HLS 20RS-1331 ORIGINAL

2020 Regular Session

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HOUSE CONCURRENT RESOLUTION NO. 51

BY REPRESENTATIVE EDMONSTON

COMMERCE: Requests the study of the designation of a business as non-essential

A CONCURRENT RESOLUTION

2	To urge and request the Louisiana Law Institute to study the constitutionality of the forced
3	closure of businesses that are designated as non-essential and to submit a report of
4	the findings to the House Committee on Commerce and Senate Committee on
5	Commerce, Consumer Protection, and International Affairs.
6	WHEREAS, the Constitution of the United States bestows certain rights upon the
7	citizens of this country; and
8	WHEREAS, among these is the right not to be deprived of life, liberty, or property
9	without due process of law; and
10	WHEREAS, in response to the threat posed by COVID-19, Emergency Proclamation
11	Number 30 JBE 2020 was issued; and
12	WHEREAS, the response of the Louisiana state government to the health crisis in
13	order to protect the health and safety of the public was unprecedented and ahistorical; and
14	WHEREAS, the proclamation ordered certain businesses to cease operations
15	completely; and
16	WHEREAS, additional business restrictions were implemented through the issuance
17	of Emergency Proclamation Number 33 JBE 2020, which ordered all non-essential
18	businesses to close to the public and members; and
19	WHEREAS, these orders forced small businesses which were deemed non-essential
20	to stop engaging in commerce; and

1 WHEREAS, the owners of these businesses were forced to forfeit the potential 2 revenue earned by the business during the period of closure; and 3 WHEREAS, shutting down a large portion of businesses can have a detrimental 4 effect on the local economy and local families; and 5 WHEREAS, it is in the best interest of the citizens of this state to ensure orders of 6 these types are made in accordance with the law and the negative effects are mitigated to the 7 greatest extent possible; and 8 WHEREAS, the public health is dependent on the public economy and shutting down 9 the economy affects the normal supply chain, often increasing prices and the ability of the 10 public to receive essential goods and services. 11 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby 12 urge and request the Louisiana Law Institute to study the constitutionality of executive 13 orders forcing the closure of businesses that are designated as non-essential and what 14 legislative steps could be implemented to place a check upon the unilateral determination 15 of a business as non-essential. 16 BE IT FURTHER RESOLVED that the Louisiana Law Institute shall submit a report 17 of its findings to the House Committee on Commerce and the Senate Committee on 18 Commerce, Consumer Protection, and International Affairs, no later than thirty days before 19 the convening of the 2021 Regular Session of the Legislature of Louisiana.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 51 Original

2020 Regular Session

Edmonston

Requests the Louisiana Law Institute to study the constitutionality of executive orders which force the closure of certain businesses and to report its findings, along with any potential legislative measures, to the legislature at least within 30 days before the convening of the 2021 Regular Session.