

RÉSUMÉ DIGEST

ACT 302 (SB 466)

2020 Regular Session

Hewitt

New 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.

New 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 new law to be submitted at least 24 hours in advance of consideration.

New 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 termination of the declared state of emergency.

New law authorizes a public body to conduct and its members attend and participate in a meeting via electronic means provided all of the following occur:

- (1) The governor has declared a state of emergency or disaster involving a geographic area within the jurisdiction of the public body and the nature of the emergency or disaster would cause a meeting of the public body conducted pursuant to the open meetings law to be detrimental to the health, safety, or welfare of the public.
- (2) The presiding officer of the public body certifies on the notice of the meeting that the agenda of the meeting is limited to one or more of the following items:
 - (a) A matter directly related to the public body's response to the disaster or emergency and which is critical to the health, safety, or welfare of the public.
 - (b) A matter that, if they are delayed, will cause curtailment of vital public services or severe economic dislocation and hardship.
 - (c) A matter that is critical to continuation of the business of the public body and that is not able to be postponed due to a legal requirement or other deadline that cannot be postponed or delayed by the public body.
- (3) The public body and its presiding officer comply with all requirements in new law.

Requires that no later than 24 hours prior to a meeting conducted under new law the public body shall provide for all of the following:

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

Requires the following for each meeting conducted under new law:

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

- (2) The public body shall properly identify and acknowledge all public comments during the meeting and shall maintain those comments in its record of the meeting.
- (3) The presiding officer of the public body shall ensure that each person participating in the meeting is properly identified.
- (4) The presiding officer shall ensure that all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting including the public.

New law defines "meeting via electronic means", "teleconference", and "video conference".

New law authorizes the State Bond Commission to hold periodic meetings via electronic means provided the meetings comply with all of the following items:

- (1) Establishment of a physical anchor location for the meeting from which the meeting will originate and at which the presiding officer of the meeting shall be present and conduct the meeting. Authorizes any member of the commission or any member of the public to participate in person at the anchor location.
- (2) Meeting shall also comply with the requirements of the Open Meetings Law.
- (3) Requires that the commission adopt and publish procedures for notice of and the conduct of these meeting in advance thereof including but not limited to the means for participation and providing testimony or public comment prior to and during the meeting, including a toll-free call-in line for participants and the public, the number for which shall be posted on the commission's website.
- (4) Requires that all public comments received by the commission in writing or by email be read into the record during the meeting.
- (5) Requires that all votes taken in the meeting shall be by roll call vote.
- (6) Requires that the entire meeting with the exception of a duly called executive session shall be audible to the public and broadcast over the internet.
- (7) Requires the recorded meeting be made available to the public in an online archive located on the commission's website.
- (8) If a problem occurs that causes the meeting to no longer be visible or audible to the public, then requires that the meeting be recessed until the problem is resolved. Requires adjournment of the meeting if the a problem cannot be resolved in two hours or less.

New law provides that the number of meetings of the State Bond Commission held via electronic means shall be one teleconference meeting per quarter during a calendar year. Prohibits conducting successive meetings by teleconference.

New law does not require a quorum to be present at the anchor location of the meeting and that all members of the State Bond Commission participating at the anchor location or electronically shall be counted in establishing a quorum.

New law does not limit State Bond Commission meetings via electronic means during a gubernatorially proclaimed or declared disaster or emergency.

New law regarding the State Bond Commission ceases on August 1, 2022.

Effective upon signature of the governor (June 12, 2020).

(Adds R.S. 24:7.1 and R.S. 42:17.1 and 29)