

House Committee on Civil Law and Procedure

Minutes of Meeting
2023 - 2024 Interim
December 14, 2023

I. CALL TO ORDER

Representative Gregory A. Miller, chairman of the House Committee on Civil Law and Procedure, called the meeting to order at 11:14 a.m. in Room 6, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Gregory A. Miller, chairman
Representative Beryl A. Amedée
Representative Delisha Boyd
Representative Robby Carter
Representative Wilford Dan Carter, Sr.
Representative Julie Emerson
Representative Lawrence "Larry" Frieman
Representative Valarie Hodges
Representative Patrick O. Jefferson
Representative Michael T. Johnson, vice chairman
Representative Alonzo L. Knox
Representative Nicholas Muscarello, Jr.
Representative Richard James Nelson

MEMBERS ABSENT:

Representative Michael Charles Echols
Representative Raymond E. Garofalo, Jr.
Representative Sam L. Jenkins, Jr.
Representative Danny McCormick
Representative Alan Seabaugh

STAFF MEMBERS PRESENT:

Allison Alonzo, attorney
Megan Sanders, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Michael McCain, clerk
Rebecca Marshall, sergeant at arms

III. BUSINESS**To study the provisions relative to filiation as provided by House Study Request No. 3 of the 2023 Regular Session, and to make recommendations to the House of Representatives.**

Allison Alonzo, staff attorney, gave an overview of House Study Request No. 3 of the 2023 Regular Session relative to filiation.

Representative Gregory Miller provided additional information regarding filiation to the committee.

Representative Robby Carter and Representative Gregory Miller discussed practical applications of current and past filiation laws.

Representative Wilford Carter asked about the report of findings for House Study Request No. 3 of the 2023 Regular Session.

Representative Gregory Miller offered a motion to recommend that former Civil Code Article 209 is presumed to be valid and enforceable regarding time limitations, in the absence of any constitutional challenges. Without objection, the motion passed by a vote of 11 yeas and 0 nays. Representatives Gregory Miller, Amedee, Robby Carter, Wilford Carter, Frieman, Hodges, Jefferson, Mike Johnson, Knox, Muscarello, and Nelson voted yea.

Representative Gregory Miller offered a motion to recommend the following:

- (1) That there was no explicit statement from the legislature that the provisions of Act No. 192 of the 2005 Regular Session were to be applied retroactively.
- (2) Civil Code Article 870(B) provides that succession rights are governed by the law in effect on the date of death of the decedent.
- (3) The court in *In Re Lewis* held that Act No. 192 of the 2005 Regular Session applies retroactively. However, if the legislature would like to overrule *In Re Lewis*, legislation would be required.

Without objection, the motion passed by a vote of 11 yeas and 0 nays. Representatives Gregory Miller, Amedee, Robby Carter, Wilford Carter, Frieman, Hodges, Jefferson, Mike Johnson, Knox, Muscarello, and Nelson voted yea.

Representative Gregory Miller offered a motion to recommend the following:

- (1) Filiation claims under former Civil Code Article 209 were subject to the exception of peremption prior to the effective date of Act No. 192 of the 2005 Regular Session.
- (2) The court in *Matherne v. Broussard* found that the time limitation is preemptive due to the explicit language of Article 209 and the strong interest of the state in the orderly disposition of property.

Without objection, the motion passed by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Amedee, Robby Carter, Wilford Carter, Frieman, Jefferson, Mike Johnson, Knox, Muscarello, and Nelson voted yea.

Representative Gregory Miller offered a motion to make a recommendation of no determination as to whether the provisions of Act No. 192 of the 2005 Regular Session clearly and unequivocally revived filiation claims previously perempted and extinguished under former Civil Code Article 209. Without objection, the motion passed by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Amedee, Robby Carter, Wilford Carter, Frieman, Jefferson, Mike Johnson, Knox, Muscarello, and Nelson voted yea.

Representative Gregory Miller offered a motion to recommend that Act No. 192 of the 2005 Regular Session does not appear to create a new filiation cause of action. Without objection, the motion passed by a vote of 10 yeas and 0 nays. Representatives Gregory Miller, Amedee, Robby Carter, Wilford Carter, Frieman, Jefferson, Mike Johnson, Knox, Muscarello, and Nelson voted yea.

To study venue provisions related to foreign or alien insurers and forum non conveniens as provided by House Resolution No. 260 of the 2023 Regular Session, and to make recommendations to the House of Representatives.

Representative Gregory Miller discussed House Resolution No. 260 of the 2023 Regular Session. Allison Alonzo, staff attorney, provided the committee with an overview.

Representative Gregory Miller and Representative Robby Carter discussed whether or not exceptions apply to venue provisions related to foreign or alien insurers.

J. Eric Johnson, InCode Research, LLC, 8550 United Plaza Blvd., Ste. 702, Baton Rouge, LA 70809, spoke for information only. Eric Johnson presented a PowerPoint presentation titled "19th JDC 2022 Single Incident/Location Suits, A manual review of accident locations by parish", Exhibit A, which is included in the committee records.

Representative Gregory Miller offered a motion to recommend that changes would need to be made to R.S. 22:1269, under the Direct Action Statue, should the legislature wish to address the issue of

venue. Without objection, the motion passed by a vote of 11 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Robby Carter, Wilford Carter, Emerson, Frieman, Jefferson, Mike Johnson, Knox, and Muscarello voted yea.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 12:57 p.m.

Respectfully submitted,

Chairman Gregory A. Miller
House Committee on Civil Law and Procedure