

House Committee on Judiciary

Minutes of Meeting
2023 Regular Session
May 25, 2023

I. CALL TO ORDER

Representative Sherman Q. Mack, vice chairman of the House Committee on Judiciary, called the meeting to order at 10:09 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
Allie Eaves, clerk
Myrtis Jarrell, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Resolution No. 144 by Representative Crews

Representative Crews presented House Resolution No. 144, which requests the citizens of Louisiana to practice proper state flag etiquette.

Landon J. Bounds, 200 Dennis Loop, Cotton Valley, LA 71018, (318) 780-2322, testified in support of House Resolution No. 144.

Representative Mack offered an amendment to change the steps for folding of the flag. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 7 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Mack, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Representative Pressly offered a motion to report House Resolution No. 144 with amendments. Without objection, House Resolution No. 144 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Mack, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

House Resolution No. 204 by Representative Magee

Representative Magee presented House Resolution No. 204, which requests the Louisiana Clerks' Remote Access Authority to provide information regarding integrated e-filing and case management.

Representative Pressly offered a motion to report House Resolution No. 204 favorably. Without objection, House Resolution No. 204 was reported favorably by a vote of 7 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Mack, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

House Resolution No. 203 by Representative Thompson

Representative Thompson presented House Resolution No. 203, which requests the Louisiana Municipal Association (LMA) to study the payment of expenses incurred in the disposition of deceased paupers by the coroners in certain parishes and municipalities.

Representative Pressly offered a motion to report House Resolution No. 203 favorably. Without objection, House Resolution No. 203 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Landry, Mack, Orgeron, Charles Owen, Pressly, and Seabaugh 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 Concurrent Resolution No. 90 by Representative Moore

Representative Moore presented House Concurrent Resolution No. 90, which memorializes the U.S. Congress to assist with a Louisiana pilot program for the recruitment of new members to the United States Army.

Command Sgt. Maj. (ret) Connie Commenia, 207 Luke Dr., Monroe, LA 71203, (617) 767-3916, testified in support of House Concurrent Resolution No. 90.

E. J. Maxwell, chief executive officer, EJMAX Solution and president of BDPA Stem Academy, 1500 N. 19th St., Tower Place Suite 9, Monroe, LA 71202, (318) 348-9168, testified in support of House Concurrent Resolution No. 90.

Representative Charles Owen offered a motion to report House Concurrent Resolution No. 90 favorably. Without objection, House Concurrent Resolution No. 90 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jordan, Landry, Mack, Orgeron, Charles Owen, Pressly, 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.

Senate Bill No. 142 by Senator Carter

Senator Carter presented Senate Bill No. 142, which authorizes the utilization of court reporters licensed in another state in certain circumstances.

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

- (1) Expand the description of the court reporter shortage to include digital reporters.
- (2) Expand the appointment of an official or deputy court reporter to include digital reporters.
- (3) Add provisions relative to the effectiveness of the appointment.
- (4) Prohibit performance of duties as a general or free-lance reporter.

Representative Mack offered a motion to adopt the proposed amendments, to which Representative Orgeron objected. The administrative assistant called the roll, and the amendments were adopted

by a vote of 5 yeas and 2 nays. Representatives Edmonston, Jordan, Landry, Mack, and Pressly voted yea. Representatives Mike Johnson and Orgeron voted nay.

Representative Orgeron offered an amendment to require delivering a letter of appointment to the court reporter and the Board of Examiners of Certified Shorthand Reporters, which shall issue a license as a certified digital reporter within seven days after receiving the letter of appointment. Representative Orgeron offered a motion to adopt the proposed amendment, to which Representative Mack objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 2 yeas and 6 nays. Representatives Mike Johnson and Orgeron voted yea. Representatives Edmonston, Hughes, Jordan, Landry, Mack, and Pressly voted nay.

Peter Gilberti, Louisiana Court Reporters Association, P.O. Box 6705, Metairie, LA 70009, (504) 458-2791, testified in opposition to Senate Bill No. 142.

Johnny Koch, representing Louisiana Court Reporters Association, 504 Lakeland Dr., Baton Rouge, LA 70802, (225) 219-8900, testified in opposition to Senate Bill No. 142.

Representative Jordan offered a motion to report Senate Bill No. 142 with amendments, to which Representative Orgeron objected. The administrative assistant called the roll, and Senate Bill No. 142 was reported with amendments by a vote of 6 yeas and 3 nays. Representatives Hughes, Mike Johnson, Jordan, Landry, Mack, and Muscarello voted yea. Representatives Edmonston, Orgeron, and Charles Owen voted nay.

House Concurrent Resolution No. 111 by Representative Kerner

Representative Kerner presented House Concurrent Resolution No. 111, which requests FEMA to extend the temporary housing program for residents affected by Hurricane Ida.

Representative Jordan offered a motion to report House Concurrent Resolution No. 111 favorably. Without objection, House Concurrent Resolution No. 111 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, and Charles Owen 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. 194 by Senator Mizell

Senator Mizell presented Senate Bill No. 194, which provides relative to the sale or service of alcohol to any person under the age of twenty-one.

On behalf of the author, Representative Mack offered amendments to add powers to the office of alcohol and tobacco commission and to make technical changes. 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 Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Brandi Melissa, P.O. Box 1171, Baton Rouge, LA 70821, (225) 217-1175, testified in support of Senate Bill No. 194.

Paula Zachary, 29955 West St., Apt. B7, Albany, LA 70711, (985) 363-0047, testified in support of Senate Bill No. 194.

Ashley Baustert, 713 Night Heron Lane, Madisonville, LA 70447, (504) 373-8364, testified in support of Senate Bill No. 194.

Eric Sunstrom, representing Freds in Tigerland, P.O. Box 82901, Baton Rouge, LA 70887, (225) 757-9908, testified in opposition to Senate Bill No. 194.

Jason Nay, 6720 Bayou Paul Rd., St. Gabriel, LA 70776, (225) 200-1706, testified in opposition to Senate Bill No. 194.

Commissioner Ernest Legier, Louisiana Office of Alcohol and Tobacco, 7979 Independence Blvd., Baton Rouge, LA 70806, (225) 925-4041, testified for information only on Senate Bill No. 194.

Representative Mack offered an amendment to add a comparable fault defense. Representative Mack 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.

Representative Mack offered a motion to report Senate Bill No. 194 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, Edmonston, Mike Johnson, Mack, Muscarello, and Charles Owen voted yea. Representatives Hughes, Jordan, Landry, Orgeron, Pressly, and Seabaugh voted nay.

Witness cards submitted by individuals who did not speak are as follows: 15 in support and 10 in opposition. Witness cards are included in the committee records.

House Bill No. 218 by Representative Marcelle

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 218, which provides with respect to the selection of the chief judge for the City Court of Baton Rouge. Without objection, action on House Bill No. 218 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.

Senate Bill No. 187 by Senator Kleinpeter

Senator Kleinpeter presented Senate Bill No. 187, which provides relative to cremation of bodies.

Rev. Alexis Anderson, PREACH, 804 Main St., Baton Rouge, LA 70802, (225) 244-9825, testified in opposition to Senate Bill No. 187.

Yancy Guerin, deputy coroner, West Baton Rouge Coroner's Office, 777 Michigan St., Port Allen, LA 70767, (225) 336-2429, testified for information only on Senate Bill No. 187.

Representative Jordan offered a motion to report Senate Bill No. 187 favorably. Without objection, Senate Bill No. 187 was reported favorably by a vote of 10 yeas and 0 nays. Representatives 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: 1 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 1:00 p.m.

Respectfully submitted,

Chairman Randal L. Gaines
House Committee on Judiciary