

## RÉSUMÉ DIGEST

SB 224

2022 Regular Session

Hewitt

Proposed law would have authorized the legislature and legislative committees to meet, vote, and transact business via electronic means provided that the governor has declared a state of emergency or disaster and the nature of the emergency or disaster would cause a meeting of the legislature at the state capitol to be detrimental to the health, safety, or welfare of the public.

Proposed law would have required the presiding officer of the house of which he was a member to certify that the agenda of the meeting was limited to criteria specified in proposed law.

Proposed law would have required at least 24-hours in advance of a meeting held via electronic means its notice and agenda to be posted on the legislative website and distributed upon request to members of the public and media.

Proposed law would have required detailed information regarding public participation to be posted on the legislative website and distributed upon request to members of the public and media.

Proposed law would have required the legislature to provide a mechanism for public comment prior to and during any meeting held, properly identify and acknowledge all public comments during the meeting, maintain those comments in its record of the meeting, ensure that each person participating in the meeting was properly identified, and ensure that all parts of the meeting, excluding any matter discussed in executive session, were clear and audible to all participants in the meeting including the public.

Proposed law would have required each person appearing before a legislative committee to swear or affirm that his testimony was true and correct prior to providing testimony.

Proposed law would have defined the following terms:

- (1) "Meeting via electronic means" would have meant a meeting occurring via teleconference or video conference.
- (2) "Teleconference" would have meant a method of communication which enabled persons in different locations to participate in a meeting and to hear and otherwise communicate with each other.
- (3) "Video conference" would have meant a method of communication which enabled persons in different locations to participate in a meeting and to see, hear, and otherwise communicate with each other.

Existing law allows a public body to conduct and its members to attend and participate in a meeting via electronic means during a gubernatorially declared disaster or emergency. Proposed law would have provided that this exception did not apply to the legislature or a committee or subcommittee thereof.

Existing law provides that during a gubernatorially declared emergency, as necessary to provide for the continuity of government and legislative operations, a member of the legislature or a committee thereof shall be counted for quorum purposes if the member participates through electronic means. Further provides that during a gubernatorially declared emergency a member shall be permitted to participate in the debate and vote through electronic means. The member shall certify each vote in writing and file the certification with the secretary of the Senate or the clerk of the House of Representatives.

Proposed law would have repealed existing law.

Would have become effective upon signature of governor or lapse of time for gubernatorial action.

(Would have amended R.S. 42:17.1(A)(intro para); would have added R.S. 42:17.2; would have repealed R.S. 24:7.1)

**VETO MESSAGE:**

"Please be advised that I have vetoed Senate Bill 224 of the Regular Session of 2022.

This well-intentioned bill would allow for remote operations of the Louisiana Legislature during a declared emergency. While this bill would certainly allow for needed changes for access of legislative members and the public to the necessary operations of the legislative branch, Article 3, Section 2 (A) of the Louisiana Constitution requires, without exception, the legislature to meet "in the state capital." Thus, without a constitutional amendment, this bill violates this constitutional provision. The companion amendment, Senate Bill 225, did not finally pass the legislature. Thus, this bill cannot become law."