

SENATE BILL NO. 466

BY SENATOR HEWITT

1 AN ACT

2 To enact R.S. 24:7.1 and R.S. 42:17.1 and 29, relative to open meetings; to authorize public  
3 bodies, including the legislature and committees of the legislature, to conduct certain  
4 meetings electronically during certain states of emergency or disaster; to provide for  
5 requirements related thereto; to provide for meetings of the State Bond Commission;  
6 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,**  
18 **teleconference, or other electronic means.**

19 **B.(1) During a gubernatorially declared state of emergency pursuant to**  
20 **R.S. 29:724 et seq., or a gubernatorially declared state of public health**  
21 **emergency pursuant to R.S. 29:766 et seq., and as necessary to provide for the**  
22 **continuity of government and legislative operations during such an emergency,**  
23 **a member shall be permitted to participate in the debate and vote if the member**  
24 **participates remotely by telephone, teleconference, or other electronic means.**

1           The member shall certify each vote in writing and file the certification with the  
2           secretary of the Senate or the clerk of the House of Representatives.

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

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

11           Section 2. R.S. 42:17.1 and 29 are hereby enacted to read as follows:

12           §17.1. Exception for meetings during a gubernatorially declared disaster or  
13           emergency

14           A. Notwithstanding any other provision of this Chapter to the contrary,  
15           a public body may conduct and its members may attend and participate in a  
16           meeting via electronic means provided all of the following:

17           (1) The governor has declared a state of emergency or disaster involving  
18           a geographic area within the jurisdiction of the public body and the nature of  
19           the emergency or disaster would cause a meeting of the public body conducted  
20           pursuant to the other provisions of this Chapter to be detrimental to the health,  
21           safety, or welfare of the public.

22           (2) The presiding officer of the public body certifies on the notice of the  
23           meeting that the agenda of the meeting is limited to one or more of the  
24           following:

25           (a) Matters that are directly related to the public body's response to the  
26           disaster or emergency and are critical to the health, safety, or welfare of the  
27           public.

28           (b) Matters that if they are delayed will cause curtailment of vital public  
29           services or severe economic dislocation and hardship.

30           (c) Matters that are critical to continuation of the business of the public

1 body and that are not able to be postponed to a meeting held in accordance with  
2 the other provisions of this Chapter due to a legal requirement or other deadline  
3 that cannot be postponed or delayed by the public body.

4 (3) The public body and its presiding officer comply with all of the  
5 requirements of this Section.

6 B. No later than twenty-four hours prior to a meeting conducted  
7 pursuant to the provisions of this Section, the public body shall provide for all  
8 of the following:

9 (1) The notice and agenda for the meeting, which shall be posted on the  
10 website of the public body, emailed to any member of the public or the news  
11 media who requests notice of meetings of the public body, and widely  
12 distributed to every known news media outlet that broadcasts or publishes news  
13 within the geographic area within the jurisdiction of the public body.

14 (2) Detailed information regarding how members of the public may  
15 participate in the meeting and submit comments regarding matters on the  
16 agenda, which information shall be posted on the website of the public body,  
17 emailed to any member of the public or the news media who requests notice of  
18 meetings of the public body, and widely distributed to every known news media  
19 outlet that broadcasts or publishes news within the geographic area within the  
20 jurisdiction of the public body.

21 C. For each meeting conducted pursuant to this Section:

22 (1) The public body shall provide a mechanism to receive public  
23 comment electronically both prior to and during the meeting.

24 (2) The public body shall properly identify and acknowledge all public  
25 comments during the meeting and shall maintain those comments in its record  
26 of the meeting.

27 (3) The presiding officer of the public body shall ensure that each person  
28 participating in the meeting is properly identified.

29 (4) The presiding officer shall ensure that all parts of the meeting,  
30 excluding any matter discussed in executive session, are clear and audible to all

1 participants in the meeting including the public.

2 D. For the purposes of this Section, the following words and phrases  
 3 shall have the following meanings:

4 (1) "Meeting via electronic means" shall mean a meeting occurring via  
 5 teleconference or video conference.

6 (2) "Teleconference" shall mean a method of communication which  
 7 enables persons in different locations to participate in a meeting and to hear  
 8 and otherwise communicate with each other.

9 (3) "Video conference" shall mean a method of communication which  
 10 enables persons in different locations to participate in a meeting and to see,  
 11 hear, and otherwise communicate with each other.

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13 §29. State Bond Commission; teleconference meetings

14 A. Subject to the limitations set forth in this Section, the State Bond  
 15 Commission may hold periodic meetings via electronic means as defined in R.S.  
 16 42:17.1 as part of a regular schedule if such meetings comply with all of the  
 17 following:

18 (1) A physical anchor location for the meeting shall be established from  
 19 which the meeting shall originate and at which the presiding officer of the  
 20 meeting shall be present and conduct the meeting. Any member of the State  
 21 Bond Commission or any member of the public may participate in person at the  
 22 anchor location.

23 (2) Such meetings shall comply with the requirements of R.S. 42:14, 16,  
 24 17, 19, 20, and 23.

25 (3) The State Bond Commission shall adopt and publish procedures for  
 26 notice of and the conduct of such meeting in advance thereof including but not  
 27 limited to the means for participation and providing testimony or public  
 28 comment prior to and during the meeting, including a toll-free call in line for  
 29 participants and the public, the number for which shall be posted on the website  
 30 of the State Bond Commission.

1           (4) All public comments received in writing or by email shall be read  
2           into the record during the meeting.

3           (5) All votes taken in the meeting shall be by roll call vote.

4           (6) The entire meeting with the exception of a duly called executive  
5           session shall be audible to the public and broadcast over the internet.

6           (7) The meeting shall be recorded and made available to the public in  
7           an online archive located on the website of the State Bond Commission.

8           (8) If a problem occurs that causes the meeting to no longer be visible  
9           or audible to the public, the meeting shall be recessed until the problem is  
10          resolved. If the problem is not resolved in two hours or less, the meeting shall  
11          be adjourned.

12          B.(1) The number of meetings held via electronic means authorized by  
13          this Section shall be one teleconference meeting per quarter during a calendar  
14          year.

15          (2) Under no circumstances shall the State Bond Commission conduct  
16          successive meetings by teleconference.

17          C. A meeting held pursuant to this Section shall not require a quorum  
18          to be present at the anchor location of the meeting. All members of the State  
19          Bond Commission participating at the anchor location or electronically shall be  
20          counted for purpose of establishing a quorum.

21          D. The provisions of this Section shall not limit the conduct of meetings  
22          via electronic means during a gubernatorially proclaimed or declared disaster  
23          or emergency in the manner provided by R.S. 42:17.1.

24          E. The State Bond Commission may adopt rules, regulations, and  
25          procedures to allow the public to participate in a meeting via electronic means.

26          F. For purposes of this Section, "anchor location" means the physical  
27          location from which the meeting via electronic means originates or the  
28          participants are connected.

29          G. The provisions of this Section shall cease to be effective on August 1,  
30          2022.

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

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_