

**VETOED**  
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1 AN ACT

2 To enact R.S. 42:17.2, relative to meetings of legislative houses and committees during a  
3 gubernatorially declared state of disaster or emergency; to provide for public input;  
4 to provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 42:17.2 is hereby enacted to read as follows:

7 **§17.2. Exception for meetings of legislative houses and committees during a**  
8 **gubernatorially declared disaster or emergency**

9 **A. Notwithstanding any other provision of this Chapter to the contrary,**  
10 **the legislature may meet and transact business via electronic means provided**  
11 **that the governor has declared a state of emergency or disaster and the nature**  
12 **of the emergency or disaster would cause a meeting of the legislature conducted**  
13 **pursuant to the other provisions of this Chapter to be detrimental to the health,**  
14 **safety, or welfare of the public.**

15 **B. No later than twenty-four hours prior to a meeting conducted**  
16 **pursuant to the provisions of this Section, the legislature or legislative**  
17 **committee shall provide for all of the following:**

18 **(1) The notice and agenda for the meeting, which shall be posted on the**  
19 **legislative website, emailed to any member of the public who requests notice of**  
20 **the meeting, and widely distributed upon request to every known news media**  
21 **outlet that broadcasts or publishes legislative news.**

22 **(2) Detailed information regarding how members of the public may**

1 participate in the meeting and submit comments regarding matters on the  
2 agenda, which information shall be posted on the legislative website, emailed to  
3 any member of the public who requests notice of the meeting, and widely  
4 distributed upon request to every known news media outlet that broadcasts or  
5 publishes legislative news.

6 C. Each meeting conducted pursuant to this Section shall comply with  
7 the following:

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

10 (2) The legislature shall properly identify and acknowledge all public  
11 comments during the meeting and shall maintain those comments in its record  
12 of the meeting.

13 (3) The presiding officer shall ensure that each person participating in  
14 the meeting is properly identified.

15 (4) The presiding officer shall ensure that all parts of the meeting,  
16 excluding any matter discussed in executive session, are clear and audible to all  
17 participants in the meeting including the public.

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

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

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

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

28 Section 2. This Act shall become effective upon signature by the governor or, if not  
29 signed by the governor, upon expiration of the time for bills to become law without signature  
30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 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: \_\_\_\_\_

**VETO MESSAGE**

"Please be advised that I have vetoed Senate Bill 39 of the Second Extraordinary Session.

This bill was intended to provide for the Legislature to meet during a state of emergency via telephone or video conference. It appears that this bill was intended to be the statutory companion for Senate Bill 40, a constitutional amendment to provide for continuity of government by allowing the Legislature to meet remotely. This constitutional amendment did not pass the Senate. Without this constitutional authority, this bill should not be signed into law.

In the three sessions held during 2020, the ability of the public to engage with the Legislature has been dramatically limited, to detrimental effect. This bill would potentially result in even less public participation in legislative proceedings. While there certainly is a need to have the Legislature meet to provide for the continuity of government during an emergency, such should only be considered after careful analysis and with the proper constitutional framework.

It does seem ironic that, mere days before sixty-five House members signed a petition which purports to terminate the COVID-19 public health emergency, all but five of the same members voted for this bill which, during such an emergency, allows legislators to participate in legislative proceedings via teleconference or video conference from the safety of their homes if meeting in person would be "detrimental to the health, safety, or welfare of the public." The COVID-19 emergency does indeed continue to be "detrimental to the health, safety, or welfare of the public."