

## **AIA-LA Political Update**

### **June 26, 2020**

#### **Special Session Adjournment in View**

The 2020 special session must adjourn by 6pm on Tuesday, June 30<sup>th</sup>. There are still a few moving parts ambling their way through the final days. The biggest unresolved issues still in play involve the state budget and a series of interrelated tort reform bills/resolutions. The House adjourned late Thursday and will return to work today (Sunday) at 3pm. The Senate was in session through late Friday to take up the state's operating budget on the floor along with a handful of other bills; they return today at 4pm to receive a few more bills.

#### **Historic Rehab Tax Credits**

**HB 4** by Speaker Pro Temp Tanner Magee, R-Houma, extends the date for eligible expenses to qualify for the tax credit for the rehabilitation of historic structures and extends the effectiveness of the credit to July 1, 2026. This bill was heavily amended in the Senate and, as a result, the author rejected those amendments. The bill is now in conference committee and is expected to be amended to more closely resemble its original version. We'll know soon whether this bill survives the entire process and heads to the governor for final action.

#### **Tort Reform**

There are at least ten pieces of legislation alive that attempt to reduce auto insurance rates, which are among the highest in the nation and attributed to the state's highly litigious culture. Those measures include:

- **HB 44** by Rep. Ray Garofalo, R-Chalmette, is another bite at the Omnibus Premium Reduction Act but was amended to remove all provisions except for those addressing the collateral source rule. The bill won final approval on the Senate floor this afternoon on a vote of 27-9.
- **HB 55** by Rep. Mike Johnson, R-Pineville, provides for the introduction of evidence of failure to wear a safety belt in order to establish comparative negligence, causation, and the mitigation of damage. The bill provides that the evidence for failure to wear a safety belt may be used as an affirmative defense. The bill passed off the Senate floor today on a vote of 32-4.

- **HB 57** by Speaker of the House Clay Schexnayder, R-Gonzales, enacts the Civil Justice Reform Act of 2020 and was heavily amended in the Senate. As a result it was sent to conference committee, where it is expected to have language dealing with collateral source restored. This bill is one to keep an eye on early next week.
- **HB 66** by Rep. Richard Nelson, R-Mandeville, would enact the Citizens' Premium Reduction Act of 2020 and despite the name does not involve flood insurance. This bill is somewhat comprehensive in approach to tackling tort reform; it encompasses comparative fault, jury trials, prescription periods, collateral source, and more! The bill received five pages of amendments in Senate Jud A Committee this morning before it was reported favorably, as amended. There are many questions surrounding this legislation and we will be taking a very close look at it over the next couple days to ensure it is narrowly tailored to auto accidents and related insurance issues.

The following six instruments are an aggressive attempt to create leverage and urge Gov. Edwards to sign **HB 57** by Rep. Schexnayder into law by suspending for one year different sections of state law; each has been amended to become nullified contingent upon passage of **HB 57**.

- **HCR 18** by Rep. Alan Seabaugh, R-Shreveport, suspends provisions of the law relative to the admissibility of seat belt usage as evidence.
- **HCR 19** by Rep. Seabaugh, suspends provisions of law allowing direct actions against insurers.
- **HCR 20** by Rep. Seabaugh suspends the jury trial threshold.
- **SCR 14** by Sen. Robert Mills, R-Minden, suspends certain provisions of law relative to the admissibility of seat belt usage as evidence.
- **SCR 15** by Sen. Mills suspends provisions of law allowing direct actions against insurers.
- **SCR 16** by Sen. Mills suspends the jury trial threshold.

**Louisiana to Remain in "Phase Two"**

Recent news of increased cases of COVID-19 and hospitalizations subsequently increasing again here and in neighboring states, Gov. Edwards yesterday signed an order that keeps the state in Phase 2 of reopening for another month. The governor said this week he will reevaluate the extension in two weeks, but the order lasts 28 days. Additional information on school reopening plans for this fall also materialized this week; it reflects coordination between the governor and new state Superintendent of Schools Cade Brumley. See media coverage below for more information on Phase 2 and school reopening plans.

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*Articles of Interest*

**[https://www.theadvocate.com/baton\\_rouge/news/politics/legislature/article\\_b97a8950-b72b-11ea-88a8-6f106b95ac83.html](https://www.theadvocate.com/baton_rouge/news/politics/legislature/article_b97a8950-b72b-11ea-88a8-6f106b95ac83.html)**

**As coronavirus spreads and Phase 2 continues, GOP lawmakers threaten to revoke emergency**

**by Sam Karlin**

**Baton Rouge, LA – *The Advocate***

**June 25, 2020**

As coronavirus spreads and Phase 2 continues, GOP lawmakers threaten to revoke emergency

With cases and hospitalizations rising in Louisiana and its neighboring states, Gov. John Bel Edwards on Thursday signed an order that keeps the state in Phase 2 of reopening for another month, as a group of Republican lawmakers renewed a push to revoke the state's emergency declaration for the pandemic. The move by Edwards halts the state's phased reopening after the state experienced its worst week for the virus since early April, when the state was in a stay-at-home order aimed at limiting the spread. The governor said this week he will reevaluate the extension in two weeks, but the order lasts 28 days.

Louisiana began reopening May 15, and the Phase 2 that began June 5 allows restaurants, barber shops, retailers and a host of other businesses to operate at 50% capacity, with masks required for employees who interact with the public. Bars without food service are limited to 25% capacity.

A group of Republican lawmakers who have flirted with a petition to revoke the state's emergency declaration since early May revived the effort this week. Several Republicans spoke out against Edwards' extension on the House floor Thursday, and later more than 20 gathered shoulder to shoulder on the State Capitol steps, without masks, for a photo op.

The petition, circulated by Rep. Alan Seabaugh, R-Shreveport, needs 53 signatures in the House. It would repeal the governor's public health emergency declaration, which Edwards contends would put federal aid at risk, though Republicans challenge that.

"Quite frankly, it's gone on long enough," Seabaugh said of the restrictions. Mark Cooper, Edwards' chief of staff, called the photo on the Capitol steps a "publicity stunt" that made the lawmakers look "foolish." He also pointed to Texas Gov. Greg Abbott, a Republican, halting the state's reopening amid rising cases.

"Here we are trying to communicate to young people they should wear masks when they're in groups," Cooper said. "And here they are taking a picture in the front of the capitol without masks. What kind of message does that send?"

The new order signed by Edwards Thursday makes one significant change from the existing Phase 2 guidelines, reinstating a 250-person indoor gathering limit. Previously there was no limit as long as social distancing was possible.

Some Republican lawmakers have repeatedly criticized the state's response to the coronavirus. Some even passed legislation that ensures contact tracing, a key part of the state's strategy to tamp down cases, is voluntary. Others have complained about what they see as a lack of transparency from the governor's office about his decisions, especially after he made a last-minute decision at the behest of health experts to keep the state's stay-at-home order in place an extra two weeks in May.

Rep. Danny McCormick, a Republican from Oil City who organized a protest at the Governor's Mansion over Edwards' stay-at-home order earlier in the pandemic, said Legislature has "stood by as the Constitution has been shredded."

"When will we say enough is enough?" McCormick said. "Will that be when COVID-19 trackers come to your house and pulls your family members out of your house?"

McCormick was apparently referring to contact tracers, who are call center workers hired by the state to call those who have been infected to find out who they came into contact with. Then, they call those people and advise them to isolate and offer resources. The program is voluntary, though the state has spent millions on it as a key part of the response to the virus, to meager results. At last count, fewer than 60% of infected patients were picking up the phone when called.

Rep. Blake Miguez, the chair of the House Republican Delegation, said "momentum is building" on the issue. Seabaugh previously said in early May that he had the required 53 votes but never delivered.

Miguez said people in his district “overwhelmingly” don’t want to wear masks or be saddled with government restrictions like social distancing at restaurants. He also pointed to neighboring states that are opening up faster than Louisiana. Texas was ahead of Louisiana on reopening but Gov. Abbott on Thursday said he would halt the reopening and ban elective procedures in some areas to save space at hospitals amid a rapidly-rising case count in that state. Health officials in recent days have sounded the alarm about rising cases and hospitalizations in Louisiana. Officials have urged people to wear masks when out to help limit the spread, among other precautions, and have recently ramped up their communications to young people as they account for a rising number of new confirmed infections.

“Some in Louisiana may be done with COVID, but I promise you that COVID is not yet done with Louisiana,” Edwards said in a statement. “I especially want to call on the young people of our state, those ages 18 to 29, to take this illness seriously.”

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**<https://www.wbrz.com/news/dept-of-education-releases-guidelines-for-the-2020-2021-reopening-of-k-12-schools>**

Dept. of Education releases guidelines for the 2020-2021 reopening of K-12 schools

Staff Report

[www.WBRZ.com](http://www.WBRZ.com)

June 25, 2020

BATON ROUGE - The Louisiana Department of Education released guidance pertaining to the reopening of K-12 schools across the state, Thursday morning. The guidance is in harmony with principles suggested by the Louisiana Department of Health (LDH) and the Resilient Louisiana Commission.

While each district will ultimately decide how schools will operate, the guidelines offer best practices that encourage districts to prepare for three possible reopening scenarios: traditional, hybrid or distance/remote learning. In addition, they explain how health requirements will change based on the three reopening phases. The resource offers an outline for what to expect and how to respond to a COVID-19 positive or presumptive positive case on campus.

Entitled, "Strong Start 2020: Guidelines and Resources for School Reopening," the strategy for reopening includes best practices as they relate to:

- Bus capacity and student group size
- Student symptom monitoring
- Face coverings
- Food prep and meal service

Along with the resources released in the guideline mentioned above, schools and districts will have access to additional support through webinars and via a hotline.

The LDOE is also partnering with Children's Hospital New Orleans to sponsor the hotline as well as regular town hall webinars for educators. The hotline will be staffed by skilled nurses who can advise school staff on medical questions about students and team members related to COVID-19. School nurses and other school administrators can call 504-837-7760 weekdays from 7 a.m. to 11 p.m. and weekends from 8 a.m. to 8 p.m.

In the town hall webinars, experts will discuss topics like COVID-19 transmission basics, preventative measures and sanitation best practices, and additional tips for guideline implementation. There will also be an opportunity for open Q&A.

These will be offered every two weeks starting in July. While the hotline and town hall webinars are for education professionals, Children's Hospital New Orleans currently offers online COVID-19 resources for families and is developing additional family supports.

[Click here to view the full list of guidelines for Louisiana schools.](#)  
On Thursday evening, Louisiana's Superintendent of Education, Cade Brumley, addressed plans of reopening schools before the Senate.

Just one month on the job, Brumley spent the evening navigating lawmakers and the public through the department of education's suggestions for Louisiana's 1,600 plus schools heading into August.

He says that schools should prepare for three scenarios: traditional classroom learning, virtual, or a hybrid of the two.

"We are asking systems to plan for those multiple contingencies. We're asking them to submit those plans back to us. And we also know that you could have a toggle back and forth between those setups. I think that if you're in phase two, for instance, when the school year begins, you're more likely to be on that hybrid model than you would be fully congregated in a traditional setting."

The guidance released Thursday says that classroom learning should include smaller group settings and social distancing.

It's also suggested that adults and students, third grade and up, wear masks to the maximum extent possible.

Brumley acknowledges the struggles that will come with that, noting that it's up to individual school systems to decide how they want to enforce these guidelines.

"They will then have to make a decision on how to put this into place. And look, I'm a former school principal, I know it's hard to keep a student's shirttail tucked in. Much less a mask. And I think a system will almost have to treat this like a part of uniform if they decide to go with these guidelines."

Another concern among parents is transportation. With fewer kids allowed on the bus in all phases of reopening, Brumley says they're encouraging parents to drop their kids off, but he knows that's not possible for everyone.

"We are working with system leaders to help them understand these recommendations so that they can begin planning the logistics of their routes. We know that it will be a challenge."

Members of the senate education committee suggested to Brumley that the department of education keep a close eye on schools and how they adhere to the guidance, saying that suggestions alone are not enough.

"All the paperwork in the world is one thing, but as my colleague said the implementation is going to be the challenge. And you want to do that in a supportive way."