

CONFERENCE COMMITTEE REPORT

HB 339

2023 Regular Session

Gregory Miller

June 7, 2023

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 339 by Representative Gregory Miller, recommend the following concerning the Reengrossed bill:

- 1. That the set of Senate Floor Amendments by Senator Luneau (#2682) be rejected.
- 2. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 11, after "renders" and before "judgment" delete "summary"

AMENDMENT NO. 2

On page 1, line 17, after "mandate" and before the period "." insert "or procurement"

AMENDMENT NO. 3

On page 2, after line 6, insert the following:

"Section 2. In the case of any conflict between the provisions of this Act and the provisions of any other Act of the 2023 Regular Session of the Legislature, the provisions of this Act shall supersede and control regardless of the order of passage."

Respectfully submitted,

Representative Gregory A. Miller

Senator Barrow Peacock

Representative Michael T. Johnson

Senator W. Jay Luneau

Representative Chad Brown

Senator Robert Mills

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and oneliner of the instrument as it left the House

EVIDENCE: Provides relative to motions for summary judgment

Report rejects Senate amendments which would have:

1. Made semantic changes to restore present law.

Report amends the bill to:

1. Provide for semantic changes with respect to rendering judgment.
2. Extend proposed law to procurations.
3. Provide that in the case of conflict between proposed law and any other Act of the 2023 Regular Session of the Legislature, the provisions of proposed law shall supersede.

Digest of the bill as proposed by the Conference Committee

Present law provides relative to motions for summary judgment.

Present law provides that when a court grants a motion for summary judgment that a party or nonparty is not negligent, is not at fault, or did not cause the injury or harm alleged, the party or nonparty shall not be considered in any subsequent allocation of fault.

Present law provides that evidence shall not be admitted at trial, submitted to the jury, or included on the jury verdict form to establish fault of the party.

Proposed law provides for the admission of evidence to establish the fault of a principal when the party or nonparty acted pursuant to a mandate or a procuration.

Present law (C.C. Art. 2989) defines mandate as a contract by which a person, the principal, confers authority on another person, the mandatary, to transact one or more affairs for the principal.

Present law (C.C. Art. 2987) defines procuration as a unilateral juridical act by which a person, the principal, confers authority on another person, the representative, to represent the principal in legal relations.

Proposed law provides that proposed law does not apply if the judgment of an appellate court is reversed.

Proposed law provides that in the case of conflict between proposed law and any other Act of the 2023 Regular Session of the Legislature, proposed law shall supersede and control regardless of order of passage.

(Amends C.C.P. Art. 966(G))