

Office of the Governor
State of Louisiana

JOHN BEL EDWARDS
GOVERNOR



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July 1, 2021

VIA HAND DELIVERY

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

RE: Veto of House Bill 149 of the 2021 Regular Session

Dear Speaker Schexnayder:

Please be advised that I have vetoed House Bill 149 of the 2021 Regular Session.

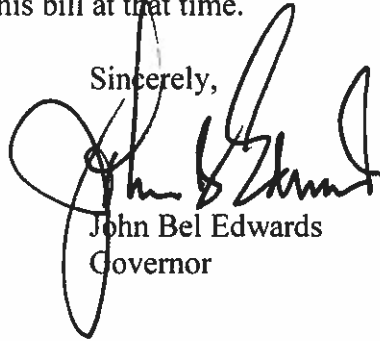
This bill was the latest attempt by the Legislature to remedy the obvious and adjudged defects in the petition signed by some House of Representatives members last October attempting to terminate the COVID-19 public health emergency. I need not provide here how catastrophic the pandemic may have been in Louisiana had the House members been successful in terminating the emergency protective measures during some of the worst months of the third surge in Louisiana. Thankfully, the petition was not successful. As a result, the mitigation measures worked, and along with the protection provided by the ever-increasing number of vaccinations, Louisiana is now seeing the light at the end of this long, dark tunnel. I vetoed House Bill 4 of the Second Extraordinary Session of 2020 because it violated the Louisiana Constitution and would have crippled the response to the COVID-19 pandemic. I have vetoed House Bill 149 from our recently-ended session because it did not sufficiently improve the vetoed bill from last year.

House Bill 149 did make one significant change from current law which demonstrates a significant constitutional infirmity in the House petition. The bill establishes that both houses of the legislature would be required to act before the petition would be effective. This is a significant change and a clear admission that the October 2020 petition, signed by members of only one chamber, was without effect. However, the current bill still has significant problems. First and foremost, it allows the Legislature to act in secret, outside of public scrutiny and in violation of Article III, Section 15 (A) of the Louisiana Constitution. In addition, the bill waters down the obligation to consult with a public health authority, thus making it more likely that any action by the Legislature would be based on the political winds rather than scientific and expert medical advice.

Honorable Clay J. Schexnayder
July 1, 2021
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I proposed amendments which would have remedied the issues with the bill and would have provided for a clear voice for the Legislature in checking a declared public health emergency. Those suggestions were rejected. While it is true this bill would only affect my successor as the effective date is the date of the inauguration of our next governor, I do not feel it is appropriate to tie the hands of the next governor to properly respond to a public health emergency. If the next governor feels otherwise, he or she can sign this bill at that time.

Sincerely,

A handwritten signature in black ink, appearing to read "John Bel Edwards". The signature is stylized with large loops and a long horizontal stroke at the end.

John Bel Edwards
Governor

cc: Honorable Patrick Page Cortez
Louisiana Senate President

2021 Regular Session

HOUSE BILL NO. 149

BY REPRESENTATIVES FRIEMAN, AMEDEE, CREWS, DEVILLIER, EDMONDS,
EDMONSTON, EMERSON, FARNUM, FIRMENT, GAROFALO, HODGES,
HOLLIS, HORTON, IVEY, MCCORMICK, ORGERON, CHARLES OWEN,
ROBERT OWEN, AND SCHAMERHORN

AN ACT

To amend and reenact R.S. 29:724(B)(2) and 768(B), relative to emergency declarations; to
provide for legislative termination of all or part of an emergency declaration; to
provide procedures for terminations; to provide for an effective date; and to provide
for related matters.

ORIGINATED

IN THE

House of Representatives

GOVERNOR'S OFFICE	
JUN 11 2021	
TIME	2:38 pm
RECEIVED	[Signature]

Michelle D. Leland
Clerk of the House of Representatives

2021 Regular Session

HOUSE BILL NO. 149

BY REPRESENTATIVES FRIEMAN, AMEDEE, CREWS, DEVILLIER, EDMONDS,
EDMONSTON, EMERSON, FARNUM, FIRMENT, GAROFALO, HODGES,
HOLLIS, HORTON, IVEY, MCCORMICK, ORGERON, CHARLES OWEN,
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To amend and reenact R.S. 29:724(B)(2) and 768(B), relative to emergency declarations; to provide for legislative termination of all or part of an emergency declaration; to provide procedures for terminations; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:724(B)(2) and 768(B) are hereby amended and reenacted to read as follows:

§724. Powers of the governor

* * *

B.

* * *

(2)(a) ~~The Both houses of the legislature~~, by petition signed by a majority of the ~~surviving~~ members of ~~either house~~ both houses, may terminate a the entire state of disaster or emergency or any section or subsection of the executive order or proclamation declaring the state of disaster or emergency at any time. ~~This~~ The petition terminating the state of emergency or disaster or any section or subsection of the executive order or proclamation declaring the state of disaster or emergency may establish a period during which no other declaration of emergency or disaster related to the state of disaster or emergency that was terminated or related

1 to any section or subsection of the executive order or proclamation declaring the
 2 state of disaster or emergency that was terminated by the petition may be issued.
 3 ~~Thereupon, the governor shall issue an executive order or proclamation ending the~~
 4 ~~state of disaster or emergency.~~

5 (b) The petition terminating the entire declaration of a state of disaster or
 6 emergency or terminating one or more sections or subsections of the executive order
 7 or proclamation, duly signed by a majority of the members of the House of
 8 Representatives and the Senate, shall be transmitted to the clerk of the House of
 9 Representatives and secretary of the Senate who shall transmit the petition to the
 10 governor. The termination shall become effective upon the transmission of the
 11 petition to the governor.

12 (c) Further, the clerk of the House of Representatives and secretary of the
 13 Senate shall disseminate the petition promptly by means calculated to bring its
 14 contents to the attention of the general public and promptly file it with the
 15 Governor's Office of Homeland Security and Emergency Preparedness and with the
 16 secretary of state.

17 * * *

18 §768. Termination of declaration of public health emergency

19 * * *

20 B.(1) ~~The Both houses of the legislature, in consultation with the public~~
 21 ~~health authority~~ after consulting with the legislative fiscal office as required by
 22 Paragraph (4) of this Subsection and a public health specialist with a degree from a
 23 school of public health that is accredited by an institutional accrediting agency
 24 recognized by the United States Department of Education, by a petition signed by a
 25 majority of the surviving members of either that house, may terminate a the entire
 26 state of public health emergency or any section or subsection of the executive order
 27 or proclamation declaring the state of public health emergency at any time. This The
 28 petition terminating the public health emergency or any section or subsection of the

1 executive order or proclamation declaring the state of public health emergency may
2 establish a period during which no other declaration of public health emergency
3 related to the state of public health emergency that was terminated or related to any
4 section or subsection of the executive order or proclamation declaring the state of
5 public health emergency that was terminated by the petition may be issued.
6 ~~Thereupon, the governor shall issue an executive order or proclamation ending the~~
7 ~~state of public health or emergency.~~

8 (2) The petition terminating the entire declaration of a state of public health
9 emergency or terminating one or more sections or subsections of the executive order
10 or proclamation, duly signed by a majority of the members of the House of
11 Representatives and the Senate, shall be transmitted to the clerk of the House of
12 Representatives and secretary of the Senate who shall transmit the petition to the
13 governor. The termination shall become effective upon the transmission of the
14 petition to the governor.

15 (3) Further, the clerk of the House of Representatives and secretary of the
16 Senate shall disseminate the petition promptly by means calculated to bring its
17 contents to the attention of the general public and promptly file it with the
18 Governor's Office of Homeland Security and Emergency Preparedness, with the
19 Louisiana Department of Health, office of public health, and with the secretary of
20 state.

21 (4) Prior to the filing of a petition to terminate a state of public health
22 emergency or any section or subsection of the executive order or proclamation
23 declaring the state of public health emergency, the legislative fiscal office shall
24 present to the legislature the office's best efforts to estimate the potential fiscal
25 impact of the early termination of the public health emergency or any section or
26 subsection of the executive order or proclamation declaring the state of public health
27 emergency.

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Section 2. This Act shall become effective on January 8, 2024.


SPEAKER OF THE HOUSE OF REPRESENTATIVES


PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____


Handwritten signatures and date: 1 July 2021