

# Stalemate: Are Louisiana virus rules still in place or not?

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The status of Louisiana's statewide mask mandate, business restrictions and other limits enacted by Gov. John Bel Edwards to combat the coronavirus remained in a sort of legal limbo Monday.

House Republicans, backed by Attorney General Jeff Landry, say they have nullified the entire public health emergency and the rules Louisiana's Democratic governor enacted through that emergency proclamation. But the Edwards administration continues to enforce the rules, arguing the law used by GOP lawmakers to revoke his emergency orders is unconstitutional.

By midday Monday, no one had asked a judge to decide who's right, leaving the stalemate in place and widespread uncertainty about what guidelines businesses, churches, schools and residents should follow.

A never-before-used process in Louisiana law allows a majority of legislators in either the House or Senate to sign a petition to revoke a governor's emergency declaration — and all the restrictions and rules tied to it. GOP House Speaker Clay Schexnayder and 64 other Republican lawmakers in the 105-member House signed such a petition on Friday and turned it over to Edwards, prohibiting the governor from enacting another coronavirus emergency proclamation for seven days.

The law calls for the governor receiving such a petition to end the emergency. But Edwards hasn't terminated his emergency order, arguing he doesn't believe the law allowing legislators in only one chamber to overturn a governor's emergency declaration is constitutional.

On Monday, Edwards posted on Twitter that his Phase 3 restrictions remain in place: "Our mitigation measures work, and we'll continue to see progress if we follow the guidelines in place."

The state fire marshal's office, which has been charged with enforcing the governor's rules on businesses, said it continues its work. It can fine businesses and recommend them for permit revocations for not following the coronavirus rules.

"We have received no different directive from the governor's office, so our operations remain the same," said agency spokeswoman Ashley Rodrigue.

Still, Landry — in a statement released over the weekend and again on conservative talk radio Monday — insisted the coronavirus restrictions no longer exist, whether Edwards follow the law's provisions to terminate his emergency order or not.

"The termination process is effective immediately, unless provided otherwise in the petition ... The termination of emergency powers does not require any additional action other than the signed petition," Landry said in his statement.

Edwards lambasted the House Republicans who signed the petition, saying they put at risk Louisiana's gains in combating two separate virus case spikes.

But legislators who backed the petition effort said the governor has repeatedly ignored their requests for more information and their concerns about certain restrictions. They say his rules are too harsh seven months after the virus outbreak began in Louisiana.

Edwards has loosened his restrictions several times, noting his rules are in line with guidance from the White House's coronavirus task force and are less strict than what exists in many other states.

Under Edwards' restrictions, restaurants, churches, gyms and most other businesses can operate at 75% of their capacity. Sports events such as high school and college football games have crowd limits of 25%. But high school football stadiums can have their crowds boosted to 50% capacity in parishes where 5% or fewer of their coronavirus tests have come back positive in the last two weeks.

Tight limits remain on bars, keeping them to takeout and delivery sales only, unless they operate in a parish that has recently seen low test positivity rates — and only if local officials agree. When they are allowed to open for in-person, onsite drinking,

bars are restricted to 25% of their occupancy limits and tableside service.

At least 5,648 Louisianans have died of the COVID-19 disease caused by the coronavirus, according to the state health department.