

RÉSUMÉ DIGEST

HB 4

2020 Second Extraordinary Session

Wright

Present law provides that a disaster, emergency, or public health emergency shall be declared by executive order or proclamation of the governor if the governor finds that a disaster or emergency has occurred or the threat thereof is imminent. Present law also provides that the state of disaster, emergency, or public health emergency shall continue until the governor finds that the threat of danger has passed or the disaster or emergency has been dealt with to the extent that the emergency conditions no longer exist and terminates the state of disaster, emergency, or public health emergency by executive order or proclamation. Present law provides that no state of disaster, emergency, or public health emergency may continue for longer than 30 days unless renewed by the governor.

Present law provides that the legislature, by petition signed by a majority of the surviving members of either house, may terminate a state of disaster or emergency at any time. In cases of a public health emergency, provides that the legislature, in consultation with the public health authority, by petition signed by a majority of the surviving members of either house, may terminate a state of disaster or emergency at any time.

Proposed law would have additionally provided a method for the legislature to terminate a renewal of a state of disaster or emergency or public health emergency or specific terms prescribed by the governor in the order or declaration. Would have required the presiding officers and the pro tempores to immediately review the order or proclamation and the terms prescribed in the order or proclamation. Would have provided that if at least one legislative officer from each house concurred that the order or proclamation or the terms prescribed within it exceeded the authority granted to the governor or were not narrowly tailored to address the situation, the presiding officers were to immediately transmit to the governor a concise description of the issues and direct the legislative clerical officers to prepare and transmit a ballot to each surviving member. Would have provided procedures including requiring the ballot to be uniform and set forth in a manner to enable each member to cast a vote for or against terminating the governor's authority regarding each issue. Would have required the clerical officers to transmit the ballots to each member on the same day and include a notice to each member regarding the number of items, the vote required, the deadline for the ballot to be returned to the clerical officer, and any other information deemed pertinent. Would have required the ballots to be returned no later than 5:00 p.m. on the fifth day after transmittal and provided procedures for tabulation of the ballots. Would have required each clerical officer to designate an employee of the officer's respective house to carry out the duties if the clerical officer was unavailable.

Proposed law would have further provided for the tabulation to have been transmitted promptly to each member and the governor and also disseminated by means calculated to bring its contents to the attention of the public and filed with the Governor's Office of Homeland Security and Emergency Preparedness and the secretary of state, and, if a public health emergency, the La. Dept. of Health, office of public health.

Proposed law would have provided that if a majority of the surviving members of each house of the legislature vote in favor of terminating the governor's authority regarding an issue on the ballot, then that order or proclamation or section or subsection of such order or proclamation, as the case may be, is deemed terminated and of no effect as of the date and time the tabulation is transmitted to the governor.

(Proposed to amend R.S. 29:724(B)(1) and 768(A); Proposed to add R.S. 29:768.1)

VETO MESSAGE:

"Please be advised that I have vetoed House Bill 4 of the 2020 Second Extraordinary Session.

While this Extraordinary Session was purportedly called to address the COVID-19 emergency and the Health Emergency Powers Act (La. R.S. 29:760, et seq.), House Bill 4 is the only bill related to my emergency authority that passed the Legislature. When this bill

was presented for concurrence on the House floor by Representative Blake Miguez, he hailed this bill as a compromise relating to my authority to manage the COVID-19 emergency. However, this bill certainly is not a compromise, nor is it a reasonable approach to the management of this, or any other, emergency. Most problematic, this bill would call for legislative members to vote on each mitigation measure taken in response to this emergency. I have said repeatedly that an emergency cannot be managed by committee, and that is exactly what this bill would allow. Even worse, instead of requiring members to be present at the Capitol and fully informed to make decisions, this bill allows for legislators to cast votes on life or death decisions from their homes via text message. This bill simply does not represent a serious approach to responding to a public health emergency.

Most importantly, were this bill to become law, it would put at risk all of the gains the State of Louisiana has made since the challenging days in March and April, and then again in late June and early July, when Louisiana led the nation in per capita cases. The measures that have been taken in response to those spikes in cases, in concert with the recommendations from the White House Coronavirus Task Force, have allowed Louisiana to avoid going down the same road as many other states, including our neighboring states, currently seeing dramatic increases in case positivity, hospitalizations, and deaths. The proponents of this bill did not present any plan about how they would propose to manage this emergency. Nor are they able to demonstrate where at any point I have made decisions that have not been led by the science and expert advice. The people of Louisiana deserve decisions from their leaders that are guided by principles, not politics. This should be especially so during this historic emergency.

As I have done throughout Louisiana's response to COVID-19, I will continue to work and consult with you and the legislative leadership and will seriously consider any recommendations that would allow for the State to maintain the critical, lifesaving progress we have made."