

House Committee on Judiciary

Minutes of Meeting
2016 Regular Session
May 5, 2016

I. CALL TO ORDER

Representative Katrina R. Jackson, chairman of the House Committee on Judiciary, called the meeting to order at 9:45 a.m. in Room 1, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

II. ROLL CALL

MEMBERS PRESENT:

Representative Katrina R. Jackson, chairman
Representative Bryan Adams
Representative Gary M. Carter, Jr.
Representative Robby Carter
Representative Jean-Paul P. Coussan
Representative Randal L. Gaines
Representative Jimmy Harris
Representative Lowell C. "Chris" Hazel
Representative Valarie Hodges
Representative Christopher J. Leopold
Representative Joseph P. Lopinto III
Representative Tanner D. Magee
Representative John C. "Jay" Morris, III
Representative Robert E. Shadoin
Representative Jerome "Zee" Zeringue

MEMBERS ABSENT:

Representative John H. Bagneris
Representative Chad Brown
Representative Mike Johnson, vice chair
Representative Robert A. Johnson

STAFF MEMBERS PRESENT:

Michelle D. Fontenot, legal division director
Lisha Landry, attorney
Diane Merritt, secretary

ADDITIONAL ATTENDEES PRESENT:

Victoria Langston, clerk
Beverly Vincent, sergeant at arms

III. DISCUSSION OF LEGISLATION**Senate Bill No. 96 by Senator Gary Smith**

Senator Gary Smith presented Senate Bill No. 96, which repeals the expungement fee assessed by Jefferson Parish Clerk of Court.

Representative Jay Morris offered a motion to report Senate Bill No. 96 favorably. Without objection, Senate Bill No. 96 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Adams, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Lopinto, Magee, Jay Morris, Shadoin, and Zeringue voted yea.

Senate Bill No. 173 by Senator Gary Smith

Senator Gary Smith presented Senate Bill No. 173, which provides for the attorney general to provide legal representation to parish judges.

Representative Gary Carter offered a motion to report Senate Bill No. 173 favorably. Without objection, Senate Bill No. 173 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Adams, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Lopinto, Magee, Jay Morris, Shadoin, and Zeringue voted yea.

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. 363 by Senator Appel

On behalf of the author, Judge Glenn Ansardi, 24th Judicial District Court, 200 Derbigny St., Gretna, LA 70053, (504) 812-1337, presented Senate Bill No. 363, which provides relative to certain filing fees in 24th Judicial District Court.

Representative Jackson offered a motion to report Senate Bill No. 363 favorably. Without objection, Senate Bill No. 363 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Adams, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Lopinto, Magee, Jay Morris, Shadoin, and Zeringue voted yea.

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. 205 by Senator Carter

Senator Carter presented Senate Bill No. 205, which provides relative to required sales of tobacco wholesale dealers.

Commissioner Juana Lombard, office of alcohol and tobacco control, 8585 Archives Ave., Ste. 220, Baton Rouge, LA 70809, (225) 925-4041, testified for information only on Senate Bill No. 205.

David Tatman, representing Louisiana Association of Wholesalers, 3043 Old Forge Dr., Baton Rouge, LA 70808, (225) 767-7640, testified in support of Senate Bill No. 205.

Chuck McMains and Justin Ourso, representing The Kroger Company and Payton's Southeastern, Inc., 8555 United Plaza Blvd., Ste. 500, Baton Rouge, LA 70809, (225) 248-2822, testified in opposition to Senate Bill No. 205.

Representative Jay Morris offered a motion to report Senate Bill No. 205 favorably, to which Representative Shadoin objected. The secretary called the roll and Senate Bill No. 205 was reported favorably by a vote of 12 yeas and 1 nays. Representatives Jackson, Adams, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Lopinto, Magee, Jay Morris, and Zeringue voted yea. Representative Shadoin voted nay.

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

House Concurrent Resolution No. 103 by Representative Hilferty

On behalf of the author, Representative Harris offered a motion to voluntarily defer action on House Concurrent Resolution No. 103, which requests the Louisiana State Law Institute to study issues regarding contempt of court. Without objection, action on House Concurrent Resolution No. 103 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Lopinto, Magee, Jay Morris, Shadoin, and Zeringue voted yea.

Senate Bill No. 47 by Senator Lambert

On behalf of the author, Representative Adams offered a motion to voluntarily defer action on Senate Bill No. 47, which provides that it is the legal duty of the attorney general to represent deputy constables. Without objection, action on Senate Bill No. 47 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Lopinto, Magee, Jay Morris, Shadoin, and Zeringue voted yea.

Senate Bill No. 215 by Senator Carter

Senator Carter presented Senate Bill No. 215, which provides relative to appeals by tobacco permit holders.

Commissioner Juana Lombard, office of alcohol and tobacco control, 8585 Archives Ave., Ste. 220, Baton Rouge, LA 70809, (225) 925-4041, testified for information only on Senate Bill No. 215.

Chuck McMains and Justin Ourso, representing The Kroger Company and Payton's Southeastern, Inc., 8555 United Plaza Blvd., Ste. 500, Baton Rouge, LA 70809, (225) 248-2822, testified in opposition to Senate Bill No. 215.

Representative Jimmy Harris offered a motion to voluntarily defer action on Senate Bill No. 215. Without objection, action on Senate Bill No. 215 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Leopold, Lopinto, Magee, Shadoin, and Zeringue voted yea.

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

(Further action was taken by the committee on Senate Bill No. 215 on May 12, 2016. Please check for the subsequent action to complete the record of discussion and motions on Senate Bill No. 215.)

Senate Bill No. 406 by Senator Lambert

Senator Lambert presented Senate Bill No. 406, which provides relative to the judicial district indigent defender fund.

Representative Hazel offered a motion to report Senate Bill No. 406 favorably. Without objection, Senate Bill No. 406 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Adams, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Leopold, Lopinto, Magee, Jay Morris, Shadoin, and Zeringue voted yea.

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. 468 by Senator Johns

Senator Johns presented Senate Bill No. 468, which prohibits establishments that sell alcoholic beverages from employing persons under twenty-one years of age for certain purposes.

Judge Madeleine Landreau and James R. Kelly, representing Covenant House, 611 N. Rampart St., New Orleans, LA 70112, (504) 584-1111, testified in support of Senate Bill No. 468.

Representative Shadoin offered a motion to report Senate Bill No. 468 favorably. Without objection, Senate Bill No. 468 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Leopold, Lopinto, Magee, Jay Morris, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support. Witness cards are included in the committee records.

Senate Bill No. 350 by Senator Luneau

Senator Luneau presented Senate Bill No. 350, which provides for issuance of long-form birth records and death certificates.

Debbie D. Hudnall, Louisiana Clerks of Court Association, 10202 Jefferson Hwy., Bldg. A, Baton Rouge, LA 70809, testified in support of Senate Bill No. 350.

Representative Hazel offered a motion to report Senate Bill No. 350 favorably. Without objection, Senate Bill No. 350 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Adams, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Leopold, Lopinto, Magee, Jay Morris, Shadoin, and Zeringue voted yea.

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

Representative Gaines in chair.

Senate Bill No. 413 by Senator Luneau

Senator Luneau presented Senate Bill No. 413, which provides for two additional assistant district attorneys for the Ninth Judicial District.

Representative Hazel offered a motion to report Senate Bill No. 413 favorably. Without objection, Senate Bill No. 413 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Adams, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Leopold, Lopinto, Magee, Jay Morris, Shadoin, and Zeringue voted yea.

House Bill No. 720 by Representative Garofalo

Representative Garofalo presented House Bill No. 720, which provides relative to fees by clerks of court. He also offered a substitute bill to House Bill No. 720 to be considered by the committee.

David Boneno, Louisiana Bankers Association, 5555 Bankers Ave., Baton Rouge, LA 70808, (225) 214-4836, testified in support of the substitute bill to House Bill No. 720.

Representative Jackson in chair.

Representative Shadoin offered a motion to report House Bill No. 720 by substitute. Without objection, House Bill No. 720 was reported by substitute by a vote of 10 yeas and 0 nays. Representatives Jackson, Adams, Gary Carter, Coussan, Gaines, Jimmy Harris, Hodges, Leopold, Jay Morris, and Shadoin voted yea.

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. 42 by Senator Riser

Senator Riser presented Senate Bill No. 42, which abolishes the City Court of Winnsboro and establishes the Mayor's Court for the City of Winnsboro.

Darryl M. Schultz, representing the judicial council, Louisiana Supreme Court, 400 Royal St., Ste. 1190, New Orleans, LA 70130, (504) 310-2550, testified for information only on Senate Bill No. 42.

Representative Shadoin offered a motion to voluntarily defer action on Senate Bill No. 42. Without objection, action on Senate Bill No. 42 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Jackson, Adams, Gary Carter, Gaines, Jimmy Harris, Leopold, Lopinto, Magee, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 463 by Senator Bishop

On behalf of the author, Representative Harris presented Senate Bill No. 463, which provides relative to Judicial Building Fund for Civil District Court for the parish of Orleans.

Representative Jackson offered a motion to report Senate Bill No. 463 favorably. Without objection, Senate Bill No. 463 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Jackson, Adams, Gary Carter, Gaines, Jimmy Harris, Leopold, Lopinto, Magee, Shadoin, and Zeringue voted yea.

Senate Bill No. 255 by Senator Morrell

On behalf of the author, Chris Young, representing the Beer League of Louisiana, 575 N. 8th St., Baton Rouge, LA 70802, (225) 343-3436, presented Senate Bill No. 255, which provides relative to supplier succession.

Representative Jimmy Harris offered a motion to report Senate Bill No. 255 favorably. Without objection, Senate Bill No. 255 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Jackson, Adams, Gary Carter, Gaines, Jimmy Harris, Leopold, Lopinto, Magee, Shadoin, and Zeringue voted yea.

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. 154 by Senator Claitor

On behalf of the author, Representative Jackson presented Senate Bill No. 154, which repeals certain provisions relative to jury trials that were declared unconstitutional.

Representative Robby Carter offered a motion to report Senate Bill No. 154 favorably. Without objection, Senate Bill No. 154 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Jackson, Adams, Gary Carter, Robby Carter, Gaines, Jimmy Harris, Leopold, Lopinto, Magee, Shadoin, and Zeringue voted yea.

Senate Bill No. 320 by Senator Morrell

On behalf of the author, Carolyn Stapleton, Baton Rouge Area Victims Empowered, 645 Morrow Ave., Zachary, LA 70792, (225) 978-9567, presented Senate Bill No. 320, which provides for designated seating in a courtroom.

Catalene Theriot, representing Voices of Innocent Citizens Empowered (VOICE), P.O. Box 10201, New Iberia, LA (337) 577-5088, testified in support of Senate Bill No. 320.

Representative Magee offered a motion to report Senate Bill No. 320 favorably. Without objection, Senate Bill No. 320 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Lopinto, Magee, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 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 11:54 a.m.

Respectfully submitted,

Chairman Katrina R. Jackson
House Committee on Judiciary