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

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DIGEST

SB 201 Reengrossed

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 or committees 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 or committee" 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, except for meetings that are sequestered for security purposes.

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 Senate

Committee 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.

Senate Floor Amendments to engrossed bill

1. Define advisory committee.
2. Allow advisory committees to meet via electronic means without limitation.
3. Except meetings sequestered for security purposes from being required to provide for remote participation via electronic means.
4. Specify that public bodies eligible to meet via electronic means will be reviewed by the legislative auditor for the first two years in which they are eligible and regularly thereafter.