

NOTICE OF INTENT

Office of the Governor Division of Administration Office of the Commissioner

Public Meetings via Electronic Means (LAC 4:I.101)

In accordance with the provisions of R.S. 49:950 et seq., and through the authority granted in R.S. 39:4, the Division of Administration (DOA), Office of the Commissioner proposes to adopt LAC 4:I.Chapter 9. The purpose of the proposed Rule is to accommodate people with disabilities so that they may participate via electronic means in public meetings of public bodies within the DOA. Such rulemaking is required by Act 393 of the 2023 Regular Session of the Louisiana Legislature, specifically R.S. 42:14(E)(4) and R.S. 42:17.2.1(B).

Title 4

ADMINISTRATION

Part XXIII. ADA Accessibility

Chapter 1. Public Meetings via Electronic Means

§101. Disability Accommodations

A. People with disabilities may request access to and participation in public meetings via electronic means for any public bodies within the DOA.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participating member of the public body with an ADA-recognized disability.

C. People with disabilities interested in participating via electronic means and/or providing written comments on agenda items should submit such to the DOA designated agency representative listed on the written public notice required by R.S. 42:19 in advance of the applicable meeting.

D. People with disabilities shall be provided the teleconference phone number and/or videoconference link as soon as possible following receipt by the DOA designated agency representative of their request, but no later than the start of the scheduled meeting.

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

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 50:

Family Impact Statement

In accordance with R.S. 49:972, the impact of this proposed rule on the family has been considered. It has a positive impact on family functioning, stability and autonomy by removing barriers that prevent people with disabilities from equal opportunity and full participation in the public policy-making process. Moreover, it allows people with disabilities and their caregivers the opportunity to attend public meetings via electronic means without disrupting the daily routine as otherwise required for in-person attendance, such as time away from the home and arrangements for an alternate caregiver.

Poverty Impact Statement

In accordance with R.S. 49:973, the impact of this proposed Rule on poverty issues has been considered. It has no known or foreseeable effect on: household income, assets, and financial security; early childhood development; employment and workforce development; taxes and tax

credits; or assistance for child and dependent care, housing, health care, nutrition, transportation and utilities.

Small Business Analysis

In accordance with R.S. 49:974.5, the impact of this proposed Rule on small businesses has been considered. There is no known or foreseeable adverse impact on small businesses. Therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

In accordance with House Concurrent Resolution 170 of the 2014 Regular Session, the impact of this proposed Rule on organizations that provide services for individuals with developmental disabilities has been considered. It does not have any effect on provider staffing levels, qualifications, costs, or overall ability of providers to provide the same level of service.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Such comments should be submitted by email or mail to Rikki Nicole David, Division of Administration, Office of the State Americans with Disabilities Act Coordinator, at Rikki.David@la.gov or P.O. Box 94095, Baton Rouge, LA 70804-9095. All written comments must be received on or before January 10, 2024 at 4:30 p.m. If necessary, a public hearing will be scheduled pursuant to R.S. 49:961(B)(1).

Jay Dardenne
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Public Meetings via Electronic Means

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than publication costs associated with the proposed rule changes, it is not anticipated that state or local governmental units will incur any costs or savings as a result of this rule. In compliance with Act 393 of the 2023 RS, the Office of the Commissioner proposes to adopt Section 901 (Disability Accommodations) of Part I, Chapter 9 of Title 4 of the Louisiana Administrative Code. Specifically, the rule establishes the framework for teleconferencing or videoconferencing of board meetings. The Office of the Commissioner is already in possession of the equipment necessary to provide teleconference or video conference participation in its meetings; therefore, there are no implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Electronic meetings could potentially reduce expenses to directly affected persons, small businesses, or non-governmental groups by negating the need for travel to a board meeting.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not expected to have an effect on competition and employment.

Jay Dardenne
Commissioner

Patrice Thomas
Deputy Fiscal Officer

