

DIGEST

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SB 466 Reengrossed

2020 Regular Session

Hewitt

Proposed 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.

Proposed 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 proposed law to be submitted at least 24 hours in advance of consideration.

Proposed 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 the termination of the declared state of emergency.

Proposed law indicates as part of public policy for open meetings by public bodies that it is essential that in times of catastrophe government is obligated to continue to function and to facilitate the performance of its obligations, and that meetings of public bodies by audio or visual teleconference should be authorized.

Proposed law defines the following terms:

- (1) "Anchor location" means the physical location from which the teleconference meeting originates or the participants are connected.
- (2) "Catastrophe" means a condition or occurrence that substantially interferes physically with the ability of a public body to obtain a quorum to conduct a meeting subject to the Open Meetings Law including fire, flood, earthquake, hurricane, tornado, epidemic, statewide gubernatorially declared public health emergency or disaster, riot, civil disturbance, enemy attack or other threatened act of lawlessness or violence.
- (3) "Teleconference" means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through the use of an audio or audiovisual signal transmitted over a telephone network, a data network or the internet.

Proposed law authorizes the holding of a meeting by a public body subject to the law by teleconference in the case where a catastrophe has occurred and timely action on issues under the jurisdiction of the public body is necessary in the discretion of the presiding officer of the public body.

Proposed law authorizes a public meeting by teleconference only under the following circumstances:

- (1) The convening of a quorum at one location is impractical or impossible due to the catastrophe and the presiding officer of the public body determines that timely action on issues under the jurisdiction of the public body is necessary.
- (2) The public body has previously adopted a resolution, rule or ordinance governing the use and conduct of a teleconference meeting.

- (3) The public body complies with all notice and information requirements of the open meetings law.
- (4) The public body certifies in the meeting notice the catastrophe, the public necessity which exists and the inability to obtain the quorum of the public body in person is impractical or impossible due to the catastrophe.
- (5) The notice shall specify the anchor location of the meeting and the means by which the public may listen and participate.
- (6) All votes taken at a teleconference meeting shall be roll call votes.
- (7) All teleconference meetings shall have call in lines available for public participation that will be noted in the meeting notice.
- (8) Each part of the meeting, with the exception of a duly called executive session, shall be audible to the public at the location of the meeting and broadcast over the internet.
- (9) The meeting held by teleconference shall be recorded and made available to the public in an online archive located in the internet website of the entity holding the meeting.

Proposed law further authorizes the State Bond Commission to hold periodic meetings by teleconference as part of a regular schedule if a physical anchor location is established from which the presiding officer conducts the meeting; the meetings comply with present law provisions regarding being open to the public, viva voce voting, executive sessions, minutes, and notice; the State Bond Commission adopts and publishes procedures, including the provision for and website posting of a toll-free call in line; reading written public comments into the record; the entire meeting is audible to the public and broadcast over the internet and archived; and if a problem occurs, the meeting is recessed until resolved and adjourned if not resolved in two hours or less. Limits the number of meetings via teleconference to no more than one meeting per quarter with no successive meetings by teleconference. Specifies that the limitations in these provisions do not apply during a gubernatorially proclaimed or declared disaster or emergency. Provides that these proposed law provisions cease to be effective on Aug. 1, 2022.

Proposed law provides that any member of a public body who participated in a meeting or a meeting conducted pursuant to and in accordance with the provision of Section 4 of Proclamation Number JBE 2020-30 during the COVID-19 public health emergency shall not be subject to the provisions of present law.

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

(Amends R.S. 42:12(A) and 13(A); Adds R.S. 24:7.1 and R.S. 42:14(E) and 29)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

- 1. Allows members of the legislature to participate remotely via electronic means during a gubernatorially declared emergency or gubernatorially declared state of public health emergency.
- 2. Provides for quorum requirements and certification of votes.
- 3. Requires the approval of the presiding officer.
- 4. Provides for such authority's expiration.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Allows members of the legislature to participate in debates remotely via electronic means during a gubernatorially declared emergency or gubernatorially declared state of public health emergency.

2. Requires amendments to be submitted at least 24 hours in advance for consideration of an instrument by the legislative body remotely via electronic means.

3. Provides that meetings held and members in attendance, pursuant to Proclamation Number JBE 2020-30 during the COVID-19 public health emergency, shall not be subject to the provisions of present law.

4. Makes technical changes.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the reengrossed bill:

1. Change terminology in definition of "teleconference" from "audio and visual signal" to "audio or audiovisual signal".
2. Add provision, effective until Aug. 1, 2022, to authorize the State Bond Commission to conduct one teleconference meeting per quarter subject to specified conditions.