

## **House Committee on Judiciary**

Minutes of Meeting  
2020 Second Extraordinary Session  
October 12, 2020

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

Representative Randal L. Gaines, chairman of the House Committee on Judiciary, called the meeting to order at 10:11 a.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

### **II. ROLL CALL**

#### **MEMBERS PRESENT:**

Representative Randal L. Gaines, chairman  
Representative Kathy Edmonston  
Representative Jason Hughes  
Representative Michael T. Johnson  
Representative Frederick Douglass Jones  
Representative Edmond Jordan  
Representative Mandie Landry  
Representative Sherman Q. Mack, vice chairman  
Representative Nicholas Muscarello, Jr.  
Representative Joseph A. Orgeron  
Representative Charles Anthony Owen  
Representative Thomas A. Pressly  
Representative Alan Seabaugh

#### **MEMBERS ABSENT:**

Representative Robby Carter  
Representative Joseph A. Marino, III  
Representative John M. Stefanski

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

Sadie Becnel, attorney  
Diane Merritt, committee administrative assistant

#### **ADDITIONAL ATTENDEES PRESENT:**

Myrtis Jarrell, sergeant at arms

Angela McKnight, sergeant at arms

### **III. DISCUSSION OF LEGISLATION**

#### **House Concurrent Resolution No. 2 by Representative Mike Johnson**

Representative Mike Johnson presented House Concurrent Resolution No. 2, which urges and requests the Louisiana Attorney General to investigate certain companies doing business in the state to determine if the companies have engaged in prohibited activities.

Mr. Leonard Springer, Ph.D., 1219-D Lady of the Lake Rd., St. Martinville, LA 70582, (337) 280-9763, testified in support of House Concurrent Resolution No. 2.

Representative Mack offered a motion to report House Concurrent Resolution No. 2 favorably. Without objection, House Concurrent Resolution No. 2 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Muscarello, Orgeron, and Charles Owen voted yea.

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

Statements submitted in accordance with House Rule 14:33 in lieu of appearing before the committee are as follows: 84 for information only. Copies of these statements are included in the committee records.

#### **House Bill No. 46 by Representative James**

Representative James presented House Bill No. 46, which provides relative to the sealing of eviction records (Items #68 and 70).

On behalf of the author, Representative Gaines offered amendments as follows:

- (1) Makes technical changes to the citation.
- (2) Consolidates proposed law language in R.S. 13:917.1, 1221.1, 1904.1, 2166.1, 2562.28, and 2563.18 to include the following language:
  - (A) In light of the COVID-19 pandemic and declared state of emergency by Governor John Bel Edwards' proclamations, the clerk of court shall seal records of any eviction proceedings for nonpayment of rent at the time of filing between March 16, 2020, and August 1, 2021.

- (B) Any filing, pleading, or judgment of eviction rendered for nonpayment of rent between March 16, 2020, and August 1, 2021, shall be immediately sealed and remain sealed.
- (C) Nothing in this Article shall prevent access to the records of an eviction proceeding by the lessor, owner, the lessee or occupant, the attorney or designated representative of the lessor, owner, lessee, or occupant, or a representative of Loyola University New Orleans College of Law, Law Clinic for data aggregation and research purposes.
- (D) No cause of action shall exist against any clerk or judge or their employee for the sealing of such records in accordance with the provisions of this Section.

Representative Gaines offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Maxwell Ciardullo, representing Louisiana Fair Housing Action Center, 1340 Poydras St., Suite 710, New Orleans, LA 70112, testified in support of House Bill No. 46.

John Sullivan, representing Enterprise Community Partners, 643 Magazine St., Suite 202, New Orleans, LA 70119, (504) 335-2305, testified in support of House Bill No. 46.

Austin Badon, clerk of court, New Orleans First City Court, 421 Loyola Ave., #201, New Orleans, LA 70112, (504) 577-5329, testified in opposition to House Bill No. 46.

Jeffery Welsh, 11042 Shoreline Dr., Baton Rouge, LA 70809, (225) 413-4409, testified in opposition to House Bill No. 46.

Kevin Hayes, representing Louisiana Press Association, 412 N. 4<sup>th</sup> St., Suite 328, Baton Rouge, LA 70802, (225) 268-2725, testified in opposition to House Bill No. 46.

James Rather, attorney, representing Apartment Association of Louisiana, 4030 Lonesome Rd., Suite B, Mandeville, LA 70448, (985) 727-7501, testified in opposition to House Bill No. 46.

Kim Callaway, representing Louisiana Realtors Association, 821 Main St., Baton Rouge, LA 70802, (225) 923-2210, testified in opposition to House Bill No. 46.

Representative Jordan offered a motion to report House Bill No. 46 with amendments, to which Representative Seabaugh objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 4 yeas and 8 nays. Representatives Gaines, Jones, Jordan, and Landry voted yea. Representatives Edmonston, Mike Johnson, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted nay.

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

Statements submitted in accordance with House Rule 14:33 in lieu of appearing before the committee are as follows: 1 for information only. Copies of these statements are included in the committee records.

### **House Concurrent Resolution No. 8 by Representative DeVillier**

Representative DeVillier presented House Concurrent Resolution No. 8, which suspends the enforcement authority of the commissioner of alcohol and tobacco control for violations of COVID-19-related restrictions (Items #28, 32, 35, and 60).

Chris Savoy, representing the Dugout Bar, 206 South 2<sup>nd</sup> St., Eunice, LA 70535, (337) 546-0510, testified in support of House Concurrent Resolution No. 8.

Liz Murrill, solicitor general, representing Attorney General Jeff Landry, 1885 N. 3<sup>rd</sup> St., Baton Rouge, LA 70802, (225) 326-6766, testified in support of House Concurrent Resolution No. 8.

Matthew F. Block, executive counsel, Office of the Governor, P.O. Box 94004, Baton Rouge, LA 70804, (225) 342-7015, testified in opposition to House Concurrent Resolution No. 8.

*Representative Mack in chair.*

Paul Rainwater, representing City of New Orleans, 5117, Cheneau Ln., Baton Rouge, LA 70808, (225) 281-8126, testified in opposition to House Concurrent Resolution No. 8.

*Representative Gaines in chair.*

Ernest P. Legier, Jr., commissioner, office of alcohol and tobacco control, 7979 Independence Blvd., Baton Rouge, LA 70806, (225) 925-4041, testified for information only on House Concurrent Resolution No. 8.

Representative Mack offered a motion to report House Concurrent Resolution No. 8 favorably, to which Representative Jones objected. The administrative assistant called the roll, and House Concurrent Resolution No. 8 was reported favorably by a vote of 8 yeas and 4 nays. Representatives Edmonston, Mike Johnson, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea. Representatives Gaines, Jones, Jordan, and Landry voted nay.

**House Bill No. 47 by Representative DeVillier**

On behalf of the author, Representative Gaines offered a motion to voluntarily defer action on House Bill No. 47, which would prohibit the commissioner of alcohol and tobacco control from imposing sanctions for violation of an emergency order (Items #28, 32, 35, and 60). Without objection, action on House Bill No. 47 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

**House Concurrent Resolution No. 10 by Representative Miguez**

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Concurrent Resolution No. 10, which would suspend the enforcement authority of the commissioner of alcohol and tobacco control for violations of COVID-19-related restrictions (Items #28, 32, 35, and 60). Without objection, action on House Concurrent Resolution No. 10 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

**IV. OTHER BUSINESS**

There was no other business.

**V. ANNOUNCEMENTS**

There were no announcements.

**VI. ADJOURNMENT**

The meeting was adjourned at 1:28 p.m.

Respectfully submitted,

Chairman Randal L. Gaines  
House Committee on Judiciary

Date adopted: