

Office of the Governor  
State of Louisiana

JOHN BEL EDWARDS  
GOVERNOR



P.O. Box 94004  
BATON ROUGE, LOUISIANA 70804-9004  
(225) 342-7015  
GOV.LA.GOV

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

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,



John Bel Edwards  
Governor

cc: Honorable Patrick Page Cortez  
Louisiana Senate President

2020 Regular Session

HOUSE BILL NO. 197

BY REPRESENTATIVE ZERINGUE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

AN ACT

To amend and reenact R.S. 14:61(B)(1) and (C), relative to unauthorized entry of a critical infrastructure; to amend the definition of critical infrastructure to include water control structures, floodgates, and pump stations; to provide relative to criminal penalties; to provide for penalties when the crime is committed during the existence of a state of emergency; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:61(B)(1) and (C) are hereby amended and reenacted to read as follows:

§61. Unauthorized entry of a critical infrastructure

\* \* \*

B. For the purposes of this Section, the following words shall have the following meanings:

(1) "Critical infrastructure" means any and all structures, equipment, or other immovable or movable property located within or upon chemical manufacturing facilities, refineries, electrical power generating facilities, electrical transmission substations and distribution substations, water intake structures and water treatment facilities, natural gas transmission compressor stations, liquefied natural gas (LNG) terminals and storage facilities, natural gas and hydrocarbon storage facilities, transportation facilities, such as ports, railroad switching yards, pipelines, and trucking terminals, water control structures, including floodgates or pump stations, or any site where the construction or improvement of any facility or structure referenced in this Section is occurring.

\* \* \*

1  
2  
3  
4  
5  
6  
7  
8  
9

C.(1) Whoever commits the crime of unauthorized entry of a critical infrastructure shall be imprisoned with or without hard labor for not more than five years, fined not more than one thousand dollars, or both.

(2) Whoever commits the crime of unauthorized entry of a critical infrastructure during the existence of a state of emergency, which has been declared pursuant to law by the governor or the chief executive officer of any parish, may be fined not more than five thousand dollars and shall be imprisoned at hard labor for not less than three years nor more than fifteen years.

\* \* \*

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

  
PRESIDENT OF THE SENATE

  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:  6/12/20

