

## CONFERENCE COMMITTEE REPORT

SB 201

2023 Regular Session

Hewitt

June 8, 2023

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

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 201 by Senator Hewitt, recommend the following concerning the Reengrossed bill:

1. That House Committee Amendment Set No. 3441 proposed by the House Committee on House and Governmental Affairs and adopted by the House of Representatives on May 25, 2023, be adopted.
2. That House Legislative Bureau Amendment Set No. 2131 proposed by the Legislative Bureau and adopted by the House of Representatives on May 25, 2023, be adopted.
3. That House Floor Amendments No. 1 and No. 2 proposed by Representative Gregory Miller and adopted by the House of Representatives on June 5, 2023, be adopted.
4. That House Floor Amendments No. 1, No. 2, and No. 3 proposed by Representative Ivey and adopted by the House of Representatives on June 5, 2023, be adopted.
5. That House Floor Amendments No. 1, No. 2, No. 3, No. 4, No. 5, No. 7, and No. 8 proposed by Representative Stefanski and adopted by the House of Representatives on June 5, 2023, be adopted.
6. That House Floor Amendments No. 6 and No. 9 proposed by Representative Stefanski and adopted by the House of Representatives on June 5, 2023, be rejected.
7. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

In House Committee Amendment No. 7 by the Committee on House and Governmental Affairs (#3441), on page 2, delete lines 55 and 56 and insert:

**"(1) "Anchor location" means the public location at which the public body holds in-person meetings or is specifically equipped with the technology necessary to meet via electronic means."**

AMENDMENT NO. 2

In House Committee No. 7 by the Committee on House and Governmental Affairs (#3441), on page 3, after line 58, insert the following:

**"C. The provisions of Subsections A and B of this Section shall not apply to members of the legislature or any parish board of election supervisors."**

Respectfully submitted,

Senators:

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Senator Sharon Hewitt

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Senator Barry Milligan

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Senator Edward J. "Ed" Price

Representatives:

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Representative John M. Stefanski

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Representative Candace N. Newell

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Representative Gregory A. Miller

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

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## CONFERENCE COMMITTEE REPORT DIGEST

SB 201

2023 Regular Session

Hewitt

### Keyword and summary of the bill as proposed by the Conference Committee

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

#### Report adopts House amendments to:

1. Make technical changes.
2. Provide for promulgation of rules pursuant to the Administrative Procedure Act.
3. Define "meeting via electronic means" as a meeting at which one or more members of a public body or members of the public participate via teleconference or video conference.
4. Define "teleconference" as a method of communication which enables persons in different locations to participate in a meeting and to hear and otherwise communicate with each other.
5. Define "video conference" as a method of communication which enables persons in different locations to participate in a meeting and to see, hear, and otherwise communicate with each other.
6. Allow any public body which has powers, duties, or functions that are not limited to a particular political subdivision or region and that conducts at least six regularly scheduled meetings in a calendar year to conduct no more than one-third of its meetings via electronic means; limits the number of successive meetings via electronic means to a reasonable number.
7. Allow any public body that is strictly advisory or that primarily focuses on issues dealing with disabilities or assisting military families to conduct successive meetings via electronic means without limitation.
8. Allow committees and subcommittees of the Louisiana State Law Institute to conduct periodic meetings via electronic means.
9. Prohibit the legislature, either house of the legislature, any committee of the legislature or either house of the legislature, State Board of Elementary and Secondary Education, Board of Regents, Board of Ethics, Ethics Adjudicatory Board, State Civil Service Commission, board of directors of the Louisiana Citizens Property Insurance Corporation, the board of supervisors for the Louisiana State University System, University of Louisiana System, Louisiana Community and Technical Colleges System, or the Southern University System, or any parish board of election supervisors from conducting meetings via electronic means.
10. Require each public body that has the capacity to allow any member of the public with a disability recognized by the Americans With Disabilities Act or a designated caregiver of such a person to participate in its meetings held via teleconference or video conference and adopt rules, regulations, and procedures to facilitate participation via teleconference or video conference for any person who requests an accommodation prior to the meeting, except for public bodies explicitly prevented from conducting meetings via electronic means.
11. Require each public body that does not have the capacity to allow any member of the public with a disability recognized by the Americans With Disabilities Act or

a designated caregiver of such a person to participate in its meetings held via teleconference or video conference to adopt rules, regulations, and procedures to facilitate viable alternative methods for any person who requests an accommodation prior to the meeting, except for public bodies explicitly prevented from conducting meetings via electronic means.

12. Require a public body eligible to meet via electronic means to publish a schedule of its meetings indicating which upcoming meetings will be conducted via electronic means and which will be conducted only in person to the extent practical.

13. Require a public body meeting via electronic means to provide a notice and agenda for the meeting, post such notice and agenda on its website, and email such notice and agenda to any member of the public or news media upon request.

14. Require a public body meeting via electronic means to provide detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda.

15. Require the presiding officer of a meeting of a public body conducted via electronic means to be present and preside over the meeting at a physical anchor location that is open to the public.

16. Allow for any member of the public or of a public body conducting a meeting via electronic means to participate in such a meeting in person at the anchor location.

17. Require a public body meeting via electronic means to provide a mechanism to receive public comment electronically in the manner it prescribes prior to, and to the extent practical, during a meeting conducted via electronic means.

18. Require a public body meeting via electronic means to identify and acknowledge all public comments, inclusive of those received in person during the meeting and those received in writing or electronically prior to any submission deadline for the meeting, and maintain those comments in its record of the meeting.

19. Require the presiding officer of a meeting of a public body conducted via electronic means to ensure that each person participating in the meeting is properly identified, that all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting including the public, and that the voting decision of each participating member of the public body is clearly identified during each vote during the meeting and recorded and included in the archive of the meeting.

20. Require a public body meeting via electronic means to adjourn if it is unable to resolve any technical problem that causes the meeting to longer be audible, or if applicable, visible and audible to the public within one hour and to recess until the problem is resolved.

21. Require any meeting of a public body conducted via electronic means to be recorded and made available to the public in an online archive located on the public body's website for at least two years.

22. Require all documents made available to members of the public in attendance at the anchor location to be made available electronically to members of the public participating electronically to the extent practical.

23. Allow all members of a public body participating either in-person or electronically in a meeting held via electronic means to be counted for the purposes of establishing and quorum and to vote.

24. Prohibit any member of a public body who participates in a meeting conducted via electronic means to be eligible for or receive a per diem for attendance at the meeting.

25. Prohibit any licensing or regulatory public body from conducting a disciplinary hearing or adjudication via electronic means.

26. Require any public body which has powers, duties, or functions that are not limited to a particular political subdivision or region that has a member with a disability recognized by the Americans With Disabilities Act to adopt rules, regulations, and procedures to facilitate that member participating and voting in a meeting via electronic means.

27. Provide for regular review of the policies and practices of public bodies conducting meetings via electronic means by the legislative auditor and require the legislative auditor to submit reports of its findings and any recommendations for legislation to the Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs in intervals he deems appropriate.

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

1. Defined "anchor location" as the physical location from which the meeting via electronic means originates or the participants are connected.

2. Made provisions requiring accommodations to allow members of certain public bodies with a disability recognized by the Americans With Disabilities Act to participate in meetings via electronic means inapplicable to members of certain public bodies.

**Report amends the bill to:**

1. Define "anchor location" as the public location at which the public body holds in-person meetings or is specifically equipped with the technology necessary to meet via electronic means.

2. Prohibit 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.

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

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, except for present law applicable to meetings via electronic means of the committees and subcommittees of the Law Institute, and establishes comprehensive eligibility requirements for a public body 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 public bodies which 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 proposed law are met.

Proposed law prohibits the total number of meetings held via electronic means from exceeding one-third of the public body's total yearly meetings.

Proposed 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 proposed law are met.

Proposed law requires meetings of public bodies conducted via electronic means to provide for remote public participation by a member of the public with a disability recognized by the Americans With Disabilities Act or their designated caregiver upon request.

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 holds in-person meetings or is 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 one hour.

Proposed 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.

Proposed law requires all public bodies that are generally ineligible to hold meetings via electronic means to provide for a member of the body with a disability recognized by the Americans with Disabilities Act to participate remotely via electronic means, except for meetings that require a member to be physically present in order to be counted for a quorum and to participate and vote.

Proposed 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.

Proposed 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. 42:17.2 and 29, and R.S. 46:123(M))