

2020 Second Extraordinary Session

SENATE BILL NO. 39

BY SENATOR HEWITT

LEGIS POWERS/FUNCTIONS. Provides for remote operations of the legislature during a gubernatorially declared state of emergency. (gov sig) (Item #25)

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:**

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

5 **(2) Detailed information regarding how members of the public may participate**
6 **in the meeting and submit comments regarding matters on the agenda, which**
7 **information shall be posted on the legislative website, emailed to any member of the**
8 **public who requests notice of the meeting, and widely distributed upon request to every**
9 **known news media outlet that broadcasts or publishes legislative news.**

10 **C. Each meeting conducted pursuant to this Section shall comply with**

11 **the following:**

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

14 **(2) The legislature shall properly identify and acknowledge all public comments**
15 **during the meeting and shall maintain those comments in its record of the meeting.**

16 **(3) The presiding officer shall ensure that each person participating in the**
17 **meeting is properly identified.**

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

21 **D. For the purposes of this Section, the following words and phrases shall**

22 **have the following meanings:**

23 **(1) "Meeting via electronic means" shall mean a meeting occurring via**
24 **teleconference or video conference.**

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

28 **(3) "Video conference" shall mean a method of communication which enables**
29 **persons in different locations to participate in a meeting and to see, hear, and otherwise**

1 **communicate with each other.**

2 Section 2. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Matt DeVille.

DIGEST

SB 39 Original

2020 Second Extraordinary Session

Hewitt

Proposed law provides that the legislature may meet 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 capital to be detrimental to the health, safety, or welfare of the public.

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

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

Proposed law provides that the legislature will 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 is properly identified, and 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.

Proposed law defines the following terms:

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

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

(Adds R.S. 42:17.2)