

**SENATE SUMMARY OF HOUSE AMENDMENTS****SB 201****2023 Regular Session****Hewitt****KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

**PUBLIC MEETINGS.** Provides for meetings of boards and commissions via electronic means. (8/1/23)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Make technical changes.
2. Require all documents made available to members of the public in attendance at the anchor location to be made available electronically to members of the public participating electronically.
3. Require all comments submitted in writing or electronically prior to any submission deadline for a meeting conducted via electronic means to be identified, acknowledged, and maintained as part of the official record.
4. Define "anchor location" as the publicly accessible physical location from which a meeting via electronic means originates or the participants are connected.
5. Require a public body to conduct at least six regularly scheduled meetings in a calendar year to qualify to meet via electronic means.
6. Limit the number of regularly scheduled meetings via electronic means to one-third in a calendar year and the number of successive meetings via electronic means to a reasonable number.
7. Provide for rule promulgation under the Administrative Procedure Act.
8. Provide that provisions relative to participation by disabled members of the public and disabled members of a public body are not applicable to public bodies explicitly prohibited from conducting meetings via electronic means.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

SB 201 Reengrossed

2023 Regular Session

Hewitt

**Participation in Meetings of Public Bodies By a Member of the Public with a Disability**

Proposed law requires each public body that has the capability to allow any member of the public with a disability recognized by the Americans with Disabilities Act (ADA) or his designated caregiver to participate in its meetings via teleconference or video conference to adopt rules, regulations, and procedures to regulate and facilitate participation via teleconference or video conference for any such person who prior to the meeting requests that accommodation.

Proposed law further requires each public body that does not have the capability to allow any member of the public with a disability recognized by the ADA or his designated caregiver to participate in its meetings via teleconference or video conference to adopt rules, regulations, and procedures to facilitate viable alternative methods for the person or his designated caregiver who so requests to participate in its meetings.

Proposed law does not apply during an executive session held in accordance with law, during any meeting that is sequestered in accordance with law, or any meeting of a public body specifically prohibited in proposed law from meeting via electronic means.

### **Participation in Meetings of Public Bodies By a Member of the Body with a Disability**

Proposed law generally exempts a member of a public body who has a disability recognized by the ADA from any requirement that he be physically present in order to participate and vote in a meeting of the body, except for members of public bodies enumerated in proposed law that are prohibited from meeting via electronic means..

Proposed law further requires each public body to adopt rules, regulations, and procedures to facilitate such a person's participation via electronic means.

### **Meetings of Certain Public Bodies Held via Electronic Means**

Present law authorizes the State Bond Commission, pharmacy benefit manager monitoring advisory council, statewide advisory committees of the State Bd. of Medical Examiners, committees and subcommittees of the La. State Law Institute, and the La. Military Family Assistance Bd to conduct periodic meetings via electronic means provided certain present law requirements, including notice and agenda publication and mechanisms for public participation, are met.

Present law further authorizes the Gaming Control Bd. to conduct emergency meetings via video conference as determined to be necessary by the chairman.

Proposed law repeals present law and establishes comprehensive eligibility requirements for all public bodies that have powers, duties, or functions that are not limited to a particular political subdivision or region to hold meetings via electronic means. Proposed law prohibits disciplinary hearings or adjudications of licensing or regulatory public bodies and meetings of the legislature or any committee thereof, the State Bd. of Elementary and Secondary Education, the Bd. of Regents, the Bd. of Ethics, the Ethics Adjudicatory Bd., the State Civil Service Commission, the board of directors of the La. Citizens Property Insurance Corp., the Bd. of Commerce and Industry, the board of supervisors for the university systems, and any parish board of election supervisors from occurring via electronic means.

Proposed law defines "meeting via electronic means" as a meeting at which one or more members of a public body or members of the public participate via teleconference or video conference.

Proposed law authorizes public bodies to conduct meetings via electronic means. Further authorizes members of public bodies to attend and participate in a meeting via electronic means.

Proposed law provides notice requirements, including electronic posting of the meeting notice, agenda, and information regarding how members of the public may participate in the meeting and submit comments.

Proposed law requires the presiding officer to be present at the anchor location, which is the physical location from which the meeting originates or the participants are connected. Further requires that the anchor location be open to the public and that any member of the public body or the public shall be allowed to participate in-person at the anchor location.

Proposed law requires the public body to provide a mechanism to receive public comment electronically, acknowledge all public comments received in person during the meeting and those received in writing or electronically prior to any submission deadline for the meeting, and maintain public comment in the meeting records.

Proposed law requires all documents made available to members of the public in attendance at the anchor location to be made available electronically to members of the public participating electronically to the extent practical.

Proposed law requires the presiding officer to ensure that each person participating in the meeting is properly identified, that all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting, and that the voting decision of each participating member of the public body on each matter is clearly identified during each vote and recorded and included in the archive of the meeting.

Proposed law provides that if the public body is aware of a technical problem that causes the meeting to no longer be audible or visible to the public, the meeting shall be recessed until the problem is resolved. Requires that the meeting shall be adjourned if the problem is not resolved within one hour.

Proposed law requires the meeting be recorded and made available to the public on the public body's website for at least two years.

Proposed law provides that all members of the public body participating in a meeting held pursuant to proposed law, either at the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

Proposed law requires each public body to adopt rules, regulations, and procedures to allow the public to participate in the meeting via electronic means.

Proposed law requires a public body to conduct at least six regularly scheduled meetings in a calendar year to qualify to meet via electronic means.

Proposed law prohibits a public body from conducting more than one-third of its meetings during a calendar year via electronic means. Requires each public body to limit the number of successive meetings via electronic means to a reasonable number. However, proposed law allows any public body that is strictly advisory or that primarily focuses on issues dealing with disabilities or assisting military families to conduct successive meetings via electronic means without limitation.

Proposed law requires all public bodies that conduct meetings via electronic means to publish a schedule of their meetings indicating which upcoming meetings will be conducted via electronic means and which will be conducted only in person.

Proposed law prohibits a member of a public body who participates in a meeting via electronic means from receiving per diem for attendance at the meeting.

#### **Review By the Legislative Auditor**

Proposed law requires the legislative auditor to review the policies and practices of public bodies relative to the implementation of proposed law and to submit reports of findings and any recommendations to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.

(Amends R.S. 42:17.2; adds R.S. 42:14(E) and 17.2.1; repeals R.S. 24:202(G), R.S. 27:11(G)(2), R.S. 42:17.3 and 29, and R.S. 46:123(M))

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