

## CONFERENCE COMMITTEE REPORT

HB 59

2020 First Extraordinary Session

Mincey

June 29, 2020

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 59 by Representative Mincey, recommend the following concerning the Reengrossed bill:

1. That the set of Senate Committee Amendments by the Senate Committee on Education (#547) be adopted.
2. That the set of Senate Floor Amendments by Senator Fields (#571) be rejected.
3. That the set of Senate Floor Amendments by Senator Bouie (#566) be rejected.
4. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 3, between lines 24 and 25, insert the following:

"Section 2. Not later than July 15, 2020, the State Board of Elementary and Secondary Education shall adopt emergency rules informed by the Centers for Disease Control and Prevention guidelines to provide minimum standards, policies, medical exceptions, and regulations to govern the reopening of schools for the 2020-2021 school year to ensure that students, faculty, staff, and others on school property are protected to the extent possible and practical from COVID-19. Prior to the beginning of the 2020-2021 school year, each public school governing authority shall implement policies, rules, and regulations in accordance with the rules and regulations adopted by the State Board of Elementary and Secondary Education.

Section 3. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Supervisors for the University of Louisiana System, and the Board of Supervisors of Community and Technical Colleges shall adopt policies informed by the Centers for Disease Control and Prevention guidelines to provide minimum standards, policies, medical exceptions, and regulations to govern the reopening of schools for the 2020-2021 school year to ensure that students, faculty, staff, and others on school property are protected to the extent possible and practical from COVID-19."

AMENDMENT NO. 2

On page 3, line 25, change "Section 2" to "Section 4"

Respectfully submitted,

---

Representative Buddy Mincey, Jr.

---

Senator Cleo Fields

---

Representative Stuart J. Bishop

---

Senator J. Rogers Pope

---

Representative Clay Schexnayder

---

Senator Beth Mizell

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

**CONFERENCE COMMITTEE REPORT DIGEST**

**HB 59**

**2020 First Extraordinary Session**

**Mincey**

**Keyword and oneliner of the instrument as it left the House**

LIABILITY/PUBLIC: Provides relative to limitations of liability for public and private school districts and postsecondary institutions during a declared state of emergency or a public health emergency (Item #40)

**Report adopts Senate amendments to:**

1. Provide that the proposed law immunity from civil liability is restricted to the COVID-19 public health emergency.
2. Make technical changes to conform usage of terms with provisions of Title 17. Change "private" to "nonpublic" and "district" to "system".
3. Prohibit a public school governing authority from adopting a rule, regulation, or policy that imposes a lesser standard than that adopted by BESE.

**Report rejects Senate amendments which would have:**

1. Provided that BESE adopt policies regarding COVID-19 no later than July 15, 2020 and that proposed law (R.S. 17:439.1) is effective on the date that the emergency rules are adopted by BESE.
2. Provided that Public Postsecondary Boards of Supervisors adopt and implement policies regarding COVID-19 for the 2020-2021 school year and that proposed law (R.S. 17:3391) is effective on the date the public postsecondary education management board adopts the emergency policies.

**Report amends the bill to:**

1. Provide that BESE adopt and implement policies regarding COVID-19 no later than July 15, 2020.
2. Provide that Public Postsecondary Boards of Supervisors adopt and implement policies regarding COVID-19 for the 2020-2021 school year

**Digest of the bill as proposed by the Conference Committee**

Proposed law provides for immunity for public, nonpublic, and charter schools from civil liability from damages resulting from exposure to COVID-19 or acts undertaken in an effort to respond to the COVID-19 public health emergency.

Proposed law prohibits causes of action related to the contraction of COVID-19 at a public, nonpublic, or charter school facility, bus, or event and at a public or nonpublic postsecondary education facility or event based on the actions or failure to act of school agents.

Proposed law provides that schools and postsecondary institutions shall not be immune from civil liability for damages resulting from actions or inactions that (1) are in violation of a

policy adopted by the school and (2) are determined to be grossly negligent or wanton or reckless misconduct.

Proposed law prohibits a public school governing authority from adopting a policy, rule, or regulation that imposes a lesser standard than what is prescribed in a rule or regulation adopted by the State Board of Elementary and Secondary Education, in accordance with the Administrative Procedure Act.

Proposed law provides that the State Board of Elementary and Secondary Education adopt policies that are informed by the Centers for Disease Control and Prevention guidelines regarding COVID-19 by July 15, 2020.

Proposed law provides that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, University of Louisiana System, and Community and Technical Colleges adopt policies that are informed by the Centers for Disease Control and Prevention guidelines regarding COVID-19.

Provides that the provisions of proposed law are to be applied retroactively to March 11, 2020, as well as prospectively.

(Adds R.S. 17:439.1 and 3391)