

NOTICE OF INTENT

Louisiana Economic Development

Administrative and Miscellaneous Provisions (LAC 13:VII Chapter 1)

Louisiana Economic Development (LED), pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 36:104, 42:14(E), 42:17.2 (E), and 42:17.2.1(B), propose to adopt rules relative to Louisiana's open meetings law.

Act 393 of the 2023 Regular Session amended R.S. 42:17.2 and enacted R.S. 42:14(E) and 17.2.1 of Louisiana's Open Meetings law to permit certain, eligible public bodies to conduct its open meetings via electronic means (e.g. videoconference or teleconference.) Regardless of its eligibility status, electronic or alternate participation are required in open meetings as an ADA accommodation for people with disabilities. The purpose of the proposed rule is therefore to promulgate rules to allow for electronic or alternate participation in open meetings, as required by R.S. 42:14 E (4), 42:17.2 and 42:17.2.1(B).

Title 13

ECONOMIC DEVELOPMENT

Part VII: Administrative and Miscellaneous Provisions

Chapter 1. Open Meetings via Electronic Means Policy

§101. Agency Eligibility

A. Louisiana Economic Development (LED), meets the criteria pursuant to Act 393 of the 2023 Regular Legislative Session to be eligible to conduct open public meetings via electronic means.

1. Is a state agency as defined by R.S. 49:951;
2. Has powers, duties, or functions that are not limited in scope to a particular political subdivision or region;
3. Conducts at least six regularly scheduled meetings in a calendar year; and
4. Is not one of the agencies identified by R.S. 42:17.2(I) to which open meetings via electronic means shall not apply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 42:17.2.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development. LR

§103. Postings Prior to Meeting via Electronic Means

A. At least twenty-four hours prior to the meeting, LED shall post the following on the agency's website at www.opportunitylouisiana.gov:

1. Meeting notice and agenda; and
2. Detailed information regarding how members of the public may:
 - a. Participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and

b. Submit written comments regarding matters on the agenda prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, R.S. 42:14(E) and R.S. 42:17.2.
HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR

§105. Electronic Meeting Requirements and Limitations

A. For any meeting conducted via electronic means, LED shall ensure compliance with all requirements outlined in R.S. 42:17.2(C).

B. LED shall not conduct any more than one-third of its open meetings, in a calendar year, via electronic means, and will only conduct successive meetings via electronic meetings as needed.

C. To the extent practicable, LED shall publish a schedule of its meetings indicating which upcoming meetings will be conducted via electronic means and which will be conducted only in person meetings.

D. All participating members of LED whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

E. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on LED's website at www.opportunitylouisiana.gov

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, R.S. 42:14(E) and R.S. 42:17.2.
HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR

§107. Disability Accommodations

A. Although an open meeting may be scheduled as in-person, LED is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

B. People with disabilities may request access, within (*time period*) to and participation in public meetings via electronic means for LED, or any public body within LED.

C. 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 participant member of LED or any public body within LED, with an ADA-qualifying disability.

D. LED shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated representative to whom a disability accommodation may be submitted.

E. The designated LED representative shall provide the requestor with the accommodation, 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 scheduled meeting.

F. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: with R.S. 36:104, R.S. 42:14(E), R.S. 42:17.2, and R.S. 47:17.2.1.
HISTORICAL NOTE: Promulgated by Louisiana Economic Development, LR

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Person Preparing Statement:	<u>Leticia Johnson</u>	Dept.:	<u>Louisiana Economic Development</u>
Phone:	<u>225-342-3000</u>	Office:	<u>Office of the Secretary</u>
Return Address:	<u>617 North Third St.</u>	Rule Title:	<u>Open Meetings via Electronic Means</u>
	<u>Baton Rouge, LA 70802</u>	Date Rule Takes Effect:	<u>Upon promulgation</u>

SUMMARY
(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

The purpose of this proposed rule is to implement the provisions of La. R.S. 42:14(E) and 42:17.2 enacted by ACT 393 of the 2023 Regular Session of the Louisiana Legislature. La. R.S. 42:14(E) requires agencies (with certain exceptions) to provide electronic or alternate participation in open meetings as an ADA accommodation for people with disabilities. Additionally, La. R.S. 42:17.2 was amended to permit certain, eligible public bodies and agencies to conduct open meetings via electronic means (e.g., videoconference or teleconference).

Louisiana Economic Development's implementation costs are expected to be minimal and the agency currently has sufficient funding to implement the proposed rule.

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

There is currently no estimated impact on revenue collections of LED or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups. To the extent someone is able to attend a meeting via electronic means that might not otherwise be able to, an economic impact may result.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have a material effect on competition and employment.

Anne G. Villa
Signature of Head or Designee

Anne G. Villa, Deputy Secretary
Typed Name & Title of Agency Head or Designee

October 9, 2024
Date of Signature

Brent H. [Signature]
Legislative Fiscal Officer or Designee

10 October 2024
Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The purpose of this proposed rule is to implement the provisions of La. R.S. 42:14(E) and 42:17.2 enacted by ACT 393 of the 2023 Regular Session of the Louisiana Legislature. La. R.S. 42:14(E) requires agencies (with certain exceptions) to provide electronic or alternate participation in open meetings as an ADA accommodation for people with disabilities. Additionally, La. R.S. 42:17.2 was amended to permit certain, eligible public bodies and agencies to conduct open meetings via electronic means (e.g., videoconference or teleconference).

Louisiana Economic Development's implementation costs are expected to be minimal and the agency currently has sufficient funding to implement the proposed rule.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The proposed rule changes are required to align with the statutory changes pursuant to Act 393 of the 2023 Regular Session.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule changes are not anticipated to result in an increase of governmental expenditures for state.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ YES. If yes, attach documentation.

(b) _____ NO. If no, provide justification as to why this rule change should be published at this time

N/A

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 25	FY 26	FY 27
PERSONAL SERVICES	\$0	\$0	\$0
OPERATING EXPENSES	\$0	\$0	\$0
PROFESSIONAL SERVICES	\$0	\$0	\$0
OTHER CHARGES	\$0	\$0	\$0
EQUIPMENT	\$0	\$0	\$0
MAJOR REPAIR & CONSTR.	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

Not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 25	FY 26	FY 27
STATE GENERAL FUND	\$0	\$0	\$0
AGENCY SELF-GENERATED	\$0	\$0	\$0
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0
OTHER (Specify)	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Yes, the agency currently has sufficient fund to implement this action.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

The proposed rule changes are not anticipated to result in any direct material effect on governmental expenditures or savings for state or local governmental units. The changes better align the rules with current statutory provisions and administrative practices as required by portions of Act 393 of the 2023 Regular Session. Any administrative duties brought about by the proposed rule changes will be carried out utilizing existing staff and resources at Louisiana Economic Development (LED).

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

The proposed rule changes are not anticipated to result in any impact on local governmental units; therefore, the local governmental unit will not use any source of funding.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 25	FY 26	FY 27
STATE GENERAL FUND	\$0	\$0	\$0
AGENCY SELF-GENERATED	\$0	\$0	\$0
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0
LOCAL FUNDS	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

Revenue for the state or local government will not be affected.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups. To the extent someone is able to attend a meeting via electronic means that might not otherwise be able to, an economic impact may result.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The proposed rule changes will not have any impact on receipts and/or income.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule changes are not anticipated to have a material effect on competition and employment.

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.R

Poverty Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Small Business Analysis

The proposed Rule should have no adverse impact on small business as defined in the Regulatory Flexibility Act.

Public Comments

Interested persons should submit written comments on the proposed Rules to Leticia Johnson, Louisiana Department of Economic Development, 617 North 3rd Street, 11th Floor, Baton Rouge, LA 70802 or via email to Leticia.Johnson@LA.GOV. All comments must be received no later than close of business day, November 22, 2024

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments on the Notice of Intent will be held at 10 AM on November 25, 2024 in the La Belle Conference Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802.



Anne G. Villa
Deputy Secretary, LED