

2023 Regular Session

SENATE BILL NO. 201

BY SENATOR HEWITT AND REPRESENTATIVE NEWELL

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

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

1 AN ACT

2 To amend and reenact R.S. 42:17.2 and 17.3, to enact R.S. 42:14(E), and to repeal R.S.

3 24:202(G)(2), R.S. 27:11(G)(2), R.S. 42:29, and R.S. 46:123(M), relative to open

4 meetings; to authorize certain public bodies to conduct meetings via electronic

5 means; to provide for public notice and participation requirements; to provide for

6 definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:17.2 and 17.3 are hereby amended and reenacted and R.S.

9 42:14(E) is hereby enacted to read as follows:

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

11 * * *

12 **E.(1) Notwithstanding any other provision of this Chapter to the**

13 **contrary, all statewide bodies and advisory councils as defined in R.S. 42:17.2**

14 **shall adopt rules, regulations, and procedures to allow the public to participate**

15 **in in-person meetings via electronic means.**

16 **(2) All other public bodies shall adopt rules, regulations, and procedures**

17 **to allow any member of the public with a disability recognized by the Americans**

1 with Disabilities Act to participate in meetings via electronic means and are
 2 encouraged to adopt similar measures to provide for maximum public
 3 participation.

4 * * *

5 §17.2 Exception for meetings of the ~~pharmacy benefit manager monitoring advisory~~
 6 ~~council~~ certain statewide public bodies and advisory councils

7 A. Notwithstanding Except as provided for in this Section and
 8 notwithstanding any other provision of this Chapter to the contrary, ~~the pharmacy~~
 9 ~~benefit manager monitoring advisory council, as provided for in R.S. 40:2869, a~~
 10 statewide public body that meets a minimum of six times per year may conduct
 11 and its members may attend and participate in ~~a meeting~~ certain meetings via
 12 electronic means provided that ~~the Louisiana Board of Pharmacy, the Department of~~
 13 ~~Insurance, and the advisory council and its presiding officer comply with all of the~~
 14 requirements of this Section are met. Any advisory council may conduct and its
 15 members may attend and participate in any meeting via electronic means
 16 provided that all of the requirements of this Section are met.

17 B. ~~No later than twenty-four hours prior to a meeting conducted pursuant to~~
 18 ~~the provisions of this Section, the Louisiana Board of Pharmacy, the Department of~~
 19 ~~Insurance, and the advisory council shall provide for all of the following:~~

20 (1) ~~The notice and agenda for the meeting, which shall be posted on the~~
 21 ~~website of the Louisiana Board of Pharmacy and the Department of Insurance,~~
 22 ~~emailed to any member of the public or the news media who requests notice of~~
 23 ~~meetings of the public body, and widely distributed to every known news media~~
 24 ~~outlet that broadcasts or publishes news within the geographic area within the~~
 25 ~~jurisdiction of the public body.~~

26 (2) ~~Detailed information regarding how members of the public may~~
 27 ~~participate in the meeting and submit comments regarding matters on the agenda,~~
 28 ~~which information shall be posted on the website of the Louisiana Board of~~
 29 ~~Pharmacy and the Department of Insurance, emailed to any member of the public or~~

1 ~~the news media who requests notice of meetings of the public body, and widely~~
2 ~~distributed to every known news media outlet that broadcasts or publishes news~~
3 ~~within the geographic area within the jurisdiction of the public body.~~

4 **For purposes of this Section the following terms shall have the following**
5 **meanings:**

6 **(1) "Advisory council" shall mean a subgroup of a statewide body that**
7 **performs a purely advisory function and does not possess decision-making**
8 **authority.**

9 **(2) "Anchor location" shall mean the public location at which the public**
10 **body normally holds in-person meetings or has specifically equipped with the**
11 **technology necessary to meet via electronic means.**

12 **(3) "Meeting via electronic means" shall mean a meeting occurring via**
13 **teleconference or video conference.**

14 **(4) "Statewide body" shall mean a public body whose membership is not**
15 **wholly appointed by a local governing authority and whose function is beyond**
16 **a regional scope.**

17 **(5) "Teleconference" shall mean a method of communication which**
18 **enables persons in different locations to participate in a meeting and to hear**
19 **and otherwise communicate with each other.**

20 **(6) "Video conference" shall mean a method of communication which**
21 **enables persons in different locations to participate in a meeting and to see,**
22 **hear, and otherwise communicate with each other.**

23 **C. No later than twenty-four hours prior to a meeting conducted**
24 **pursuant to the provisions of this Section, the statewide public body or advisory**
25 **council shall provide for all of the following:**

26 **(1) The notice and agenda for the meeting, which shall be posted on the**
27 **website of the statewide body or advisory council, emailed to any member of the**
28 **public or the news media who requests notice of meetings of the statewide body**
29 **or advisory council, and widely distributed to every known news media outlet**

1 that broadcasts or publishes news within the geographic area within the
2 jurisdiction of the statewide body or advisory council.

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

11 ~~C.D.~~ For each meeting conducted pursuant to this Section, the following
12 requirements shall apply:

13 (1) A physical anchor location for the meeting shall be established from
14 which the meeting shall originate and at which the presiding officer of the
15 meeting shall be present and conduct the meeting. Any member of the statewide
16 body, advisory council, or the public may participate in person at the anchor
17 location.

18 ~~(1)(2)~~ The ~~advisory council~~ statewide body or advisory council shall
19 provide a mechanism to receive public comment electronically both prior to and
20 during the meeting. All public comments received in writing or by email shall be
21 identified and acknowledged during the meeting and maintained as part of the
22 official record.

23 ~~(2)(3)~~ The statewide body or advisory council shall properly identify and
24 acknowledge all public comments during the meeting and shall maintain those
25 comments in its record of the meeting.

26 ~~(3)(4)~~ The presiding officer of the statewide body or advisory council shall
27 ensure both of the following:

28 (a) That each person participating in the meeting is properly identified.

29 (b) That all parts of the meeting, excluding any matter discussed in executive

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

2 (5) All votes taken in the meeting shall be by roll call vote.

3 (6) The entire meeting, with the exception of a duly called executive
4 session, shall be visible and audible to the public and broadcast over the
5 internet.

6 (7) The meeting shall be recorded and made available to the public in an
7 online archive located on the website of the statewide public body or advisory
8 council.

9 (8) If a problem occurs that causes the meeting to no longer be visible or
10 audible to the public, the meeting shall be recessed until the problem is resolved.
11 If the problem is not resolved in two hours or less, the meeting shall be
12 adjourned.

13 (9) All meeting materials available to members of the public in
14 attendance at the anchor location shall be made available online in real time as
15 they are introduced.

16 E.(1) The number of meetings held via electronic means authorized by
17 this Section shall be limited to one-third of the annual meetings held by the
18 statewide body.

19 (2)(a) Except as provided for in Subparagraph (b) of this Paragraph,
20 under no circumstances shall the statewide body conduct successive meetings
21 by electronic means except during a gubernatorially declared state of disaster
22 or emergency as provided for in R.S. 42:17.1.

23 (b) Notwithstanding any provision of this Subsection to the contrary, a
24 statewide body that meets at least three times per week and conducts over one
25 hundred meetings per year may conduct successive meetings in a calendar week
26 via electronic means but shall not conduct meetings via electronic means for two
27 successive weeks.

28 F. A meeting held pursuant to this Section shall not require a quorum to
29 be present at the anchor location of the meeting. All members of the statewide

1 body or advisory council participating at the anchor location or electronically
 2 shall be counted for the purpose of establishing a quorum and authorized to
 3 vote.

4 ~~D.G.~~ For the purposes of this Section, the following definitions apply The
 5 following public bodies shall not be permitted to conduct any meetings via
 6 electronic means under the provisions of this Section:

7 (1) ~~"Meeting via electronic means" shall mean a meeting occurring via~~
 8 ~~teleconference or video conference~~ The State Board of Elementary and Secondary
 9 Education.

10 (2) ~~"Teleconference" shall mean a method of communication which enables~~
 11 ~~persons in different locations to participate in a meeting and to hear and otherwise~~
 12 ~~communicate with each other~~ The Board of Regents.

13 (3) ~~"Video conference" shall mean a method of communication which~~
 14 ~~enables persons in different locations to participate in a meeting and to see, hear, and~~
 15 ~~otherwise communicate with each other~~ The Board of Ethics.

16 (4) The State Civil Service Commission.

17 (5) Louisiana Citizens Property Insurance Corporation.

18 (6) The Board of Commerce and Industry.

19 (7) The boards of supervisors for the Louisiana State University System,
 20 University of Louisiana System, Louisiana Community and Technical Colleges
 21 System, and the Southern University System.

22 (8) Parish boards of election supervisors.

23 H. Notwithstanding any provision of this Section to the contrary, the
 24 following public bodies whose primary focus is on issues dealing with disabilities
 25 or assisting military families may conduct and its members may attend and
 26 participate in any meeting via electronic means provided that all of the
 27 requirements of this Section are met:

28 (1) The Louisiana Commission for the Deaf.

29 (2) The Louisiana Developmental Disabilities Council.

1 (3) State and regional advisory councils of the Office for Citizens with
 2 Developmental Disabilities.

3 (4) The Louisiana Military Family Assistance Board.

4 I. The policies and practices of statewide public bodies and advisory
 5 councils authorized to conduct meetings via electronic means pursuant to the
 6 provisions of this Section shall be subject to regular review by the office of the
 7 legislative auditor to ensure compliance. Upon completion of its review, the
 8 office of the legislative auditor shall issue a report of its findings and offer
 9 recommendations for legislation to the Senate Committee on Senate and
 10 Governmental Affairs and the House Committee on House and Governmental
 11 Affairs.

12 §17.3 Exception for meetings of statewide advisory committees of the Louisiana
 13 State Board of Medical Examiners disabled members of public
 14 bodies

15 A. Notwithstanding any other provision of this Chapter to the contrary, an
 16 advisory committee of the Louisiana State Board of Medical Examiners which is
 17 comprised of members from various locations statewide, and which acts only in an
 18 advisory capacity, may conduct and its members may attend and participate in a
 19 meeting via electronic means provided that the board and the advisory committee
 20 and its presiding officer comply with all of the requirements of this Section a
 21 member of any public body as defined in R.S. 42:13 or advisory council with a
 22 disability recognized by the Americans with Disabilities Act shall be afforded
 23 an opportunity to participate in a meeting via electronic means.

24 B. No later than twenty-four hours prior to a meeting conducted pursuant to
 25 the provisions of this Section, the Louisiana State Board of Medical Examiners and
 26 the advisory committee shall provide for all of the following: Each public body or
 27 advisory council shall adopt rules, regulations, and procedures to allow a
 28 member with a disability recognized by the Americans with Disabilities Act to
 29 participate in a meeting via electronic means by video conference when feasible

1 **and by teleconference at a minimum.**

2 ~~(1) The notice and agenda for the meeting, which shall be posted on the~~
3 ~~website of the Louisiana State Board of Medical Examiners, emailed to any member~~
4 ~~of the public or the news media who requests notice of meetings of the public body,~~
5 ~~and widely distributed to every known news media outlet that broadcasts or~~
6 ~~publishes news within the geographic area within the jurisdiction of the public body.~~

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

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

16 ~~(1) The advisory committee shall provide a mechanism to receive public~~
17 ~~comment electronically both prior to and during the meeting.~~

18 ~~(2) The advisory committee shall properly identify and acknowledge all~~
19 ~~public comments during the meeting and shall maintain those comments in its record~~
20 ~~of the meeting.~~

21 ~~(3) The presiding officer of the advisory committee shall ensure both of the~~
22 ~~following:~~

23 ~~(a) That each person participating in the meeting is properly identified.~~

24 ~~(b) That all parts of the meeting, excluding any matter discussed in executive~~
25 ~~session, are clear and audible to all participants in the meeting including the public.~~

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

27 ~~(1) "Meeting via electronic means" shall mean a meeting occurring via~~
28 ~~teleconference or video conference.~~

29 ~~(2) "Teleconference" shall mean a method of communication which enables~~

1 ~~persons in different locations to participate in a meeting and to hear and otherwise~~
 2 ~~communicate with each other.~~

3 (3) ~~"Video conference" shall mean a method of communication which~~
 4 ~~enables persons in different locations to participate in a meeting and to see, hear, and~~
 5 ~~otherwise communicate with each other.~~

6 Section 2. R.S. 24:202(G)(2), R.S. 27:11(G)(2), R.S. 42:29, and R.S. 46:123(M) are
 7 hereby repealed in their entirety.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Matt DeVille.

DIGEST

SB 201 Engrossed

2023 Regular Session

Hewitt

Present law authorizes the State Bond Commission, pharmacy benefit manager monitoring advisory council, statewide advisory committees of the Louisiana State Board of Medical Examiners, committees and subcommittees of the Law Institute, 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 present law requirements, including notice and agenda publication and mechanisms for public participation, are met.

Present law further authorizes the Gaming Control Board 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 a statewide public body or advisory council to hold a meeting via electronic means.

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

Proposed law allows statewide public bodies that meet a minimum of six times per year to meet via electronic means, provided provisions of proposed law are met.

Proposed law allows advisory councils to conduct any meeting via electronic means, provided provisions of proposed law are met.

Proposed law defines "statewide body" as a public body whose membership is not wholly appointed by a local governing authority and whose function is beyond a regional scope.

Proposed law defines "advisory council" as a subgroup of a statewide body whose function is purely advisory and does not possess decision-making authority.

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

Proposed law defines "anchor location" as the public location from which the public body normally holds in-person meetings or has specifically equipped with the technology necessary to meet via electronic means.

Proposed law requires all meetings held via electronic means to provide a mechanism for

public comment and remote participation.

Proposed law requires all meeting materials available to members of the public in attendance at the anchor location to be made available online to members of the public participating remotely.

Proposed law requires meetings held via electronic means to be clearly visible and audible to members of the public at all times except for during executive session.

Proposed law requires a meeting held via electronic means to recess if a problem occurs that causes the meeting to no longer be visible or audible to the public until the problem is resolved. Further requires the meeting to adjourn if the problem is not resolved in less than two hours.

Proposed law dictates that an authorized statewide body is generally prohibited from meeting via electronic means successively and further prohibits the total number of meetings held via electronic means from exceeding one-third of the public body's total yearly meetings.

Proposed law stipulates that a statewide body that meets at least three times per week and conducts over one hundred meetings per year can conduct successive meetings in a calendar week via electronic means but cannot conduct meetings via electronic means for two successive weeks.

Proposed law specifies that the 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.

Proposed law authorizes the La. Commission for the Deaf, La. Developmental Disabilities Council, state and regional advisory councils of the Office for Citizens with Developmental Disabilities, and the La. Military Family Assistance Board to conduct any meeting via electronic means, provided provisions of proposed law are met.

Proposed law requires review of the policies and procedures of statewide bodies and advisory councils 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.

Proposed law requires all in-person meetings of statewide public bodies and advisory councils to provide for remote public participation.

Proposed law requires all public bodies that are generally ineligible to hold meetings via electronic means to provide for a member of the body and any member of the public with a disability recognized by the Americans with Disabilities Act to participate remotely via electronic means.

Effective August 1, 2023.

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

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Encourage local public bodies to adopt measures to allow for remote public participation.
2. Allow advisory councils to meet via electronic means without limitation.
3. Provide that an anchor location may be a location specifically equipped with technology necessary to meet via electronic means.
4. Allow a statewide body that meets at least three times per week and conducts over one hundred meetings per year to conduct successive meetings via electronic means in a calendar week.
5. Prohibit parish boards of election supervisors from meeting via electronic means.
6. Allow the Louisiana Military Family Assistance Board to conduct any meeting via electronic means.