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HB 798 Reengrossed   2020 Regular Session   Dwight

Abstract: Authorizes public bodies to conduct meetings via electronic means during certain gubernatorially declared disasters or emergencies subject to certain conditions.

Present law (R.S. 42:11 et seq.–Open Meetings Law) defines "meeting" as the convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power and the convening of a quorum of a public body by the public body or by another public official to receive information regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power.

Provides that every meeting of any public body shall be open to the public unless closed pursuant to present law. Provides that all votes made by members of a public body shall be viva voce and shall be recorded in the minutes, journal, or other official, written proceedings of the body, which shall be a public document. Present law provides relative to public comment at meetings of public bodies other than school boards and legislative bodies. Provides that each such public body shall allow a public comment period at any point in the meeting prior to action on an agenda item upon which a vote is to be taken. Authorizes a governing body to adopt reasonable rules and restrictions regarding such comment period. Provides that each school board except the Orleans Parish School Board shall allow public comment at any meeting of the school board prior to taking any vote. Provides that there shall be a comment period for each agenda item which shall precede each agenda item. Provides that a comment period for all comments at the beginning of a meeting shall not suffice to meet the requirements of present law. Provides that the Orleans Parish School Board, at any meeting of the school board, shall provide an opportunity for public comment subject to reasonable rules, regulations, and restrictions as adopted by the school board.

Present law provides relative to notice of meetings of public bodies other than legislative bodies. Provides procedures and requirements for giving such notice. Requires written public notice of a meeting no later than 24 hours before the meeting. Requires such notice to include the agenda of the meeting. Prohibits changes to the agenda less than 24 hours prior to the meeting. Requires each item on the agenda to be listed separately and described with reasonable specificity.

Proposed law authorizes a public body to conduct a meeting via electronic means provided all of the following:

(1)   The governor has declared a state of emergency or disaster involving an area within the jurisdiction of the public body and the nature of the emergency or disaster would cause a meeting conducted pursuant to present 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 is limited to one or more of the following:

(a)   Matters directly related to the public body's response to the disaster or emergency that are critical to the health, safety, or welfare of the public.

(b)   Matters that if delayed will cause curtailment of vital public services or severe economic dislocation and hardship.

(c)   Matters critical to continuation of the business of the public body and that are not able to be postponed to a meeting held in accordance with present law 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 of the requirements of proposed law.

Proposed law requires, no later than 24 hours prior to a meeting conducted pursuant to proposed law, the public body to provide for (a) the notice and agenda for the meeting, which 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 and (b) 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.

Proposed law further requires:

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

(2)   The public body to identify and acknowledge all public comments during the meeting and to maintain those comments in its record of the meeting.

(3)   The presiding officer of the public body to ensure that each person participating in the meeting is properly identified.

(4)   The presiding officer to 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 for its purposes "meeting via electronic means", "teleconference", and "video conference".

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

(Adds R.S. 42:17.1)