

House Committee on Judiciary

Minutes of Meeting
2023 Regular Session
May 3, 2023

I. CALL TO ORDER

Representative Randal L. Gaines, chairman of the House Committee on Judiciary, called the meeting to order at 9:34 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 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:

None

STAFF MEMBERS PRESENT:

Gabrielle Lewis, attorney
Diane Merritt, committee administrative assistant
Robert Singletary, legal division director

ADDITIONAL ATTENDEES PRESENT:

Michael McCain, clerk
Myrtis Jarrell, sergeant at arms
Danny Leming, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 517 by Representative Illg

Representative Illg presented House Bill No. 517, as a substitute, which provides relative to alcohol beverage products for consumption off restaurant premises.

Stan Harris, president, Louisiana Restaurant Association, 2700 N. Arnoult Rd., Metairie, LA 70002, (504) 454-2277, testified in support of House Bill No. 517.

Representative Orgeron offered a motion to report House Bill No. 517 by substitute. Without objection, House Bill No. 517 was reported by substitute by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh 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. 524 by Representative LaCombe

Representative LaCombe presented House Bill No. 524, which provides relative to distilleries.

John Williams, executive director, Beer League of Louisiana, 575 North 8th St., Baton Rouge, LA 70802, (225) 343-3436, testified in support of House Bill No. 524.

Olivia Stewart, president, Oxbow Rum Distillery, 760 St. Philip St., Baton Rouge, LA 70802, testified in support of House Bill No. 524.

Representative Edmonston offered a motion to report House Bill No. 524 favorably. Without objection, House Bill No. 524 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Pressly 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. 263 by Representative Bourriague

Representative Bourriague presented House Bill No. 263, as a substitute, which provides relative to manufacturers and microdistillers of alcoholic beverages.

Andrew Lohfeld, Roulaison Distilling Co., 2727 S. Broad St., Ste. 103, New Orleans, LA 70125, (504) 517-4786, testified in support of House Bill No. 263.

Olivia Stewart, president, Oxbow Rum Distillery, 760 St. Philip St., Baton Rouge, LA 70802, testified in support of House Bill No. 263.

Representative Edmonston offered a motion to report House Bill No. 263 by substitute. Without objection, House Bill No. 263 was reported by substitute by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 141 by Representative Willard

Representative Willard presented House Bill No. 141, which provides relative to fees for certain alcoholic beverage permits in the city of New Orleans.

Stan Harris, president, Louisiana Restaurant Association, 2700 N. Arnoult Rd., Metairie, LA 70002, (504) 454-2277, testified in support of House Bill No. 141.

Representative Orgeron offered a motion to report House Bill No. 141 favorably. Without objection, House Bill No. 141 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

House Concurrent Resolution No. 52 by Representative Zeringue

Representative Zeringue presented House Concurrent Resolution No. 52, which encourages the United States Congress and the National Security Council to formally review the Status of Forces Agreement between the United States and Japan to ensure that our service members are being properly treated and adequately protected while serving in Japan.

Representative Charles Owen offered a motion to report House Concurrent Resolution No. 52 favorably. Without objection, House Concurrent Resolution No. 52 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

House Bill No. 589 by Representative Zeringue

Representative Zeringue presented House Bill No. 589, which provides relative to the Judges' Supplemental Compensation Fund.

Mike Waguespack, Louisiana Legislative Auditor, P.O. Box 94397, Baton Rouge, LA 70802, (225) 339-3840, testified for information only on House Bill No. 589.

Representative Gaines offered an amendment to have each clerk of court electronically remit the filing fee collected to the office of the judicial administrator monthly on or before the tenth day of each calendar month, to be transmitted to the state treasurer monthly. Representative Gaines offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Justice Jeff Hughes, Louisiana Supreme Court, P.O. Box 907, Walker, LA 70785, (225) 278-8181, testified for information only on House Bill No. 589.

Justice James T. Genovese, Louisiana Supreme Court, 400 Royal St., New Orleans, LA 70130, (337) 945-8343, testified for information only on House Bill No. 589.

After a lengthy discussion, Representative Gaines offered a motion to voluntarily defer action on House Bill No. 589. Without objection, action on House Bill No. 589 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Pressly, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support, 1 in opposition, and 6 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: 2 statements for information only. Copies of these statements are included in the committee records.

House Bill No. 240 by Representative Lyons

Representative Lyons presented House Bill No. 240, which increases certain fees for the justice of the peace courts in East Baton Rouge Parish and Jefferson Parish.

Judge Kevin J. Centanni, 6th Justice of the Peace Court, Parish of Jefferson, 1803 Williams Blvd., #104, Kenner, LA 70062, (504) 466-7984, testified in support of House Bill No. 240.

Representative Hughes offered a motion to report House Bill No. 240 favorably. Without objection, House Bill No. 240 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Landry, Mack, Orgeron, and Pressly 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.

Representative Mack in chair.

House Bill No. 310 by Representative Landry

Representative Landry presented House Bill No. 310, which provides relative to alcoholic beverage permits.

Jacob Landry, Urban South Brewers and Louisiana Craft Brewers Guild, 1645 Tchoupitoulas St., New Orleans, LA 70130, (504) 223-0990, testified in support of House Bill No. 310.

Jessica Starns, Starns Kenny and Easterling LLC, 8755 Sullivan Rd., Baton Rouge, LA 70818, (225) 713-5437, testified in support of House Bill No. 310.

Commissioner Ernest Legier, Louisiana Office of Alcohol and Tobacco, 7979 Independence Blvd., Baton Rouge, LA 70806, (225) 925-4041, testified for information only on House Bill No. 310.

Representative Landry offered a motion to report House Bill No. 310 favorably, to which Representative Mike Johnson objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 3 yeas and 7 nays. Representatives Landry, Mack, and Orgeron voted yea. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Muscarello, Pressly, and Seabaugh voted nay.

Representative Landry offered a motion to voluntarily defer action on House Bill No. 310. Without objection, action on House Bill No. 310 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Pressly, and Seabaugh 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.

Statements submitted in accordance with House Rule 14:33 in lieu of appearing before the committee are as follows: 2 statements in support. Copies of these statements are included in the committee records.

House Concurrent Resolution No. 47 by Representative Magee

Representative Magee presented House Concurrent Resolution No. 47, which suspends a certain civil filing fee.

Representative Hughes offered a motion to report House Concurrent Resolution No. 47 favorably. Without objection, House Concurrent Resolution No. 47 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Jordan, Mack, Muscarello, Orgeron, and Pressly voted yea.

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.

House Concurrent Resolution No. 11 by Representative DuBuisson

Representative DuBuisson presented House Concurrent Resolution No. 11, which memorializes congress to support passage of a joint resolution designating the second Saturday in June as "Get Outside Day".

Representative Hughes offered a motion to report House Concurrent Resolution No. 11 favorably. Without objection, House Concurrent Resolution No. 11 was reported favorably by a vote of 7 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mack, Muscarello, Orgeron, and Pressly voted yea.

House Concurrent Resolution No. 12 by Representative DuBuisson

Representative DuBuisson presented House Concurrent Resolution No. 12, which memorializes congress to take such actions as necessary to establish the "Agent Orange Veterans Service Medal".

Representative Hughes offered a motion to report House Concurrent Resolution No. 12 favorably. Without objection, House Concurrent Resolution No. 12 was reported favorably by a vote of 7 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Landry, Mack, Orgeron, and Pressly voted yea.

House Bill No. 345 by Representative LaCombe

Representative LaCombe presented House Bill No. 345, which provides relative to the Pointe Coupee Parish Retired Employees Insurance Fund.

Representative Mack offered a motion to report House Bill No. 345 favorably. Without objection, House Bill No. 345 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Landry, Mack, Muscarello, Orgeron, and Pressly 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. 231 by Representative Mincey

Representative Mincey presented House Bill No. 231, which provides relative to Louisiana veterans cemeteries.

Col. (ret) Joey Strickland, secretary, Louisiana Department of Veterans Affairs (LDVA), 602 North 5th St., Baton Rouge, LA 70802, (225) 219-5000, testified for information only on House Bill No. 231.

Representative Hughes offered a motion to report House Bill No. 231 favorably. Without objection, House Bill No. 231 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Jordan, Landry, Mack, Muscarello, Orgeron, and Pressly voted yea.

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

House Bill No. 397 by Representative Mincey

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 397, which provides relative to parish homeland security and emergency preparedness agency requests during an emergency. Without objection, action on House Bill No. 397 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Jordan, Landry, Mack, Muscarello, Orgeron, and Pressly voted yea.

(Further action was taken by the committee on House Bill No. 397 at a meeting held on May 11, 2023. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 397.)

House Bill No. 368 by Representative Harris

Representative Harris presented House Bill No. 368, which establishes the official state nut.

Representative Muscarello offered a motion to report House Bill No. 368 favorably. Without objection, House Bill No. 368 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Jordan, Landry, Mack, Muscarello, Orgeron, and Pressly 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. 376 by Representative Boyd

Representative Boyd presented House Bill No. 376, which provides relative to protective orders.

Tyrell Morris, executive director, Orleans Parish Communication District, 118 City Park Ave., New Orleans, LA 70119, (504) 671-3911, testified in support of House Bill No. 376.

Roxson Welch, director, Family and Youth Service Center, 1120 Government St., Baton Rouge, LA 70802, (225) 239-7801, testified in support of House Bill No. 376.

Patti Joe Freeman, executive director, Iris Domestic Violence Center, 7915 Washington Lane, Greenwell Springs, LA 70739, (225) 389-3001, testified in support of House Bill No. 376.

Brian Wiggins, deputy judicial administrator, Louisiana Supreme Court, 400 Royal St., New Orleans, LA 70130, (504) 202-0157, testified for information only on House Bill No. 376.

Ayn W. Stehr, Louisiana Protective Order Registry, 18906 Spyglass Hill Dr., Baton Rouge, LA 70809, (225) 241-0947, testified for information only on House Bill No. 376.

Debbie D. Hudnall, executive director, Louisiana Clerks of Court Association, 10202 Jefferson Hwy., Building A, Baton Rouge, LA 70809, testified for information only on House Bill No. 376.

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

- (1) Remove the requirement that the clerk of court transmit the protective order by facsimile to the judicial administrator's office.
- (2) Change the filing requirement from two hours to the end of the next calendar day.

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, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Pressly voted yea.

Representative Pressly offered a motion to report House Bill No. 376 with amendments. Without objection, House Bill No. 376 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Pressly voted yea.

Witness cards submitted by individuals who did not speak are as follows: 59 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: 2 statements in support. Copies of these statements are included in the committee records.

House Bill No. 17 by Representative Newell

Representative Newell presented House Bill No. 17, which provides relative to the regulation of cannabis.

Representative Mack offered a technical amendment. Representative Mack 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, Edmonston, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, and Charles Owen voted yea.

Dr. Will Hall, Louisiana Baptist Office of Public Policy, 1250 MacArthur Dr., Alexandria, LA 71303, (318) 449-4348, testified in opposition to House Bill No. 17.

Representative Landry offered a motion to report House Bill No. 17 with amendments, to which Representative Charles Owen objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 5 yeas and 7 nays. Representatives Gaines, Hughes, Jordan, Landry, and Orgeron voted yea. Representatives Edmonston, Mike Johnson, Mack, Muscarello, Charles Owen, Pressly, and Seabaugh voted nay.

Representative Landry offered a motion to voluntarily defer action on House Bill No. 17. Without objection, action on House Bill No. 17 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, 6 in opposition, 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 and 1 for information only. Copies of these statements are included in the committee records.

Representative Gaines in chair.

House Concurrent Resolution No. 8 by Representative Echols

Representative Echols presented House Concurrent Resolution No. 8, which requests weekly briefings by electronic mail to the legislature on security threats.

Representative Charles Owen offered a motion to report House Concurrent Resolution No. 8 favorably, to which Representative Jordan objected. The administrative assistant called the roll, and House Concurrent Resolution No. 8 was reported favorably by a vote of 7 yeas and 3 nays. Representatives Edmonston, Mike Johnson, Mack, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea. Representatives Gaines, Jordan, and Landry voted nay.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 1:24 p.m.

Respectfully submitted,

Chairman Randal L. Gaines
House Committee on Judiciary