

Office of the Governor
State of Louisiana



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June 12, 2020

VIA HAND DELIVERY

Honorable Clay J. Schexnayder
Speaker of the House
Louisiana House of Representatives
Post Office Box 94062
Baton Rouge, Louisiana 70804-9062



House of Representatives
Clerk's Office

RE: Veto of House Bill 197 of the 2020 Regular Session

Dear Speaker Schexnayder:

Please be advised that I have vetoed House Bill 197 of the 2020 Regular Session.

House Bill 197 was designed by Rep. Jerome Zeringue to add "water control structures, including floodgates and pump stations" to the list of critical infrastructure contained in Act 692 of the 2018 Regular Session. While I support protecting critical water control structures and the intention of the bill, there are two critical problems that provide the reasons for my veto.

First, the second section of the bill provides for enhanced criminal penalties and a mandatory minimum jail sentence of three years if the unauthorized entry occurs during the existence of a "state of emergency." While this was intended by the author to cover only the imminent threat of a tropical event, it ends up being the default penalty. Louisiana is currently under eleven different states of emergency, ranging from the most recent event of Tropical Storm Cristobal to the March flooding in 2016. Since Louisiana is in a constant state of emergency, there would likely never be a time when the lesser penalty is in effect.

Further, the term "water control structure" is ill-defined in the bill. In many areas around the state, for example, levees are used for public recreation. Although clearly not intended by the bill, the inclusion of these structures could potentially criminalize conduct that does not endanger the water control structures. As stated above, I will be happy to work with Rep. Zeringue in a future session to protect this critical infrastructure, and I am confident we can amend Act 692 to provide a reasonable solution that does not have the unintended consequences of HB 197.

Sincerely,

A handwritten signature in black ink that reads "John Bel Edwards".

John Bel Edwards
Governor

cc: Honorable Patrick Page Cortez
Louisiana Senate President