

House Committee on Judiciary

Minutes of Meeting
2021 Regular Session
April 29, 2021

I. CALL TO ORDER

Representative Randal L. Gaines, chairman of the House Committee on Judiciary, called the meeting to order at 9:04 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 Joseph A. Marino, III
Representative Nicholas Muscarello, Jr.
Representative Joseph A. Orgeron
Representative Charles Anthony Owen
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Robby Carter
Representative Thomas A. Pressly

STAFF MEMBERS PRESENT:

Claire Stevenson, attorney
Zachary Gonzalez, attorney
Diane Merritt, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Robert Singletary, legal division director

Megan Sanders, committee administration assistant
Jayde Daniel, clerk
Myrtis Jarrell, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 39 by Representative Magee

Representative Magee presented House Bill No. 39, which provides relative to the recusal of judges.

Representative Gaines offered an amendment to change the term responses to reasons. Representative Gaines offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Gaines, Mike Johnson, Jones, Landry, Mack, Marino, Orgeron, Charles Owen, and Seabaugh voted yeas.

Representative Seabaugh offered a motion to report House Bill No. 39 with amendments. Without objection, House Bill No. 39 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Gaines, Mike Johnson, Jones, Landry, Mack, Marino, Orgeron, Charles Owen, and Seabaugh voted yeas.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 2 for information only. Witness cards are included in the committee records.

House Bill No. 235 by Representative Robby Carter

On behalf of the author, Representative Mack presented House Bill No. 235, which provides relative to certain judgeships in the Twenty-First Judicial District.

Representative Gaines offered an amendment to make technical changes. Representative Gaines offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Gaines, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Orgeron, Charles Owen, and Seabaugh voted yeas.

Representative Mack offered a motion to report House Bill No. 235 with amendments. Without objection, House Bill No. 235 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Gaines, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Orgeron, Charles Owen, and Seabaugh voted yeas.

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

House Bill No. 430 by Representative James

Representative James presented House Bill No. 430, which provides relative to the officer's bill of rights.

Representative Gaines offered an amendment to remove the requirement that notice be given orally. Representative Gaines offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Orgeron, Charles Owen, and Seabaugh voted yea.

Chris Kaiser, ACLU of Louisiana, advocacy director, 1340 Poydras St., New Orleans, LA 70112, (512) 240-1317, testified in support of House Bill No. 430.

Representative Jones offered a motion to report House Bill No. 430 with amendments. Without objection, House Bill No. 430 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 12 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 267 by Representative DuBuisson

Representative DuBuisson presented House Bill No. 267, which provides relative to the online dispute resolution pilot project for certain cases filed in the City Court of East St. Tammany.

Jennifer Eagan, Louisiana Supreme Court, judicial council, 400 Royal Street, New Orleans, LA 70115, (504) 234-0300, testified for information on House Bill No. 267.

Brandi Dohre and Sherry Philips, City Court of East St. Tammany, 501 Bouscaren St., Slidell, LA 70458, (985) 643-1274, testified for information only on House Bill No. 267.

Representative Gaines offered amendments to make technical changes and make a technical change by rearranging the placement of the procedure to transfer and consolidate cases. 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, Hughes, Mike Johnson, Jones, Jordan, Landry, Marino, Orgeron, Charles Owen, and Seabaugh voted yea.

Representative Jones offered a motion to report House Bill No. 267 with amendments. Without objection, House Bill No. 267 was reported with amendments by a vote of 12 yeas and 0 nays.

Representatives Gaines, Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Orgeron, Charles Owen, and Seabaugh 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. 129 by Representative Bacala

Representative Bacala presented House Bill No. 129, which provides relative to peace officers.

Shannon Dirmann, legislative liaison, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, testified in support of House Bill No. 129.

Edgar Cage, representing Together Louisiana, 2019 Government St., Baton Rouge, LA 70806, (225) 274-5808, testified in support of House Bill No. 129.

Mike Ranatza, executive director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, testified in support of House Bill No. 129.

Representative Hughes offered a motion to report House Bill No. 129 favorably. Without objection, House Bill No. 129 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 9 in support and 3 for information only. 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 in support. Copies of these statements are included in the committee records.

House Bill No. 51 by Representative LaCombe

Representative LaCombe presented House Bill No. 51, which changes the territorial jurisdiction of justices of the peace and constables in Pointe Coupee Parish.

Representative Hughes offered a motion to report House Bill No. 51 favorably. Without objection, House Bill No. 51 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Jones, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

House Bill No. 194 by Representative McKnight

Representative McKnight presented House Bill No. 194, which allows a sheriff or deputy sheriff to purchase a duty weapon upon retirement for fair market value.

Gary Bennett, assistant executive director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, testified in support of House Bill No. 194.

Representative Hughes offered a motion to report House Bill No. 194 favorably. Without objection, House Bill No. 194 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

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

House Bill No. 571 by Representative Stefanski

Representative Stefanski presented House Bill No. 571, which provides relative to alcoholic beverage delivery.

On behalf of Representative Stefanski, Representative Gaines offered amendments to:

- (1) Make technical changes.
- (2) Change the distance permitted for alcohol delivery from 30 to 20 miles.
- (3) Remove proposed law changes relative to the requirement that delivery orders contain food.
- (4) Remove proposed law changes relative to a variable delivery fee.

Representative Gaines offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Jessica Starns, representing Waitr, 18116 Bellingrath Lakes Ave., Greenwell Springs, Louisiana 70739, (225) 413-5439, testified in support of House Bill No. 571.

Dr. Will Hall, Louisiana Baptist Office of Public Policy, 1250 MacArthur Dr., Alexandria, LA 71309, (318) 449-4348, testified in opposition to House Bill No. 571.

Representative Jones offered a motion to report House Bill No. 571 with amendments. Without objection, House Bill No. 571 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 393 by Representative Orgeron

Representative Orgeron presented House Bill No. 393, which allows any wine producer or manufacturer to sell sparkling and still wine on or off premises and ship directly to a consumer.

Eric Sunstrom, representing Wine Institute, P.O. Box 82901, Baton Rouge, LA 70884, (225) 757-9908, testified in support of House Bill No. 393.

Ernest Legier, office of alcohol and tobacco control, 7979 Independence Blvd., Baton Rouge, LA 70806, (225) 958-0178, testified for information only on House Bill No. 393.

John Williams, executive director, Beer League of Louisiana, 575 N. 8th Street, Baton Rouge, LA 70802, (225) 343-3438, testified in opposition to House Bill No. 393.

Adam Acquistapace, representing Acquistapace's, 125 E. 21st Ave., Covington, LA 70433, (225) 413-3563, testified in opposition to House Bill No. 393.

Sal Bivalacqua, representing Seven Three Distilling Co., 301 N. Claiborne Ave., New Orleans, LA 70130, (504) 648-1858, testified for information only on House Bill No. 393.

Andrew Lohfeld, representing Louisiana Distillers Guild, 2727 S. Broad St., Ste. 103, New Orleans, LA 70125, (215) 498-1139, testified for information only on House Bill No. 393.

Representative Orgeron offered a motion to report House Bill No. 393 favorably, to which Representative Mack objected. The administrative assistant called the roll, and House Bill No. 393 was reported favorably by a vote of 8 yeas and 3 nays. Representatives Edmonston, Hughes, Jones, Jordan, Marino, Orgeron, Charles Owen, and Seabaugh voted yea. Representatives Gaines, Mack, and Muscarello 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.

House Bill No. 343 by Representative Beaulieu

On behalf of the author, Representative Gaines offered a motion to voluntarily defer action on House Bill No. 343, which provides relative to wine producers. Without objection, action on House Bill No. 343 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Jones, Jordan, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

(Further action was taken by the committee on House Bill No. 343 on May 6, 2021. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 343.)

House Bill No. 219 by Representative Illg

Representative Illg presented House Bill No. 219, which provides relative to delivery of ready-to-drink alcoholic beverages by restaurants.

Representative Hughes offered a motion to report House Bill No. 219 favorably. Without objection, House Bill No. 219 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Jones, Jordan, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support, 1 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 263 by Representative Seabaugh

Representative Seabaugh presented House Bill No. 263, which authorizes judges of the City Court of Shreveport to serve as an attorney member of a medical review panel.

Rep. Mack in chair.

Representative Seabaugh offered a motion to report House Bill No. 263 favorably. Without objection, House Bill No. 263 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Jordan, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh 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.

House Bill No. 440 by Representative Nelson

Representative Nelson presented House Bill No. 440, which levies fees for licenses relative to cannabis.

On behalf of Representative Nelson, Representative Mack offered amendments to:

- (1) Remove provisions establishing an annual fee for a retailer permit.
- (2) Add civil penalties of not more than \$50,000 for violations of proposed law.
- (3) Specify that proposed law is contingent on the passage of House Bill No. 699 of the 2021 Regular Session.
- (4) Add technical amendments.

Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Edmonston, Jones, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yeas.

Mike Ranatza, executive director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, testified in opposition to House Bill No. 440.

Dr. Will Hall, Louisiana Baptist Office of Public Policy, 1250 MacArthur Dr., Alexandria, LA 71309, (318) 449-4348, testified in opposition to House Bill No. 440.

Representative Orgeron offered a motion to report House Bill No. 440 with amendments, to which Representative Mack objected. The administrative assistant called the roll, and House Bill No. 440 was reported with amendments by a vote of 9 yeas and 2 nays. Representatives Gaines, Jones, Jordan, Landry, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yeas. Representatives Edmonston and Mack voted nays.

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

House Bill No. 192 by Representative Gaines

Representative Gaines presented House Bill No. 192, which authorizes credit card payment to manufacturers and wholesale dealers of alcoholic beverages.

Representative Jones offered a motion to report House Bill No. 192 favorably. Without objection, House Bill No. 192 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 425 by Representative Wilford Carter

Representative Wilford Carter presented House Bill No. 425, which (Constitutional Amendment) increases the number of associate supreme court justices and increases the required number of justices concurring in order to render judgment.

On behalf of the author, Representative Jordan offered amendments to:

- (1) Specify that a term of office of an existing justice may not be diminished or extended.
- (2) Require redistricting substantially equally on the basis of population shown by the census.
- (3) Require a two-thirds vote to change a supreme court district.

Representative Jordan offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

After a lengthy discussion, Representative Jones offered a motion to report House Bill No. 425 with amendments, to which Representative Seabaugh objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 6 yeas and 6 nays. Representatives Gaines, Hughes, Jones, Jordan, Landry, and Orgeron voted yea. Representatives Edmonston, Mack, Marino, Muscarello, Charles Owen, and Seabaugh voted nay.

House Bill No. 473 by Representative Mincey

Representative Mincey presented House Bill No. 473, which provides relative to the age limitations to purchase vapor products.

Ernest Legier, office of alcohol and tobacco control, 7979 Independence Blvd., Baton Rouge, LA 70806, (225) 954-0178, testified for information only on House Bill No. 393.

On behalf of Representative Mincey, Representative Mack offered amendments to:

- (1) Change the term "compliance checks" to "inspections".
- (2) Delete the requirement that all compliance checks be made publicly available.
- (3) Remove the requirement for identification checks of persons who appear to be under 30 years of age and require checks for all persons.

Representative Mack 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, Hughes, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, and Charles Owen voted yea.

John Easterly, assistant principal, Denham Springs High School, 1000 N. Range Road, Denham Springs, LA, (225) 665-8851, testified in support of House Bill No. 473.

Justin Wax, Livingston Parish Public Schools, 7961 Longwood Dr., Denham Springs, LA 70726, testified in support of House Bill No. 473.

Representative Edmonston offered a motion to report House Bill No. 473 with amendments, to which Representative Muscarello objected. The administrative assistant called the roll, and House Bill No. 473 was reported with amendments by a vote of 8 yeas and 2 nays. Representatives Edmonston, Jones, Jordan, Landry, Mack, Marino, Orgeron, and Charles Owen voted yea. Representatives Hughes and Muscarello voted nay.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 1 for information only. 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 in support. Copies of these statements are included in the committee records.

House Bill No. 328 by Representative Cormier

Representative Cormier presented House Bill No. 328, which provides relative to the recusal of judges in civil matters.

Amos Cormier, Esq., 106 Woodchase Blvd., Baton Rouge, LA 70037, (504) 394-0568, testified in support of House Bill No. 328.

Representative Jones offered a motion to report House Bill No. 328 favorably, to which Representative Marino objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 2 yeas and 8 nays. Representatives Edmonston and Jones voted yea.

Representatives Gaines, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, and Charles Owen voted nay.

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

House Bill No. 296 by Representative Selders

Representative Selders presented House Bill No. 296, which provides relative to Class C retail permits.

Stan Harris, Louisiana Restaurant Association, 2700 N. Arnoult Rd., Metairie, LA 70002, (504) 454-2277, testified in support of House Bill No. 296.

Representative Jordan offered a motion to report House Bill No. 296 favorably. Without objection, House Bill No. 296 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, and Charles Owen voted yea.

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

House Bill No. 291 by Representative Robert Owen

On behalf of the author, Representative Mack offered a motion to voluntarily defer House Bill No. 291, which provides relative to a manufacturer or brewer and self-distribution. Without objection, action on House Bill No. 291 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, and Charles Owen voted yea.

House Bill No. 163 by Representative Brass

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 163, which provides relative to the creation of a retirement fund for retired sheriffs and deputy sheriffs of St. James Parish. Without objection, action on House Bill No. 163 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, and Charles Owen voted yea.

(Further action was taken by the committee on House Bill No. 163 on May 6, 2021. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 163.)

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 12:51 p.m.

Respectfully submitted,

Chairman Randal L. Gaines
House Committee on Judiciary