

HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on House and Governmental Affairs to Reengrossed Senate Bill No. 201 by Senator Hewitt

1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 42:17.2 and 17.3," to "R.S. 42:17.2,"

3 AMENDMENT NO. 2

4 On page 1, line 2, change "R.S. 42:14(E)," to "R.S. 42:14(E) and 17.2.1,"

5 AMENDMENT NO. 3

6 On page 1, line 3, change "R.S. 42:29," to "R.S. 42:17.3 and 29,"

7 AMENDMENT NO. 4

8 On page 1, line 6, after "definitions;" insert "to remove provisions authorizing specified  
9 public bodies to conduct meetings via electronic means;"

10 AMENDMENT NO. 5

11 On page 1, line 8, delete "and 17.3 are" and insert "is"

12 AMENDMENT NO. 6

13 On page 1, line 9, change "R.S. 42:14(E) is" to "R.S. 42:14(E) and 17.2.1 are"

14 AMENDMENT NO. 7

15 On page 1, delete lines 12 through 17 and delete pages 2 through 9 and insert the following:

16 **"E.(1) Each public body that has the capability to allow any member of**  
17 **the public with a disability recognized by the Americans with Disabilities Act**  
18 **or a designated caregiver of such a person to participate in its meetings via**  
19 **teleconference or video conference as defined in R.S. 42:17.2 shall adopt rules,**  
20 **regulations, and procedures to regulate and facilitate participation via**  
21 **teleconference or video conference for any such person who prior to the meeting**  
22 **requests that accommodation.**

23 **(2) Each public body that does not have the capability to allow any**  
24 **member of the public with a disability recognized by the Americans with**  
25 **Disabilities Act or a designated caregiver of such a person to participate in its**  
26 **meetings via teleconference or video conference as defined in R.S. 42:17.2 shall**  
27 **adopt rules, regulations, and procedures to facilitate viable alternative methods**  
28 **for a member of the public with a disability recognized by the Americans with**  
29 **Disabilities Act or a designated caregiver of such a person who so requests to**  
30 **participate in its meetings.**

31 **(3) The requirements of this Subsection shall not be applicable during**  
32 **an executive session held in accordance with law, during any meeting that is**  
33 **sequestered in accordance with law, or any meeting of a parish board of election**  
34 **supervisors when performing duties pursuant to R.S. 18:573, 574, 1309.1, 1313,**  
35 **or 1313.1.**

36 \* \* \*

37 §17.2 Exception for **certain** meetings of the ~~pharmacy benefit manager monitoring~~  
38 ~~advisory council~~ **certain public bodies**

1 A. Notwithstanding any other provision of this Chapter to the contrary, the  
 2 ~~pharmacy benefit manager monitoring advisory council, as provided for in R.S.~~  
 3 ~~40:2869, a public body identified in Subsection H of this Section~~ may conduct and  
 4 its members may attend and participate in a meeting via electronic means provided  
 5 that ~~the Louisiana Board of Pharmacy, the Department of Insurance, and the advisory~~  
 6 ~~council and its presiding officer~~ comply with all of the requirements of this Section  
 7 are met.

8 B. No later than twenty-four hours prior to a meeting conducted pursuant to  
 9 the provisions of this Section, the ~~Louisiana Board of Pharmacy, the Department of~~  
 10 ~~Insurance, and the advisory council~~ **public body** shall provide for all of the  
 11 following:

12 (1) The notice and agenda for the meeting, which shall be posted on the  
 13 website of the ~~Louisiana Board of Pharmacy and the Department of Insurance~~ **public**  
 14 **body**, emailed to any member of the public or the news media who requests notice  
 15 of meetings of the public body, and ~~widely~~ **posted and** distributed to every known  
 16 ~~news media outlet that broadcasts or publishes news within the geographic area~~  
 17 ~~within the jurisdiction of the public body~~ **as otherwise required by this Chapter**  
 18 **and by law.**

19 (2) Detailed information regarding how members of the public may  
 20 participate in the meeting and submit comments regarding matters on the agenda,  
 21 which information shall be posted on the website of the ~~Louisiana Board of~~  
 22 ~~Pharmacy and the Department of Insurance,~~ **public body and** emailed to any  
 23 member of the public or the news media who requests notice of meetings of ~~the~~  
 24 ~~public body, and widely distributed to every known news media outlet that~~  
 25 ~~broadcasts or publishes news within the geographic area within the jurisdiction of the~~  
 26 ~~public body.~~

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

29 (1) **The presiding officer shall be present and shall preside over the**  
 30 **meeting at the anchor location. The anchor location shall be open to the public.**  
 31 **Any member of the public body or the public shall be allowed to participate in-**  
 32 **person at the anchor location.**

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

36 (2) (3) The ~~advisory council~~ **public body** shall properly identify and  
 37 acknowledge all public comments during the meeting and shall maintain those  
 38 comments in its record of the meeting.

39 (3)(4) The presiding officer of the ~~advisory council~~ **public body** shall ensure  
 40 ~~both~~ **all** of the following:

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

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

44 (c) **That the voting decision of each participating member of the public**  
 45 **body on each matter is clearly identified during each vote during the meeting**  
 46 **and recorded and included in the archive of the meeting.**

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

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

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

55 (1) **"Anchor location" means the physical location from which the**  
 56 **meeting via electronic means originates or the participants are connected.**

57 (2) "Meeting via electronic means" shall mean a meeting ~~occurring at which~~  
 58 **one or more members of a public body or members of the public participate** via  
 59 teleconference or video conference.

1           ~~(2)~~(3) "Teleconference" shall mean a method of communication which  
 2 enables persons in different locations to participate in a meeting and to hear and  
 3 otherwise communicate with each other.

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

7           E.(1) All members of the public body participating in a meeting held  
 8 pursuant to this Section, either at the anchor location or via electronic means,  
 9 shall be counted for the purpose of establishing a quorum and may vote.

10           (2) Each public body conducting meetings pursuant to this Section shall  
 11 adopt rules, regulations, and procedures to allow the public to participate in the  
 12 meeting via electronic means.

13           F.(1) Under no circumstances shall a public body conduct all of its  
 14 meetings during a calendar year via electronic means pursuant to this Section.  
 15 Except as otherwise provided in Paragraph (2) of this Subsection, each public  
 16 body that conducts meetings via electronic means pursuant to this Section shall  
 17 limit the number of successive meetings via electronic means to a reasonable  
 18 number and shall, to the extent practicable, publish a schedule of its meetings  
 19 indicating which upcoming meetings will be conducted via electronic means and  
 20 which will be conducted only in person.

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

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

30           H.(1) Except as provided in Subsection I of this Section, the provisions  
 31 of this Section shall apply to any public body which has powers, duties, or  
 32 functions that are not limited to a particular political subdivision or region.

33           (2) However, no licensing or regulatory public body shall conduct a  
 34 disciplinary hearing or adjudication via electronic means pursuant to this  
 35 Section.

36           I. The provisions of this Section shall not apply to:

37           (1) The legislature, either house of the legislature, or any committee of  
 38 the legislature or either house of the legislature.

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

40           (3) The Board of Regents.

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

42           (5) The State Civil Service Commission.

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

45           (7) The Board of Commerce and Industry.

46           (8) The board of supervisors for the Louisiana State University System,  
 47 the University of Louisiana System, the Louisiana Community and Technical  
 48 Colleges System, or the Southern University System.

49           (9) Any parish board of election supervisors.

50           §17.2.1. Public body; member with a disability

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

57           B. Each public body shall adopt rules, regulations, and procedures to  
 58 facilitate the requirements of Subsection A of this Section."

1 AMENDMENT NO. 8

2 On page 9, line 10, change "R.S. 42:29," to "R.S. 42:17.3 and 29,"

3 AMENDMENT NO. 9

4 On page 9, after line 11, insert the following:

5           "Section 3. The legislative auditor shall regularly review the policies and  
6 practices of public bodies relative to the implementation of the provisions of this Act  
7 and shall submit reports of findings and any recommendations for legislation to  
8 Senate Committee on Senate and Governmental Affairs and the House Committee  
9 on House and Governmental Affairs in intervals he deems appropriate."