

## **House Committee on Judiciary**

Minutes of Meeting  
2019 Regular Session  
May 8, 2019

### **I. CALL TO ORDER**

Representative Katrina R. Jackson, chairman of the House Committee on Judiciary, called the meeting to order at 9:38 a.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

### **II. ROLL CALL**

#### **MEMBERS PRESENT:**

Representative Katrina R. Jackson, chairman  
Representative John H. Bagneris  
Representative Chad Brown  
Representative Gary M. Carter, Jr.  
Representative Jean-Paul P. Coussan  
Representative Jimmy Harris  
Representative Valarie Hodges  
Representative Randal L. Gaines  
Representative Michael T. Johnson  
Representative Edmond Jordan  
Representative Christopher J. Leopold  
Representative Tanner D. Magee  
Representative Joseph A. Marino, III  
Representative John C. "Jay" Morris, III, vice chairman  
Representative Stuart Alan Moss  
Representative Nicholas Muscarello, Jr.  
Representative Jerome "Zee" Zeringue

#### **MEMBERS ABSENT:**

Representative Robby Carter  
Representative Robert A. Johnson

#### **STAFF MEMBERS PRESENT:**

Danielle Barringer, attorney  
Diane Merritt, secretary

**ADDITIONAL ATTENDEES PRESENT:**

Sadie Becnel, attorney  
Maddie Murphy, clerk  
Kennedy LeJeune, clerk  
Beverly Vincent, sergeant at arms  
Kelly Fogleman, attorney

**III. DISCUSSION OF LEGISLATION****House Bill No. 137 by Representative Armes**

Representative Armes presented House Bill No. 137, which provides relative to veterans' affairs.

On behalf of Representative Armes, Representative Jackson offered amendments as follows:

- (1) Allows the secretary to appoint division chiefs without consent of the Veterans' Affairs Commission.
- (2) Removes requirement that duties of division chiefs be set by rules and regulations of the commission.

Representative Jackson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Jimmy Harris, Hodges, Mike Johnson, Leopold, Magee, Marino, Jay Morris, Moss, and Muscarello voted yea.

Representative Bagneris offered a motion to report House Bill No. 137 with amendments. Without objection, House Bill No. 137 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Jimmy Harris, Hodges, Mike Johnson, Leopold, Magee, Marino, Jay Morris, Moss, and Muscarello 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.

**House Bill No. 219 by Representative Jay Morris**

Representative Jay Morris presented House Bill No. 219, which provides relative to legal representation by the Department of Justice.

Sonia Mallett, Director of Litigation, Louisiana Department of Justice, 1885 N. 3<sup>rd</sup> St., Baton Rouge, LA, 70802, testified for information only on House Bill No. 219.

Representative Jay Morris offered a motion to report House Bill No. 219 favorably. Without objection, House Bill No. 219 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Gary Carter, Jimmy Harris, Hodges, Mike Johnson, Leopold, Magee, Marino, Jay Morris, Moss, and Muscarello voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 2 for information only. Witness cards are included in the committee records.

#### **House Bill No. 367 by Representative Jay Morris**

Representative Jay Morris presented House Bill No. 367, which provides relative to the price of cigarettes.

David Tatman, representing Louisiana Association of Wholesalers, 3043 Old Forge Drive, Baton Rouge, LA 70808, (225) 767-7640, testified in support of House Bill No. 367.

*(Further action was taken by the committee on House Bill No. 354 at a later point in the meeting. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 354.)*

#### **House Bill No. 418 by Representative Hoffmann**

On behalf of Representative Hoffmann, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 418, which increases the permit fees relative to tobacco retailers and vending machine operators. Without objection, action on House Bill No. 418 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Jimmy Harris, Hodges, Mike Johnson, Leopold, Magee, Marino, Jay Morris, Moss, and Muscarello voted yea.

#### **House Bill No. 296 by Representative Hoffmann**

Representative Hoffmann presented House Bill No. 296, which provides relative to training for law enforcement officers and first responders with regard to Alzheimer's and other dementia-related conditions.

On behalf of Representative Hoffmann, Representative Jackson offered amendments as follows:

- (1) Removes the requirement that the bureau and the Council on Peace Office Standards and Training create an Alzheimer's and dementia training program for emergency medical services personnel and peace officers, respectively.

- (2) Requires the bureau and the Council on Peace Officer Stands and Training to incorporate Alzheimer's and dementia training into their current curriculum.
- (3) Removes the requirement that the training be completed within a certain amount of time.

Representative Jackson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Jimmy Harris, Hodges, Mike Johnson, Magee, Marino, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

Representative Jackson offered a motion to report House Bill No. 296 with amendments. Without objection, House Bill No. 296 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Jimmy Harris, Hodges, Mike Johnson, Magee, Marino, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 2 for information only. Witness cards are included in the committee records.

#### **Senate Concurrent Resolution No. 41 by Senator White**

On behalf of Senator White, Representative Hodges presented Senate Concurrent Resolution No. 41, which creates the Law Enforcement Officer PTSD Study Commission.

Representative Hodges offered a motion to report Senate Concurrent Resolution No. 41 favorably. Without objection, Senate Concurrent Resolution No. 41 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Jimmy Harris, Hodges, Mike Johnson, Marino, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support and 1 for information only. Witness cards are included in the committee records.

#### **House Bill No. 4 by Representative Dwight**

Representative Dwight presented House Bill No. 4, which provides relative to the procedures for sheriff's sales of property.

On behalf of Representative Dwight, Representative Jackson offered amendments as follows:

- (1) Makes technical changes.
- (2) Adds that the certificate must be provided to the public at least 24 hours prior to the sale.

- (3) Adds that the failure to read aloud, procure, or provide the certificate does not impact the validity of the sale and does not give rise to a cause of action against the sheriff, seizing creditor, or purchaser arising out of such failure.

Representative Jackson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hodges, Mike Johnson, Leopold, Marino, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

Representative Jackson offered a motion to report House Bill No. 4 with amendments. Without objection, House Bill No. 4 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hodges, Mike Johnson, Leopold, Marino, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

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

#### **Senate Bill No. 34 by Senator Donahue**

*Representative Morris in chair.*

Senator Donahue presented Senate Bill No. 34, which removes bottle-size limitations on containers of wine shipped directly to consumers.

Representative Jay Morris offered a motion to report Senate Bill No. 34 favorably. Without objection, Senate Bill No. 34 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hodges, Mike Johnson, Leopold, Jay Morris, Muscarello, 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. 70 by Senator Donahue**

Senator Donahue presented Senate Bill No. 70, which provides relative to justice of the peace courts and constables in St. Tammany Parish.

Representative Jay Morris offered a motion to report Senate Bill No. 70 favorably. Without objection, Senate Bill No. 70 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hodges, Mike Johnson, Leopold, Magee, Marino, Jay Morris, Muscarello, 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.

**House Bill No. 298 by Representative Dustin Miller**

Representative Dustin Miller presented House Bill No. 298, which provides relative to payment of insurance premiums for certain sheriffs and deputy sheriffs of the St. Landry Parish Sheriff's Office.

Sheriff Bobby J. Guidroz, St. Landry Parish Sheriff's Office, 1592 E. Prudhomme St., Opelousas, LA, (337) 945-3347, testified in support of House Bill No. 298.

On behalf of Representative Miller, Representative Coussan offered amendments to remove dental insurance from the list of premium costs that are required to be paid from the sheriff's general fund in proposed law. Representative Coussan offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Mike Johnson, Jordan, Leopold, Magee, Marino, Jay Morris, Muscarello, and Zeringue voted yea.

Representative Gary Carter offered a motion to report House Bill No. 298 with amendments. Without objection, House Bill No. 298 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Mike Johnson, Jordan, Leopold, Magee, Marino, Jay Morris, Muscarello, 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.

*Representative Jackson in chair.*

**Senate Bill No. 176 by Senator Donahue**

Senator Donahue presented Senate Bill No. 176, which provides relative to the definition of liquor retail distribution center.

M. Sandlin "Sandy" Grimm, representing Winn-Dixie Stores, Inc., 8928 Prominence Parkway, Jacksonville, FL, (504) 586-1200, testified in support of Senate Bill No. 176.

*Representative Magee in chair.*

*Representative Jackson in chair.*

*Representative Morris in chair.*

John Williams, Executive Director, Beer Industry League of Louisiana, 575 N. 8<sup>th</sup> St., Baton Rouge, LA 70802, testified in opposition to Senate Bill No. 176.

Senator White, 808 O'Neal Lane, Baton Rouge, LA 70816, (225) 272-1324, testified in support of Senate Bill No. 176.

*Representative Jackson in chair.*

Representative Muscarello offered a motion to report Senate Bill No. 176 favorably, to which Representative Bagneris objected. The secretary called the roll, and the motion failed to pass by a vote of 5 yeas and 11 nays. Representatives Gary Carter, Gaines, Jordan, Leopold, and Muscarello voted yea. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hodges, Mike Johnson, Magee, Marino, Jay Morris, and Zeringue voted nay.

Representative Jackson offered a motion to voluntarily defer action on Senate Bill No. 176. Without objection, action on Senate Bill No. 176 was voluntarily deferred by a vote of 16 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hodges, Gaines, Mike Johnson, Jordan, Leopold, Magee, Marino, Jay Morris, Muscarello, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 3 in opposition. Witness cards are included in the committee records.

#### **House Bill No. 220 by Representative Muscarello**

Representative Muscarello presented House Bill No. 220, which provides relative to the collection of fines.

Representative Marino offered a motion to report House Bill No. 220 favorably. Without objection, House Bill No. 220 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hodges, Gaines, Jordan, Leopold, Magee, Marino, Jay Morris, Muscarello, 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. 77 by Senator Tarver**

On behalf of Senator Tarver, Representative Marino presented Senate Bill No. 77, which provides relative to the judicial expense fund for the First and Second Parish Courts of Jefferson Parish.

Representative Marino 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 and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gaines, Mike Johnson, Jordan, Leopold, Magee, Marino, Jay Morris, and Zeringue voted yea.

### **House Bill No. 367 by Representative Jay Morris**

*(This is a continuation of the discussion on House Bill No. 367 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on House Bill No. 367.)*

Representative Jay Morris offered a motion to report House Bill No. 367 favorably, to which Representative Bagneris objected. The secretary called the roll, and the motion failed to pass by a vote of 6 yeas, 8 nays, and 1 abstention. Representatives Chad Brown, Mike Johnson, Leopold, Jay Morris, Muscarello, and Zeringue voted yea. Representatives Bagneris, Gary Carter, Jimmy Harris, Hodges, Gaines, Jordan, Magee, and Marino voted nay. Representative Jackson abstained.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 2 in opposition. Witness cards are included in the committee records.

### **House Bill No. 506 by Representative Duplessis**

On behalf of Representative Duplessis, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 506, which provides for the collection and reporting of data. Without objection, action on House Bill No. 506 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Jimmy Harris, Hodges, Gaines, Mike Johnson, Jordan, Leopold, Magee, Marino, Jay Morris, Muscarello, and Zeringue voted yea.

### **House Bill No. 387 by Representative Jefferson**

Representative Jefferson presented House Bill No. 387, which increases the salary of the district attorney.

On behalf of Representative Jefferson, Representative Jackson offered amendments as follows:

- (1) Increases the district attorney's salary to \$52,500 beginning July 1, 2020, and to \$55,000 beginning July 1, 2022.
- (2) Increases the assistant district attorney's salary to \$47,500 beginning July 1, 2020, and to \$50,000 beginning July 1, 2021.



Representative Jackson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Jimmy Harris, Hodges, Mike Johnson, Jordan, Magee, Marino, and Zeringue voted yea.

Representative Gary Carter offered a motion to report House Bill No. 387 with amendments. Without objection, House Bill No. 387 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Jimmy Harris, Hodges, Mike Johnson, Jordan, Leopold, Magee, Marino, Muscarello, and Zeringue voted yea.

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

#### **House Bill No. 519 by Representative James**

On behalf of Representative James, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 519, which provides relative to judgeships of the Court of Appeals for the First Circuit. Without objection, action on House Bill No. 519 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Jimmy Harris, Hodges, Mike Johnson, Jordan, Leopold, Magee, Marino, Muscarello, and Zeringue voted yea.

#### **IV. OTHER BUSINESS**

There was no other business.

#### **V. ANNOUNCEMENTS**

There were no announcements.

#### **VI. ADJOURNMENT**

The meeting was adjourned at 11:34 a.m.

Respectfully submitted,

Chairman Katrina R. Jackson  
House Committee on Judiciary

Date adopted: