

SENATE BILL NO. 201

BY SENATORS HEWITT, ABRAHAM, BARROW, BOUDREAUX, CARTER, CLOUD,
CORTEZ, DUPLESSIS, HENSGENS, JACKSON, MILLIGAN, FRED
MILLS, MIZELL, STINE, TALBOT AND WOMACK AND
REPRESENTATIVE NEWELL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 42:17.2, to enact R.S. 42:14(E) and 17.2.1, and to repeal R.S.
27:11(G)(2), R.S. 42:17.3 and 29, and R.S. 46:123(M), relative to open meetings; to
authorize certain public bodies to conduct meetings via electronic means; to provide
for public notice and participation requirements; to provide for definitions; to remove
provisions authorizing specified public bodies to conduct meetings via electronic
means; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:17.2 is hereby amended and reenacted and R.S. 42:14(E) and
17.2.1 are hereby enacted to read as follows:

§14. Meetings of public bodies to be open to the public

* * *

**E.(1) Each public body that has the capability 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 via
teleconference or video conference as defined in R.S. 42:17.2 shall adopt rules,
regulations, and procedures to regulate and facilitate participation via
teleconference or video conference for any such person who prior to the meeting
requests that accommodation.**

(2) Each public body that does not have the capability to allow any

1 member of the public with a disability recognized by the Americans with
 2 Disabilities Act or a designated caregiver of such a person to participate in its
 3 meetings via teleconference or video conference as defined in R.S. 42:17.2 shall
 4 adopt rules, regulations, and procedures to facilitate viable alternative methods
 5 for a member of the public with a disability recognized by the Americans with
 6 Disabilities Act or a designated caregiver of such a person who so requests to
 7 participate in its meetings.

8 (3) The requirements of this Subsection shall not be applicable during
 9 an executive session held in accordance with law, during any meeting that is
 10 sequestered in accordance with law, or to any public body included in R.S.
 11 42:17.2(I).

12 (4) State agencies as defined by R.S. 49:951 shall promulgate rules
 13 pursuant to the Administrative Procedure Act to implement this Subsection.

14 * * *

15 §17.2 Exception for certain meetings of ~~the pharmacy benefit manager monitoring~~
 16 ~~advisory council~~ certain public bodies

17 A. Notwithstanding any other provision of this Chapter to the contrary, the
 18 ~~pharmacy benefit manager monitoring advisory council, as provided for in R.S.~~
 19 ~~40:2869, a public body identified in Subsection H of this Section~~ may conduct and
 20 its members may attend and participate in a meeting via electronic means provided
 21 that the ~~Louisiana Board of Pharmacy, the Department of Insurance, and the advisory~~
 22 ~~council and its presiding officer~~ comply with all of the requirements of this Section
 23 are met.

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

28 (1) The notice and agenda for the meeting, which shall be posted on the
 29 website of the ~~Louisiana Board of Pharmacy and the Department of Insurance~~ public
 30 body, emailed to any member of the public or the news media who requests notice

1 of meetings of the public body, and ~~widely posted and~~ distributed to every known
2 news media outlet that broadcasts or publishes news within the geographic area
3 within the jurisdiction of the public body as otherwise required by this Chapter
4 and by law.

5 (2) Detailed information regarding how members of the public may
6 participate in the meeting and submit comments regarding matters on the agenda,
7 which information shall be posted on the website of the ~~Louisiana Board of~~
8 ~~Pharmacy and the Department of Insurance;~~ public body and emailed to any
9 member of the public or the news media who requests notice of meetings of the
10 public body, and ~~widely distributed to every known news media outlet that~~
11 ~~broadcasts or publishes news within the geographic area within the jurisdiction of the~~
12 public body.

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

15 (1) The presiding officer shall be present and shall preside over the
16 meeting at the anchor location. The anchor location shall be open to the public.
17 Any member of the public body or the public shall be allowed to participate in-
18 person at the anchor location.

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

22 (2) (3) The ~~advisory council~~ public body shall properly identify and
23 acknowledge all public comments inclusive of those received in person during the
24 meeting and those received in writing or electronically prior to any submission
25 deadline for the meeting and shall maintain those comments in its record of the
26 meeting.

27 (3)(4) The presiding officer of the ~~advisory council~~ public body shall ensure
28 ~~both~~ all of the following:

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

30 (b) That all parts of the meeting, excluding any matter discussed in executive

1 session, are clear and audible to all participants in the meeting including the public.

2 (c) That the voting decision of each participating member of the public
3 body on each matter is clearly identified during each vote during the meeting
4 and recorded and included in the archive of the meeting.

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

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

12 (7) All documents made available to members of the public in attendance
13 at the anchor location shall be made available electronically to members of the
14 public participating electronically to the extent practical.

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

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

19 (2) "Meeting via electronic means" shall mean a meeting occurring at which
20 one or more members of a public body or members of the public participate via
21 teleconference or video conference.

22 ~~(2)~~(3) "Teleconference" shall mean a method of communication which
23 enables persons in different locations to participate in a meeting and to hear and
24 otherwise communicate with each other.

25 ~~(3)~~(4) "Video conference" shall mean a method of communication which
26 enables persons in different locations to participate in a meeting and to see, hear, and
27 otherwise communicate with each other.

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

1 (2) Each public body conducting meetings pursuant to this Section shall
2 adopt rules, regulations, and procedures to allow the public to participate in the
3 meeting via electronic means. State agencies as defined by R.S. 49:951 shall
4 promulgate such rules pursuant to the Administrative Procedure Act.

5 F.(1) Except as otherwise provided in Paragraph (2) of this Subsection,
6 each public body that conducts meetings via electronic means pursuant to this
7 Section shall limit the number of its regularly scheduled meetings via electronic
8 means to no more than one-third in a calendar year, shall limit the number of
9 successive meetings via electronic means to a reasonable number, and shall, to
10 the extent practicable, publish a schedule of its meetings indicating which
11 upcoming meetings will be conducted via electronic means and which will be
12 conducted only in person.

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

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

22 H.(1) Except as provided in Subsection I of this Section, the provisions
23 of this Section shall apply to any public body which has powers, duties, or
24 functions that are not limited to a particular political subdivision or region and
25 that conducts at least six regularly scheduled meetings in a calendar year.

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

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

30 (1) The legislature, either house of the legislature, or any committee of

- 1 the legislature or either house of the legislature.
- 2 (2) The State Board of Elementary and Secondary Education.
- 3 (3) The Board of Regents.
- 4 (4) The Board of Ethics or Ethics Adjudicatory Board.
- 5 (5) The State Civil Service Commission.
- 6 (6) The board of directors of the Louisiana Citizens Property Insurance
- 7 Corporation.
- 8 (7) The State Board of Commerce and Industry.
- 9 (8) The board of supervisors for the Louisiana State University System,
- 10 the University of Louisiana System, the Louisiana Community and Technical
- 11 Colleges System, or the Southern University System.
- 12 (9) Any parish board of election supervisors.

13 §17.2.1. Public body; member with a disability

14 A. Notwithstanding any provision of this Chapter that requires a

15 member of a public body to be physically present in order to be counted for a

16 quorum and to participate and vote in a meeting, a member of a public body

17 who has a disability recognized by the Americans with Disabilities Act shall be

18 allowed to participate and vote in a meeting via electronic means as defined in

19 R.S. 42:17.2.

20 B. Each public body shall adopt rules, regulations, and procedures to

21 facilitate the requirements of Subsection A of this Section. State agencies as

22 defined by R.S. 49:951 shall promulgate such rules pursuant to the

23 Administrative Procedure Act.

24 C. The provisions of Subsections A and B of this Section shall not apply

25 to members of the legislature or any parish board of election supervisors.

26 Section 2. R.S. 27:11(G)(2), R.S. 42:17.3 and 29, and R.S. 46:123(M) are hereby

27 repealed in their entirety.

28 Section 3. The legislative auditor shall regularly review the policies and practices of

29 public bodies relative to the implementation of the provisions of this Act and shall submit

30 reports of findings and any recommendations for legislation to Senate Committee on Senate

1 and Governmental Affairs and the House Committee on House and Governmental Affairs
2 in intervals he deems appropriate.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____