

## **House Committee on Judiciary**

Minutes of Meeting  
2019 Regular Session  
April 25, 2019

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

Representative Katrina R. Jackson, chairman of the House Committee on Judiciary, called the meeting to order at 9:11 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 Jimmy Harris  
Representative Valarie Hodges  
Representative Randal L. Gaines  
Representative Michael T. Johnson  
Representative Robert A. 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 Jean-Paul P. Coussan

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

Danielle Barringer, attorney  
Diane Merritt, secretary

**ADDITIONAL ATTENDEES PRESENT:**

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

**III. DISCUSSION OF LEGISLATION****House Bill No. 124 by Representative Jones**

Representative Jones presented House Bill No. 124, which requires the return of certain abandoned funds to the town of Berwick.

Representative Jackson offered a motion to report House Bill No. 124 favorably. Without objection, House Bill No. 124 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Jackson, Bagneris, Jimmy Harris, Mike Johnson, Jordan, Leopold, Magee, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

**House Bill No. 583 by Representative Dwight**

Representative Dwight presented House Bill No. 583, which provides relative to jurisdiction of the Board of Tax Appeals and appeals.

Representative Magee offered amendments to allow for an ordinary suit to enforce the collection of taxes to be brought before the Board of Tax Appeals or any court of competent jurisdiction and to extend the jurisdiction of the Board of Tax Appeals to include petitions for other actions related to the constitutionality of a law or ordinance, or validity of a regulation, concerning any matter relating to any state or local tax or fee not under the jurisdiction of the Louisiana Tax Commission.

Representative Magee offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Jackson, Bagneris, Jimmy Harris, Mike Johnson, Jordan, Leopold, Magee, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

Representative Moss offered a motion to report House Bill No. 583 with amendments. Without objection, House Bill No. 583 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Jackson, Bagneris, Jimmy Harris, Mike Johnson, Jordan, Leopold, Magee, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

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

### **House Bill No. 428 by Representative Dwight**

Representative Dwight presented House Bill No. 428, a constitutional amendment, which extends the jurisdiction of the Board of Tax Appeals to matters concerning the constitutionality of taxes and fees.

Representative Magee offered amendments to provide that the jurisdiction of the Board of Tax Appeals is over all matters related to state and local taxes or fees and to amend the ballot language to incorporate proposed law provision which authorizes the extension of the jurisdiction of the Board of Tax Appeals by a two-thirds vote of the legislature.

Representative Magee offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Jackson, Bagneris, Jimmy Harris, Mike Johnson, Jordan, Leopold, Magee, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

Representative Magee offered a motion to report House Bill No. 428 with amendments. Without objection, House Bill No. 428 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Jackson, Bagneris, Jimmy Harris, Mike Johnson, Jordan, Leopold, Magee, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 for information only and 13 in support. Witness cards are included in the committee records.

### **House Bill No. 277 by Representative Lyons**

On behalf of the author, Kimberly L. Robinson, Secretary of the Louisiana Department of Revenue, 617 N. Third St., Baton Rouge, LA 70802, (225) 219-4059, presented House Bill No. 277, which requires the commissioner of alcohol and tobacco control to suspend or revoke permits of certain alcoholic beverage dealers for failure to pay taxes.

*Representative Morris in chair.*

Representative Jimmy Harris offered a motion to report House Bill No. 277 favorably. Without objection, House Bill No. 277 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Chad Brown, Gary Carter, Jimmy Harris, Gaines, Mike Johnson, Jordan, Leopold, Magee, Marino, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

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. 247 by Representative Armes**

Representative Armes presented House Bill No. 247, which provides for use by licensed retail dealers of a real-time age verification system authorized by the commissioner.

Alton Ashy, representing ENVOC, 218 Laurel St., Baton Rouge, LA 70801, (225) 936-1700, testified in support of House Bill No. 247.

Calvin Fabre, representing ENVOC, 1000 Perkins Rowe, #22D, Baton Rouge, LA 70806, (225) 955-1002, testified in support of House Bill No. 247.

*Chairwoman Jackson in chair.*

Representative Moss offered a motion to report House Bill No. 247 favorably, to which Representative Leopold objected. The secretary called the roll, and House Bill No. 247 was reported favorably by a vote of 12 yeas and 3 nays. Representatives Jackson, Bagneris, Chad Brown, Jimmy Harris, Gaines, Mike Johnson, Jordan, Magee, Marino, Jay Morris, Moss, and Muscarello voted yea. Representatives Gary Carter, Leopold, and Zeringue voted nay.

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

**House Bill No. 512 by Representative Cox**

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 512, which provides relative to the use of court costs and fees for services by constables and marshals. Without objection, action on House Bill No. 512 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Jimmy Harris, Gaines, Mike Johnson, Jordan, Leopold, Magee, Marino, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

*(Further action was taken by the committee on House Bill No. 512 on May 2, 2019. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 512.)*

**House Bill No. 508 by Representative Leopold**

Representative Leopold presented House Bill No. 508, which provides relative to delivery of alcoholic beverages.

Alton Ashy, representing Drizzly, 218 Laurel St., Baton Rouge, LA 70801, (225) 344-1177, testified in support of House Bill No. 508.

Representative Leopold offered amendments to make technical changes and require the alcoholic beverages to be delivered in a container sealed by the manufacturer of the beverage alcohol.

Representative Leopold offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Jimmy Harris, Gaines, Mike Johnson, Jordan, Leopold, Magee, Marino, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

Representative Leopold offered a motion to report House Bill No. 508 with amendments, to which Representative Mike Johnson objected. The secretary called the roll, and House Bill No. 508 was reported with amendments by a vote of 11 yeas and 4 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Jimmy Harris, Gaines, Jordan, Leopold, Marino, Moss, and Muscarello voted yea. Representatives Mike Johnson, Magee, Jay Morris, and Zeringue voted nay.

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

#### **House Bill No. 349 by Representative Carmody**

Representative Carmody presented House Bill No. 349, which provides relative to the delivery of alcoholic beverages.

Stan Harris, representing Louisiana Restaurant Association, 2700 N. Arnoult Rd., Metairie, LA 70002, (504) 210-2516, testified in support of House Bill No. 349.

On behalf of Representative Carmody, Representative Magee offered amendments to reduce the fees of the proposed law permits for alcohol delivery issued by the office of alcohol and tobacco control and provide that proposed law does not apply to the transportation or delivery of sparkling wine and still wine through wholesalers.

Representative Stefanski, P.O. Box 2720, Crowley, LA 70527, (337) 384-8999, testified in support of House Bill No. 349.

Representative Magee 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, Gary Carter, Jimmy Harris, Gaines, Mike Johnson, Jordan, Magee, Marino, Jay Morris, Moss, and Muscarello voted yea.

Representative Jackson offered an amendment to provide that a third-party delivery agent who delivers alcoholic beverages, but fails to comply with the provisions of this Subsection and administrative rules promulgated pursuant to this Section, will be vicariously liable for damages incurred as a result of the failure to comply. 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, Gary Carter, Jimmy Harris, Gaines, Mike Johnson, Jordan, Magee, Marino, Jay Morris, Moss, and Muscarello voted yea.

Ryan Haynie, representing Southern Glazers Wine and Spirit, P.O. Box 44032, Baton Rouge, LA 70802, (225) 336-4147, testified in opposition to House Bill No. 349.

Representative Magee offered a motion to report House Bill No. 349 with amendments, to which Representative Mike Johnson objected. The secretary called the roll, and House Bill No. 349 was reported with amendments by a vote of 11 yeas and 4 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Jimmy Harris, Gaines, Jordan, Leopold, Magee, Marino, and Moss voted yea. Representatives Mike Johnson, Jay Morris, Muscarello, and Zeringue voted nay.

Witness cards submitted by persons who did not speak are as follows: 8 in support. Witness cards are included in the committee records.

#### **House Bill No. 520 by Representative Stefanski**

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 520, which provides relative to the delivery of alcoholic beverages. Without objection, action on House Bill No. 520 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Jimmy Harris, Gaines, Mike Johnson, Jordan, Leopold, Magee, Marino, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

#### **House Bill No. 246 by Representative Simon**

Representative Simon presented House Bill No. 246, which provides relative to brewing facilities.

Cary Koch, representing Louisiana Craft Brewers Guild, 8440 Jefferson Hwy., Baton Rouge, LA 70809, (225) 929-7033, testified in support of House Bill No. 246.

Kovlos Knott, representing Louisiana Craft Brewers Guild, 1106 Bushville Hwy., Arnaudville, LA 70512, (337) 303-8000, testified in support of House Bill No. 246.

Jacob Landry, representing Urban South Brewery and Louisiana Craft Brewers Guild, 1645 Tchoupitoulas St., New Orleans, LA 70130, (504) 223-0990, testified in support of House Bill No. 246.

John Williams, executive director, Beer League Industry of Louisiana, 575 N. 8<sup>th</sup> St., Baton Rouge, LA 70802, (225) 235-7710, testified in opposition to House Bill No. 246.

Representative Jay Morris offered amendments as follows:

- (1) Removes proposed law granting a general authority to host private events.
- (2) Limits the number of private events to not more than twelve.
- (3) Requires a copy of the lease with the third party to be provided to the commissioner at least ten days prior to the event.
- (4) Places restrictions on the fees that may be charged to the third party.
- (5) Places restrictions on the service and sale of food and beverages to guests of the private event.
- (6) Authorizes minors to be in the bar area of the facility during the event.

Commissioner Juana Marine Lombard, office of alcohol and tobacco control, 7979 Independence Blvd., Suite 101, Baton Rouge, LA 70896, (225) 925-4041, testified for informational purposes on House Bill No. 246.

Representative Jay Morris offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 15 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Jimmy Harris, Hodges, Mike Johnson, Robert Johnson, Jordan, Leopold, Magee, Marino, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

Representative Jimmy Harris offered a motion to report House Bill No. 246 with amendments. Without objection, House Bill No. 246 was reported with amendments by a vote of 17 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Jimmy Harris, Hodges, Gaines, Mike Johnson, Robert Johnson, Jordan, Leopold, Magee, Marino, Jay Morris, Moss, Muscarello, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in support and 1 in opposition. 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 11:37 a.m.

Respectfully submitted,

Chairman Katrina R. Jackson  
House Committee on Judiciary

Date adopted: