

2020 Regular Session

SENATE BILL NO. 466

BY SENATOR HEWITT

PUBLIC MEETINGS. Provides for teleconferencing of public bodies under certain circumstances. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 42:12(A) and 13(A) and to enact R.S. 24:7.1 and R.S. 42:14(E),
3 relative to meetings by public bodies; to provide for teleconferencing by public
4 bodies in times of catastrophe; to provide requirements for holding a meeting by
5 teleconference; to provide for participation in certain meetings by teleconferencing
6 or other electronic means for legislative bodies; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 24:7.1 is hereby enacted to read as follows:

9 **§7.1. Participation in certain meetings by teleconferencing or other electronic**
10 **means for legislative bodies**

11 **A. During a gubernatorially declared state of emergency pursuant to**
12 **R.S. 29:724 et seq., or a gubernatorially declared state of public health**
13 **emergency pursuant to R.S. 29:766 et seq., and as necessary to provide for the**
14 **continuity of government and legislative operations during such an emergency,**
15 **a member shall be counted for quorum purposes for the Senate or the House of**
16 **Representatives to transact business and for quorum purposes for a committee**
17 **to transact business if the member participates remotely by telephone,**

1 teleconference, or other electronic means.

2 B.(1) During a gubernatorially declared state of emergency pursuant to
 3 R.S. 29:724 et seq., or a gubernatorially declared state of public health
 4 emergency pursuant to R.S. 29:766 et seq., and as necessary to provide for the
 5 continuity of government and legislative operations during such an emergency,
 6 a member shall be permitted to participate in the debate and vote if the member
 7 participates remotely by telephone, teleconference, or other electronic means.
 8 The member shall certify each vote in writing and file the certification with the
 9 secretary of the Senate or the clerk of the House of Representatives.

10 (2) Any amendment, to be considered during legislative operations
 11 taking place remotely by telephone, teleconference, or other electronic means,
 12 shall be submitted at least twenty-four hours in advance of consideration of the
 13 amendment to the legislative body.

14 C. The authority provided in this Section during a gubernatorially
 15 declared emergency or public health emergency shall be invoked only at the
 16 discretion of the presiding officer and shall automatically expire upon the
 17 termination of the declared state of emergency.

18 Section 2. R.S. 42:12(A) and 13(A) are hereby amended and reenacted and
 19 R.S. 42:14(E) is hereby enacted to read as follows:

20 §12. Public policy for open meetings; liberal construction

21 A. It is essential to the maintenance of a democratic society that public
 22 business be performed in an open and public manner and that the citizens be advised
 23 of and aware of the performance of public officials and the deliberations and
 24 decisions that go into the making of public policy. It is further essential that in
 25 times of catastrophe that government is obligated to continue to function and
 26 to facilitate the performance of its obligations, meetings of public bodies by
 27 audio or visual teleconference should be authorized under certain conditions.

28 Toward this end, the provisions of this Chapter shall be construed liberally.

29 * * *

1 §13. Definitions

2 A. For the purposes of this Chapter:

3 (1) **"Anchor location" means the physical location from which the**
4 **teleconference meeting originates or the participants are connected.**5 (2) **"Catastrophe" means a condition or occurrence that substantially**
6 **interferes physically with the ability of a public body to obtain a quorum to**
7 **conduct a meeting subject to the Open Meetings Law including fire, flood,**
8 **earthquake, hurricane, tornado, epidemic, statewide gubernatorially declared**
9 **public health emergency or disaster, riot, civil disturbance, enemy attack or**
10 **other threatened act of lawlessness or violence.**11 (3) "Consent agenda" means a grouping of procedural or routine agenda items
12 that can be approved with general discussion.13 ~~(2)~~(4) "Meeting" means the convening of a quorum of a public body to
14 deliberate or act on a matter over which the public body has supervision, control,
15 jurisdiction, or advisory power. It shall also mean the convening of a quorum of a
16 public body by the public body or by another public official to receive information
17 regarding a matter over which the public body has supervision, control, jurisdiction,
18 or advisory power.19 ~~(3)~~(5) "Public body" means village, town, and city governing authorities;
20 parish governing authorities; school boards and boards of levee and port
21 commissioners; boards of publicly operated utilities; planning, zoning, and airport
22 commissions; and any other state, parish, municipal, or special district boards,
23 commissions, or authorities, and those of any political subdivision thereof, where
24 such body possesses policy making, advisory, or administrative functions, including
25 any committee or subcommittee of any of these bodies enumerated in this paragraph.26 ~~(4)~~(6) "Quorum" means a simple majority of the total membership of a public
27 body.28 (7) **"Teleconference" means a communication conducted between two**
29 **or more persons in which one or more of the participants communicate with the**

1 other participants through the use of an audio and visual signal transmitted
2 over a telephone network, a data network, or the internet.

3 * * *

4 §14. Meetings of public bodies to be open to the public

5 * * *

6 E. This Chapter does not prohibit and shall authorize holding of a
7 meeting by a public body subject to the law by teleconference in the case where
8 a catastrophe has occurred and timely action on issues under the jurisdiction
9 of the public body is necessary in the discretion of the presiding officer of the
10 public body. A teleconference meeting may be held only under the following
11 circumstances:

12 (1) The convening of a quorum at one location is impractical or
13 impossible due to the catastrophe and the presiding officer of the public body
14 determines that timely action on issues under the jurisdiction of the public body
15 is necessary.

16 (2) The public body has previously adopted a resolution, rule, or
17 ordinance governing the use and conduct of a teleconference meeting.

18 (3) The public body complies with all notice and information
19 requirements of this Chapter.

20 (4) The public body shall certify in the meeting notice the catastrophe,
21 the public necessity which exists, and the inability to obtain the quorum of the
22 public body in person is impractical or impossible due to the catastrophe.

23 (5) The notice shall specify the anchor location of the meeting and the
24 means by which the public may listen and participate.

25 (6) All votes taken at a teleconference meeting shall be roll call votes.

26 (7) All teleconference meetings shall have call-in lines available for public
27 participation that will be noted in the meeting notice.

28 (8) Each part of the meeting, with the exception of a duly called executive
29 session, shall be audible to the public at the location of the meeting and

1 **broadcast over the internet.**

2 **(9) The meeting held by teleconference shall be recorded and made**
 3 **available to the public in an online archive located in the internet website of the**
 4 **entity holding the meeting.**

5 Section 3. Any action taken at a meeting conducted pursuant to and in accordance
 6 with the provisions of Section 4 of Proclamation Number JBE 2020-30, and any extension
 7 thereof, during the COVID-19 public health emergency shall not be subject to the provisions
 8 of R.S. 42:24 and any member of a public body who participated in a meeting conducted
 9 pursuant to and in accordance with the provisions of Section 4 of Proclamation Number JBE
 10 2020-30, and any extension thereof, during the COVID-19 public health emergency shall not
 11 be subject to the provisions of R.S. 42:28.

12 Section 4. This Act shall become effective upon signature by the governor or, if not
 13 signed by the governor, upon expiration of the time for bills to become law without signature
 14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 16 effective on the day following such approval.

The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann Brown.

	DIGEST	
SB 466 Reengrossed	2020 Regular Session	Hewitt

Proposed law provides for quorum requirements for the Senate and House of Representatives and allows members to participate in debates and to vote via telephone, teleconferencing or other electronic means during a gubernatorially declared state of emergency or gubernatorially declared state of public health emergency.

Proposed law requires written certification of votes cast by teleconferencing or other electronic means to be provided to the secretary of the Senate or clerk of the House of Representatives. Requires amendments to be considered in a meeting under proposed law to be submitted at least 24 hours in advance of consideration.

Proposed law provides that the authority to utilize emergency voting via telephone, teleconferencing or other electronic means protocol will be invoked only at the discretion of the presiding officer and automatically expire upon the termination of the declared state of emergency.

Proposed law indicates as part of public policy for open meetings by public bodies that it is essential that in times of catastrophe government is obligated to continue to function and to facilitate the performance of its obligations, and that meetings of public bodies by audio or

visual teleconference should be authorized.

Proposed law defines the following terms:

- (1) "Anchor location" means the physical location from which the teleconference meeting originates or the participants are connected.
- (2) "Catastrophe" means a condition or occurrence that substantially interferes physically with the ability of a public body to obtain a quorum to conduct a meeting subject to the Open Meetings Law including fire, flood, earthquake, hurricane, tornado, epidemic, statewide gubernatorially declared public health emergency or disaster, riot, civil disturbance, enemy attack or other threatened act of lawlessness or violence.
- (3) "Teleconference" means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through the use of an audio and visual signal transmitted over a telephone network, a data network or the internet.

Proposed law authorizes the holding of a meeting by a public body subject to the law by teleconference in the case where a catastrophe has occurred and timely action on issues under the jurisdiction of the public body is necessary in the discretion of the presiding officer of the public body.

Proposed law authorizes a public meeting by teleconference only under the following circumstances:

- (1) The convening of a quorum at one location is impractical or impossible due to the catastrophe and the presiding officer of the public body determines that timely action on issues under the jurisdiction of the public body is necessary.
- (2) The public body has previously adopted a resolution, rule or ordinance governing the use and conduct of a teleconference meeting.
- (3) The public body complies with all notice and information requirements of the open meetings law.
- (4) The public body certifies in the meeting notice the catastrophe, the public necessity which exists and the inability to obtain the quorum of the public body in person is impractical or impossible due to the catastrophe.
- (5) The notice shall specify the anchor location of the meeting and the means by which the public may listen and participate.
- (6) All votes taken at a teleconference meeting shall be roll call votes.
- (7) All teleconference meetings shall have call in lines available for public participation that will be noted in the meeting notice.
- (8) Each part of the meeting, with the exception of a duly called executive session, shall be audible to the public at the location of the meeting and broadcast over the internet.
- (9) The meeting held by teleconference shall be recorded and made available to the public in an online archive located in the internet website of the entity holding the meeting.

Proposed law provides that any member of a public body who participated in a meeting or a meeting conducted pursuant to and in accordance with the provision of Section 4 of

Proclamation Number JBE 2020-30 during the COVID-19 public health emergency shall not be subject to the provisions of present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 42:12(A) and 13(A); adds R.S. 24:7.1 and R.S. 42:14(E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Allows members of the legislature to participate remotely via electronic means during a gubernatorially declared emergency or gubernatorially declared state of public health emergency.
2. Provides for quorum requirements and certification of votes.
3. Requires the approval of the presiding officer.
4. Provides for such authority's expiration.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Allows members of the legislature to participate in debates remotely via electronic means during a gubernatorially declared emergency or gubernatorially declared state of public health emergency.
2. Requires amendments to be submitted at least 24 hours in advance for consideration of an instrument by the legislative body remotely via electronic means.
3. Provides that meetings held and members in attendance, pursuant to Proclamation Number JBE 2020-30 during the COVID-19 public health emergency, shall not be subject to the provisions of present law.
4. Makes technical changes.