

REMOTE PARTICIPATION BY MEMBERS OF THE PUBLIC WITH DISABILITIES:

The Lincoln Parish Police Jury shall allow any member of the public with a disability recognized by the Americans With Disabilities Act, or a designated caregiver of such a person, to participate in its meetings via teleconference or video conference, and shall facilitate participation by any such person who requests that accommodation prior to the meeting. Members of the public who desire to participate in this fashion shall certify that they meet the definition of a person with a disability recognized under the Americans With Disabilities Act when they submit, prior to public meetings, their request to make Public Comment and shall comply with the same rules and regulations on speaking applicable to those participating in person at such meetings.

SENATE BILL NO. 201

BY SENATORS HEWITT, ABRAHAM, BARROW, BOUDREAUX, CARTER, CLOUD,
CORTEZ, DUPLESSIS, HENSGENS, JACKSON, MILLIGAN, FRED
MILLS, MIZELL, STINE, TALBOT AND WOMACK AND
REPRESENTATIVE NEWELL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 42:17.2, to enact R.S. 42:14(E) and 17.2.1, and to repeal R.S.
27:11(G)(2), R.S. 42:17.3 and 29, and R.S. 46:123(M), relative to open meetings; to
authorize certain public bodies to conduct meetings via electronic means; to provide
for public notice and participation requirements; to provide for definitions; to remove
provisions authorizing specified public bodies to conduct meetings via electronic
means; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:17.2 is hereby amended and reenacted and R.S. 42:14(E) and
17.2.1 are hereby enacted to read as follows:

§14. Meetings of public bodies to be open to the public

* * *

**E.(1) Each public body that has the capability to allow any member of
the public with a disability recognized by the Americans with Disabilities Act
or a designated caregiver of such a person to participate in its meetings via**

1 member of the public with a disability recognized by the Americans with
 2 Disabilities Act or a designated caregiver of such a person to participate in its
 3 meetings via teleconference or video conference as defined in R.S. 42:17.2 shall
 4 adopt rules, regulations, and procedures to facilitate viable alternative methods
 5 for a member of the public with a disability recognized by the Americans with
 6 Disabilities Act or a designated caregiver of such a person who so requests to
 7 participate in its meetings.

8 (3) The requirements of this Subsection shall not be applicable during
 9 an executive session held in accordance with law, during any meeting that is
 10 sequestered in accordance with law, or to any public body included in R.S.
 11 42:17.2(I).

12 (4) State agencies as defined by R.S. 49:951 shall promulgate rules
 13 pursuant to the Administrative Procedure Act to implement this Subsection.

14 * * *

15 §17.2 Exception for certain meetings of the ~~pharmacy benefit manager monitoring~~
 16 ~~advisory council~~ certain public bodies

17 A. Notwithstanding any other provision of this Chapter to the contrary, the
 18 ~~pharmacy benefit manager monitoring advisory council, as provided for in R.S.~~
 19 ~~40:2869, a public body identified in Subsection H of this Section~~ may conduct and
 20 its members may attend and participate in a meeting via electronic means provided
 21 that ~~the Louisiana Board of Pharmacy, the Department of Insurance, and the advisory~~
 22 ~~council and its presiding officer comply with~~ all of the requirements of this Section
 23 are met.

24 B. No later than twenty-four hours prior to a meeting conducted pursuant to
 25 the provisions of this Section, the ~~Louisiana Board of Pharmacy, the Department of~~

1 of meetings of the public body, and widely posted and distributed to every known
2 news media outlet that broadcasts or publishes news within the geographic area
3 within the jurisdiction of the public body as otherwise required by this Chapter
4 and by law.

5 (2) Detailed information regarding how members of the public may
6 participate in the meeting and submit comments regarding matters on the agenda,
7 which information shall be posted on the website of the ~~Louisiana Board of~~
8 ~~Pharmacy and the Department of Insurance;~~ public body and emailed to any
9 member of the public or the news media who requests notice of meetings of the
10 ~~public body, and widely distributed to every known news media outlet that~~
11 ~~broadcasts or publishes news within the geographic area within the jurisdiction of the~~
12 ~~public body.~~

13 C. For each meeting conducted pursuant to this Section, the following
14 requirements shall apply:

15 (1) The presiding officer shall be present and shall preside over the
16 meeting at the anchor location. The anchor location shall be open to the public.
17 Any member of the public body or the public shall be allowed to participate in-
18 person at the anchor location.

19 (2) The ~~advisory council~~ public body shall provide a mechanism to receive
20 public comment electronically in the manner it prescribes both prior to and, to the
21 extent practical, during the meeting.

22 (2) (3) The ~~advisory council~~ public body shall properly identify and
23 acknowledge all public comments inclusive of those received in person during the
24 meeting and those received in writing or electronically prior to any submission
25 deadline for the meeting and shall maintain those comments in its record of the

1 session, are clear and audible to all participants in the meeting including the public.

2 (c) That the voting decision of each participating member of the public
3 body on each matter is clearly identified during each vote during the meeting
4 and recorded and included in the archive of the meeting.

5 (5) If the public body is aware of a technical problem that causes the
6 meeting to no longer be audible, or if applicable, visible and audible to the
7 public, the meeting shall be recessed until the problem is resolved. If the
8 problem is not resolved within one hour, the meeting shall be adjourned and the
9 presiding officer shall make an effort to alert all participants to that fact.

10 (6) The meeting shall be recorded and made available to the public in an
11 online archive located on the public body's website for at least two years.

12 (7) All documents made available to members of the public in attendance
13 at the anchor location shall be made available electronically to members of the
14 public participating electronically to the extent practical.

15 D. For the purposes of this Section, the following definitions apply:

16 (1) "Anchor location" means the public location at which the public body
17 holds in-person meetings or is specifically equipped with the technology
18 necessary to meet via electronic means.

19 (2) "Meeting via electronic means" shall mean a meeting occurring at which
20 one or more members of a public body or members of the public participate via
21 teleconference or video conference.

22 ~~(2)~~(3) "Teleconference" shall mean a method of communication which
23 enables persons in different locations to participate in a meeting and to hear and
24 otherwise communicate with each other.

25 ~~(3)~~(4) "Video conference" shall mean a method of communication which

1 (2) Each public body conducting meetings pursuant to this Section shall
2 adopt rules, regulations, and procedures to allow the public to participate in the
3 meeting via electronic means. State agencies as defined by R.S. 49:951 shall
4 promulgate such rules pursuant to the Administrative Procedure Act.

5 F.(1) Except as otherwise provided in Paragraph (2) of this Subsection,
6 each public body that conducts meetings via electronic means pursuant to this
7 Section shall limit the number of its regularly scheduled meetings via electronic
8 means to no more than one-third in a calendar year, shall limit the number of
9 successive meetings via electronic means to a reasonable number, and shall, to
10 the extent practicable, publish a schedule of its meetings indicating which
11 upcoming meetings will be conducted via electronic means and which will be
12 conducted only in person.

13 (2) Any public body that is strictly advisory or that primarily focuses on
14 issues dealing with disabilities or assisting military families may conduct
15 successive meetings via electronic means without limitation and shall, to the
16 extent practicable, publish a schedule of its meetings indicating which upcoming
17 meetings will be conducted via electronic means and which will be conducted
18 only in person.

19 G. No member of a public body who participates in a meeting via
20 electronic means shall be eligible to or receive per diem for attendance at the
21 meeting.

22 H.(1) Except as provided in Subsection I of this Section, the provisions
23 of this Section shall apply to any public body which has powers, duties, or
24 functions that are not limited to a particular political subdivision or region and
25 that conducts at least six regularly scheduled meetings in a calendar year.

1 the legislature or either house of the legislature.

2 (2) The State Board of Elementary and Secondary Education.

3 (3) The Board of Regents.

4 (4) The Board of Ethics or Ethics Adjudicatory Board.

5 (5) The State Civil Service Commission.

6 (6) The board of directors of the Louisiana Citizens Property Insurance
7 Corporation.

8 (7) The State Board of Commerce and Industry.

9 (8) The board of supervisors for the Louisiana State University System,
10 the University of Louisiana System, the Louisiana Community and Technical
11 Colleges System, or the Southern University System.

12 (9) Any parish board of election supervisors.

13 §17.2.1. Public body; member with a disability

14 A. Notwithstanding any provision of this Chapter that requires a
15 member of a public body to be physically present in order to be counted for a
16 quorum and to participate and vote in a meeting, a member of a public body
17 who has a disability recognized by the Americans with Disabilities Act shall be
18 allowed to participate and vote in a meeting via electronic means as defined in
19 R.S. 42:17.2.

20 B. Each public body shall adopt rules, regulations, and procedures to
21 facilitate the requirements of Subsection A of this Section. State agencies as
22 defined by R.S. 49:951 shall promulgate such rules pursuant to the
23 Administrative Procedure Act.

24 C. The provisions of Subsections A and B of this Section shall not apply
25 to members of the legislature or any parish board of election supervisors.

SB NO. 201

ENROLLED

1 and Governmental Affairs and the House Committee on House and Governmental Affairs
2 in intervals he deems appropriate.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

RÉSUMÉ DIGEST

ACT 393 (SB 201)

2023 Regular Session

Hewitt

Prior law authorized the State Bond Commission, pharmacy benefit manager monitoring advisory council, statewide advisory committees of the Louisiana State Board of Medical Examiners, and the Louisiana Military Family Assistance Board to conduct periodic meetings via electronic means outside of a gubernatorially declared state of disaster or emergency provided certain prior law requirements, including notice and agenda publication and mechanisms for public participation, were met.

Prior law further authorized the Gaming Control Board to conduct emergency meetings via video conference as determined to be necessary by the chairman.

New law repeals prior law and establishes comprehensive eligibility requirements for a public body to hold a meeting via electronic means.

New law defines "meeting via electronic means" as a meeting occurring via teleconference or video conference.

New law allows public bodies that have powers, duties, or functions that are not limited to a particular political subdivision or region and that meet a minimum of six times per calendar year to meet via electronic means, provided provisions of new law are met.

New law prohibits the total number of meetings held via electronic means from exceeding one-third of the public body's total yearly meetings.

New law allows public bodies that are strictly advisory or primarily focused on issues dealing with disabilities or assisting military families to conduct any meeting via electronic means, provided provisions of new law are met.

New law requires each public body to adopt rules, regulations, and procedures to facilitate participation in its meetings by any member of the public with a disability recognized by the Americans with Disabilities Act or a designated caregiver of such a person if the person requests the accommodation prior to the meeting. If the public body has the capability, the rules, regulations, or procedures shall facilitate participation via teleconference or video conference as defined in new law; if the public body does not have that capability, the rules, regulations, or procedures shall facilitate participation through viable alternative methods.

New law does not apply to an executive session held in accordance with law, to any meeting that is sequestered in accordance with law, or to any public body included that is prohibited from meeting via electronic means.

New law requires state agencies to promulgate rules pursuant to the Administrative Procedure Act to implement new law.

New law requires meetings held via electronic means to originate from a physical anchor location.

New law defines "anchor location" as the public location from which the public body holds in-person meetings or is specifically equipped with the technology necessary to meet via

resolved. Further requires the meeting to adjourn if the problem is not resolved in less than one hour.

New law specifies that the legislature, either house of the legislature, any committee of the legislature or either house of the legislature, Board of Elementary and Secondary Education, La. Board of Ethics, Board of Regents, State Civil Service Commission, La. Citizens Property Insurance Corp., State Board of Commerce and Industry, the boards of supervisors for the state's higher education systems, and parish boards of election supervisors are prohibited from meeting via electronic means.

New law requires each public body to provide for a member of the body with a disability recognized by the Americans with Disabilities Act to participate and vote via electronic means.

New law prohibits members of the legislature or any parish board of election supervisors with a disability recognized by the Americans With Disabilities Act from being eligible to vote and participate in a meeting conducted via electronic means.

New law requires review of the policies and procedures of public bodies who elect to meet via electronic means by the office of the legislative auditor to ensure compliance and identify problems. Further requires the office of the legislative auditor to generate and issue a report on the findings along with proposals for legislation to the Senate and House governmental affairs committees.

Effective August 1, 2023.

(Amends R.S. 42:17.2; adds R.S. 42:14(E) and 17.2.1; repeals R.S. 27:11(G)(2), R.S. 42:17.3 and 29, and R.S. 46:123(M))