

House Committee on Civil Law and Procedure

Minutes of Meeting
2024 Regular Session
April 23, 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 9:03 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 Michael Melerine
Representative Christopher Turner, vice chairman
Representative Lauren Ventrella
Representative John E. Wyble

MEMBERS ABSENT:

Representative Ed Larvadain, III
Representative Sylvia Elaine Taylor
Representative Mark Wright

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Vivian Hurst, sergeant at arms
Cheryl Domino, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 440 by Representative Berault**

Representative Berault presented House Bill No. 440, which provides relative to homeowners associations.

On behalf of Representative Berault, Representative Muscarello offered amendments to:

- (1) Make technical changes.
- (2) Remove the requirement that homeowners associations, property owners associations, and condominium associations conduct an annual accounting of the books and provide a report outlining the fees and expenses for the previous fiscal year.
- (3) Remove the requirement that every homeowners association, property owners association, and condominium association with dues exceeding \$500,000 annually shall have an audit of the books conducted every three years by a third-party auditor in addition to the annual accounting.
- (4) Add "planned community" to the list of associations that the purchaser of a home is made aware of in the property disclosure statement in order to provide the purchaser the association documents prior to closing.

Representative Muscarello offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Melerine, and Wyble voted yea. Representative Muscarello abstained.

John Niquiporo, 39389 Oceanview Avenue, Prairieville, LA 70769, spoke in support of House Bill No. 440.

Representative Wyble offered a motion to report House Bill No. 440 with amendments. Without objection, House Bill No. 440 was reported with amendments by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Melerine, and Wyble voted yea. Representative Muscarello abstained.

Senate Bill No. 23 by Senator Miller

On behalf of Senator Miller, Randy Roussel, reporter, Louisiana State Law Institute, Room W127, LSU Law Center, 1 East Campus Drive, Baton Rouge, LA 70803, presented Senate Bill No. 23, which provides for the Planned Community Act.

John Niquiporo, 39389 Oceanview Avenue, Prairieville, LA 70769, spoke in opposition to Senate Bill No. 23.

Representative Muscarello offered a motion to report Senate Bill No. 23 favorably. Without objection, Senate Bill No. 23 was reported favorably by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Melerine, Turner, and Wyble voted yea. Representative Muscarello abstained.

Prepared statements were received via email for Senate Bill No. 23 pursuant to House Rule 14.33.

Senate Bill No. 29 by Senator Miller

Senator Miller presented Senate Bill No. 29, which provides for the allocation of community property following a petition for divorce.

Professor Andrea Carroll, 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. 29.

Representative Muscarello offered a motion to report Senate Bill No. 29 favorably. Without objection, Senate Bill No. 29 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Turner, and Wyble voted yea. Representative Muscarello abstained.

Senate Bill No. 32 by Senator Miller

Senator Miller presented Senate Bill No. 32, which provides for small succession procedures.

Professor Ron Scalise, 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. 32.

Representative Muscarello offered a motion to report Senate Bill No. 32 favorably. Without objection, Senate Bill No. 32 was reported favorably by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Melerine, Turner, and Wyble voted yea. Representative Muscarello abstained.

Senate Bill No. 49 by Senator Miller

Senator Miller presented Senate Bill No. 49, which provides for the revocation of beneficiary designation for certain assets.

Representative Melerine offered a motion to report Senate Bill No. 49 favorably. Without objection, Senate Bill No. 49 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Melerine, Turner, and Wyble voted yea. Representative Muscarello abstained.

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

Senate Bill No. 77 by Senator Miller

Senator Miller presented Senate Bill No. 77, which provides for the filiation of children.

Representative Muscarello offered a motion to report Senate Bill No. 77 favorably. Without objection, Senate Bill No. 77 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Melerine, Turner, and Wyble voted yea. Representative Muscarello abstained.

Senate Bill No. 61 by Senator Foil

Senator Foil presented Senate Bill No. 61, which provides for full or limited continuing tutorship.

Charlotte Hollman, MD, 4412 Lake Lawford Court, Baton Rouge, LA 70816, spoke in support of Senate Bill No. 61.

Professor Andrea Carroll, 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. 61.

Representative Edmonston offered a motion to report Senate Bill No. 61 favorably. Without objection, Senate Bill No. 61 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Melerine, Turner, and Wyble voted yea. Representative Muscarello abstained.

Senate Bill No. 80 by Senator Foil

Senator Foil presented Senate Bill No. 80, which provides for trusts for minors and persons with disabilities.

Professor Ron Scalise, 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. 80.

Charles Terrebonne, II, financial planner, UBS Financial Services, 7150 Jefferson Highway, Suite 650, Baton Rouge, LA 70806, spoke in support of Senate Bill No. 80.

Representative Muscarello offered a motion to report Senate Bill No. 80 favorably. Without objection, Senate Bill No. 80 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Melerine, Turner, and Wyble voted yea. Representative Muscarello abstained.

Senate Bill No. 188 by Senator Coussan

Senator Coussan presented Senate Bill No. 188, which provides for the Uniform Collaborative Family Law Act.

Professor Andrea Carroll, 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. 188.

Representative Muscarello offered a motion to report Senate Bill No. 188 favorably. Without objection, Senate Bill No. 188 was reported favorably by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Mike Johnson, Melerine, and Wyble voted yea. Representative Muscarello abstained.

Senate Bill No. 108 by Senator Seabaugh

Senator Seabaugh presented Senate Bill No. 108, which provides relative to expropriation.

On behalf of Senator Seabaugh, Representative Muscarello offered amendments to:

- (1) Require a domestic and foreign corporation, limited liability company, or other legal entity created for the purpose of generating, transmitting, and distributing electricity and steam for power, lighting, heating, or other such uses be subject to certain qualifications in order to expropriate property.
- (2) Assign definitions to "Regional Transmission Organization" and "Independent System Operator".

Representative Muscarello offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Melerine, and Wyble voted yea. Representative Muscarello abstained.

Paul Dickson, Louisiana Land Guardians, Inc., 10455 Ellerbe Road, Shreveport, LA 71106, spoke in support of Senate Bill No. 108.

James G. Marston, III, P.O. Box 1932, Shreveport, LA 71166, spoke in support of Senate Bill No. 108.

Bobby Gilliam, attorney, Wilson, Carmody, and Gilliam law firm, representing SWEPCO, 900 Travis Street, Shreveport, LA 71101, spoke in support of Senate Bill No. 108.

Adam Renz, Pattern Energy, 235 Desiard Street, Monroe, LA 71201, spoke in opposition to Senate Bill No. 108, and provided a handout, Exhibit A, which is included in the committee records.

Shannon Gwin, Pattern Energy, 235 Desiard Street, Monroe, LA 71201, spoke in opposition to Senate Bill No. 108.

Scott Keaty, Butler Snow, 445 North Boulevard, Suite 300, Baton Rouge, LA 70802, spoke in opposition to Senate Bill No. 108.

Commissioner Davante Lewis, Louisiana Public Service Commission, 301 Main Street, Baton Rouge, LA 70801, spoke in opposition to Senate Bill No. 108.

Emory Belton, Pattern Energy, 10602 Hillbrook Avenue, Baton Rouge, LA 70810, spoke in opposition to Senate Bill No. 108.

Andy Kowalczyk, Southern Renewable Energy Association, 819 Saint Roch Avenue, New Orleans, LA 70117, spoke in opposition to Senate Bill No. 108.

Jackson Voss, Alliance for Affordable Energy, 4505 S. Claiborne Avenue, New Orleans, LA 70175, spoke in opposition to Senate Bill No. 108.

Commissioner Mike Francis, Louisiana Public Service Commission, P.O. Box 468, Crowley, LA 70527, spoke in opposition to Senate Bill No. 108.

Jeffrey Clark, Advanced Power Alliance, 6404 Ledge Mountain, Austin, TX 78731, spoke in opposition to Senate Bill No. 108.

Representative Melerine offered a motion to report Senate Bill No. 108 with amendments. Without objection, Senate Bill No. 108 was reported with amendments by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Mike Johnson, Melerine, Turner, Ventrella, and Wyble voted yea. Representative Muscarello abstained.

Witness cards submitted by individuals who did not speak are as follows: 8 in support, 23 in opposition, and 1 for information only. Witness cards are included in the committee records.

Prepared statements were received via email for Senate Bill No. 108 pursuant to House Rule 14.33.

House Bill No. 858 by Representative Ventrella

Representative Ventrella presented House Bill No. 858, which provides relative to the limitation of liability for recreational landowners.

Representative Ventrella offered amendments in the form of a substitute bill. Representative Ventrella 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, Melerine, Turner, Ventrella, and Wyble voted yea. Representative Muscarello abstained.

Representative Edmonston offered a motion to report House Bill No. 858 by substitute. Without objection, House Bill No. 858 was reported by substitute by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Brown, Carlson, Wilford Carter, Chenevert, Edmonston, Egan, Glorioso, Melerine, Turner, Ventrella, 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 12:01 p.m.

Respectfully submitted,

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