

NOTICE OF INTENT

Department of Energy and Natural Resources Office of the Secretary

Open Meetings via Electronic Means
(LAC 43:I.Chapter 20)

The Department of Energy and Natural Resources, its boards and commissions, pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 36:354, 42:14(E), 42:17.2(E), and 42:17.2.1(B), propose to adopt rules relative to Louisiana's open meeting law.

Act 393 of the 2023 Regular Legislative Session, amended R.S. 42:17.2 and enacted R.S. 42:14(E) and 17.2.1 of Louisiana's Open Meeting law to authorize eligible public bodies to conduct its meetings via electronic means (e.g. videoconference or teleconference) in order to allow any member of the public with a disability recognized by the American Disabilities Act or a designated caregiver to participate in its meeting.

The secretary of the Department of Energy and Natural Resources ("secretary") is authorized by the public bodies stated herein to take any and all necessary steps to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration, in order to promulgate regulations relative to conducting meetings via electronic means, provide for public notice, and detail participation requirements to ensure equal access for qualified individuals with disabilities recognized by the Americans with Disabilities Act by providing auxiliary aids and/or electronic services. In the absence of any further action by the public bodies stated herein, following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 43

NATURAL RESOURCES

Part I. Office of the Secretary

Subpart 1. General

Chapter 20. Disability Accommodations—Act 393 of 2003 2023

§2001. Definitions

- A. "ADA" shall mean the American with Disabilities Act
- B. "Board and Commission" shall mean those listed in R.S. 36:359
- C. "~~DENR DCE~~" shall mean the Louisiana Department of ~~Energy and Natural Resources~~ Conservation and Energy.
- D. "People with Disabilities" are defined as any of the following:
 1. A member of the public with a disability recognized by the ADA;
 2. A designated caregiver of such person; or
 3. A participant member of a board and commission itself with an ADA qualifying disability
- E. "Electronic Means" shall have the same meaning as "meeting via electronic means" as provided in R.S. 42:17.2.
- F. "Meeting" shall have the same meaning as "meeting" as provided in R.S. 42:13.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of ~~Energy and Natural Resources~~ Conservation and Energy, Office of the Secretary, LR 51:

§2003. Eligibility Requirements

A. This regulation shall only apply to the ~~DENR DCE~~ or its boards and commissions if they conduct at least six meeting in a calendar year.

B. If this regulation is applicable pursuant to Paragraph A, then the number of meeting via electronic means shall be limited as follows:

1. The number of its regularly scheduled meetings via electronic means shall be no more than one-third in a calendar year; and/or
2. The number of successive meetings via electronic means is limited to a reasonable number.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of ~~Energy and Natural Resources~~ Conservation and Energy, Office of the Secretary, LR 51:

§2005 Open Meeting Accessibility

A. ~~DENR DCE~~ and each board and commission shall provide for participation via electronic means, on an individualized basis, for people with disabilities in accordance with the guidelines set forth herein.

B. Each board and commission shall adopt these regulations via a resolution.

C. ~~DENR DCE~~ and each board or commission shall post a written public notice of its meeting in accordance with R.S. 42:19 and on its website. The written public notice shall also contain:

1. The contact information of the designated representative of ~~DENR DCE~~ or board or commission to whom a disability accommodation request must be submitted;
2. Detailed information regarding how people with disabilities may participate in the meeting via electronic means.

D. Any member of the public, ~~DENR DCE~~ or the board or commission who qualifies as a person with a disability under the ADA and this Section shall make their accommodation requests as far in advance as possible to allow time to provide an accommodation. Upon receipt of an accommodation request, the designated ~~DENR DCE~~, board or commission representative shall, if possible, provide the requestor with an accommodation.

E. Any member of ~~DENR DCE~~ or the board or commission who qualifies as a person with a disability under the ADA and this Section may participate in the meeting via electronic means. Notwithstanding law to the contrary, participation via electronic means shall count for purposes of establishing quorum and voting.

F. The designated representative of ~~DENR DCE~~ and the board or commission shall provide the requestor with the accommodation information, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the schedule meeting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of ~~Energy and Natural Resources~~ Conservation and Energy, Office of the Secretary, LR 51: