or other uses of pore space have been included in a unitization order by the commissioner of conservation.

- (2) Provide that proposed law shall not apply in a contract between a landowner and a storage operator.

Representative Muscarello offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Larvadain, Melerine, Taylor, Ventrella, and Wyble voted yea. Representative Muscarello abstained.

Representative Muscarello offered an amendment to provide that a court may request and review all information necessary to make a determination for landowner compensation if expropriation is used or requested by the commissioner of conservation if unitization is ordered. Representative Muscarello offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Larvadain, Melerine, Taylor, Ventrella, and Wyble voted yea. Representative Muscarello abstained.

Caleb Atwell, 32575 Cypress Drive, Springfield, LA 70462, spoke in support of House Bill No. 783.

Bryan Hanks, representing LOGA, LMOGA, LABI, and Beta Land Services, 114 Kings Walk, Lafayette, LA 70503, spoke in opposition to House Bill No. 783.

Justin Marocco, Jones Walker, LLP, 475 North Boulevard, Suite 800, Baton Rouge, LA 70802, spoke in opposition to House Bill No. 783.

Representative Ventrella offered a motion to report House Bill No. 783 with amendments. Without objection, House Bill No. 783 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Chenevert, Edmonston, Glorioso, Larvadain, Melerine, Taylor, Turner, Ventrella, and Wyble voted yea. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 7 in support and 8 in opposition. Witness cards are included in the committee records.

### **Senate Bill No. 16 by Senator Pressly**

Senator Pressly presented Senate Bill No. 16, which provides for expert testimony.

Guy Holdridge, Director, Louisiana State Law Institute, Room W127, LSU Law Center, 1 East Campus Drive, Baton Rouge, LA 70803, spoke for information only on Senate Bill No. 16.

Representative Brown offered a motion to report Senate Bill No. 16 favorably. Without objection, Senate Bill No. 16 was reported favorably by a vote of 12 yeas, 0 nays, and 1 abstention.

Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Larvadain, Taylor, Turner, Ventrella, and Wyble voted yea. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 9 in support. Witness cards are included in the committee records.

### **Senate Bill No. 39 by Senator Mizell**

Senator Mizell presented Senate Bill No. 39, which provides for continuous revisions to the Children's Code.

Richard Pittman, Reporter, Louisiana State Law Institute, Room W127, LSU Law Center, 1 East Campus Drive, Baton Rouge, LA 70803, spoke for information only on Senate Bill No. 39.

Representative Edmonston offered a motion to report Senate Bill No. 39 favorably. Without objection, Senate Bill No. 39 was reported favorably by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Larvadain, Melerine, Taylor, Turner, Ventrella, and Wyble voted yea. Representative Muscarello abstained.

### **Senate Bill No. 35 by Senator Morris**

Senator Morris presented Senate Bill No. 35, which provides for sale of litigious rights.

Representative Glorioso offered a motion to report Senate Bill No. 35 favorably. Without objection, Senate Bill No. 35 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Larvadain, 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.

### **Senate Bill No. 41 by Senator Morris**

Senator Morris presented Senate Bill No. 41, which provides that part of the Children's Code's purpose is to promote public safety.

Representative Muscarello offered a motion to report Senate Bill No. 41 favorably, to which Representative Wilford Carter objected. The administrative assistant called the roll, and Senate Bill No. 41 was reported favorably by a vote of 9 yeas, 4 nays, and 1 abstention. Representatives Carlson, Chenevert, Edmonston, Egan, Glorioso, Melerine, Turner, Ventrella, and Wyble voted yea. Representatives Brown, Wilford Carter, Larvadain, and Taylor voted nay. Representative Muscarello abstained.

**Senate Bill No. 333 by Senator Morris**

Senator Morris presented Senate Bill No. 333, which provides for methods of enforcing mortgages.

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

- (1) Make technical changes.
- (2) Require the payoff amount of the obligation being enforced, including any amounts which accrued after the filing of the petition or rendition of the judgment or order, to be filed into the record prior to the date of the sheriff's sale.
- (3) Allow any party with interest in the property seized to traverse the payoff amount prior to the sheriff disbursing the funds from the judicial sale pursuant to the writ being executed.

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 Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Larvadain, Melerine, Taylor, and Wyble voted yea. Representative Muscarello abstained.

Representative Edmonston offered a motion to report Senate Bill No. 333 with amendments. Without objection, Senate Bill No. 333 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Larvadain, Melerine, Taylor, 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.

**IV. OTHER BUSINESS**

There was no other business.

**V. ANNOUNCEMENTS**

There were no announcements.

**VI. ADJOURNMENT**

The meeting was adjourned at 12:09 p.m.

Respectfully submitted,

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