

RÉSUMÉ DIGEST

SB 39

2020 Second Extraordinary Session

Hewitt

Proposed law would provide 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.

Would provide 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.

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

Would provide 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.

Would define 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.

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

(Proposed to add R.S. 42:17.2)

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 videoconference. 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 videoconference 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."