

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 electronic means.

New law requires all meetings held via electronic means to provide a mechanism for public comment and remote participation.

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

New 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.

New 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 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))