

Regular Session, 2013

HOUSE BILL NO. 454

BY REPRESENTATIVE NANCY LANDRY (BY REQUEST)

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

PUBLIC MEETINGS: Provides relative to meetings of public bodies

1 AN ACT

2 To amend and reenact R.S. 42:16 and 19(A)(1)(b)(ii)(bb) and (cc) and to enact R.S.
3 42:19(A)(1)(b)(ii)(dd) and (ee), relative to meetings of public bodies; to provide
4 relative to executive sessions; to provide relative to voting by members of such
5 bodies; to provide relative to notice of such meetings; to provide relative to agendas
6 for such meetings; to provide relative to the authority of a public body to take up
7 matters and items at such meetings; to provide relative to public comment at such
8 meetings; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 42:16 and 19(A)(1)(b)(ii)(bb) and (cc) are hereby amended and
11 reenacted and R.S. 42:19(A)(1)(b)(ii)(dd) and (ee) are hereby enacted to read as follows:

12 §16. Executive Sessions

13 A. A public body may hold executive sessions upon an affirmative vote,
14 taken at an open meeting for which notice has been given pursuant to R.S. 42:19, of
15 two-thirds of its constituent members present. An executive session shall be limited
16 to matters allowed to be exempted from discussion at open meetings by R.S. 42:17;
17 however, no final or binding action shall be taken during an executive session. ~~The~~
18 ~~vote of each member on the question of holding such an executive session and the~~
19 ~~reason for holding such an executive session shall be recorded and entered into the~~
20 ~~minutes of the meeting.~~

1 (cc) Upon unanimous approval of the constituent members present and
2 voting at a meeting of a public body, the public body may take up a matter not on the
3 agenda. ~~Any such matter shall be identified in the motion to take up the matter not~~
4 ~~on the agenda~~ Each such matter shall require a separate motion in which the matter
5 is identified with reasonable specificity, including the purpose for the addition to the
6 agenda, and entered into the minutes of the meeting. A matter may be added to the
7 agenda only if it is proved to the presiding officer that an emergency exists which
8 requires immediate action; otherwise, he shall rule that the motion is out of order.
9 At a meeting of the full body, it shall also be proved to the presiding officer that an
10 unusual and unforeseen occurrence prevented the matter from being included in or
11 added to a committee agenda at its last meeting; otherwise, he shall rule that the
12 motion is out of order. Prior to any vote on the motion ~~to take up a matter not on the~~
13 ~~agenda by the public body, there shall be~~ the presiding officer shall allow an
14 opportunity for public comment on ~~any such~~ the motion in accordance with R.S.
15 ~~42:14 or 15~~ by asking if there is any, and the minutes of the meeting shall show that
16 he did so. The presiding officer may set a reasonable time limit for the comments
17 and may limit the number of speakers. For identification purposes a person may be
18 required to complete a comment card before being allowed to speak. To decide the
19 fate of the motion, the roll shall be called and the response of each constituent
20 member shall be recorded and entered into the minutes of the meeting. The public
21 body shall not use its authority to take up a matter not on the agenda as a subterfuge
22 to defeat the purposes of this Chapter.

23 (dd) Upon unanimous approval of the constituent members present and
24 voting at a meeting of a public body, the location of an item on the agenda may be
25 changed. Each proposed relocation shall require a separate motion which shall
26 include the reason for the relocation, and shall be entered into the minutes of the
27 meeting. Prior to any vote on the motion, the presiding officer shall allow an
28 opportunity for public comment on the motion by asking if there is any, and the
29 minutes of the meeting shall show that he did so. The presiding officer may set a

1 reasonable time limit for the comments and may limit the number of speakers. For
2 identification purposes a person may be required to complete a comment card before
3 being allowed to speak. To decide the fate of the motion, the roll shall be called and
4 the response of each constituent member shall be recorded and entered into the
5 minutes of the meeting. The public body shall not use its authority to relocate an
6 item on the agenda as a subterfuge to defeat the purposes of this Chapter.

7 (ee) Upon unanimous approval of the constituent members present and
8 voting at a meeting of a public body, an item may be deleted from the agenda. Each
9 proposed deletion shall require a separate motion which shall include the reason for
10 the deletion, and shall be entered into the minutes of the meeting. Prior to any vote
11 on the motion, the presiding officer shall allow an opportunity for public comment
12 on the motion by asking if there is any, and the minutes of the meeting shall show
13 that he did so. The presiding officer may set a reasonable time limit for the
14 comments and may limit the number of speakers. For identification purposes a
15 person may be required to complete a comment card before being allowed to speak.
16 To decide the fate of the motion, the roll shall be called and the response of each
17 constituent member shall be recorded and entered into the minutes of the meeting.
18 The public body shall not use its authority to delete an item from the agenda as a
19 subterfuge to defeat the purposes of this Chapter.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Nancy Landry

HB No. 454

Abstract: Relative to meetings of public bodies, provides relative to executive sessions, agendas, and the authority of a public body to take up certain items and matters at such meetings.

Present law (R.S. 42:16) provides that a public body may hold executive sessions upon an affirmative vote, taken at an open meeting for which notice has been given pursuant to present law (R.S. 42:19), of 2/3 of its constituent members present. Provides that an executive session shall be limited to matters allowed to be exempted from discussion at open meetings by present law (R.S. 42:17); however, provides that no final or binding action shall

be taken during an executive session. Provides that nothing in present law shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of present law. Proposed law retains present law.

Present law provides that the vote of each member on the question of holding such an executive session and the reason for holding such an executive session shall be recorded and entered into the minutes of the meeting. Proposed law replaces present law with a requirement that there shall be a separate motion for each agenda item to be discussed in executive session and that the motion shall include the reason for doing so, which shall be recorded and entered into the minutes of the meeting. Provides that prior to any vote on the motion the presiding officer shall allow an opportunity for public comment on the motion by asking if there is any, and the minutes of the meeting shall show that he did so. Provides that the presiding officer may set a reasonable time limit for the comments and may limit the number of speakers. Provides that for identification purposes a person may be required to complete a comment card before being allowed to speak. Provides that to decide the fate of the motion, the roll shall be called and the response of each constituent member shall be recorded and entered into the minutes of the meeting.

Present law (R.S. 42:19) provides relative to notice of meetings of public bodies other than legislative bodies. Provides procedures and requirements for giving such notice. Requires written public notice of a meeting no later than 24 hours before the meeting. Requires such notice to include the agenda of the meeting. Prohibits changes to the agenda less than 24 hours prior to the meeting. Requires each item on the agenda to be listed separately and described with reasonable specificity. Requires the presiding officer or his designee to read aloud the description of an item prior to any action on the item by the body.

Proposed law provides that if a public body has established committees of the body composed of constituent members of the body, a matter that was not considered by such a committee at its last meeting may be included in an agenda prepared for a meeting of the full body only if the presiding officer of the full body first decides that it is not a potentially controversial matter. Otherwise retains present law.

Present law provides that upon unanimous approval of the members present at a meeting of a public body, the public body may take up a matter not on the agenda. Requires any such matter to be identified in the motion to take up the matter with reasonable specificity, including the purpose for the addition to the agenda, and entered into the minutes of the meeting. Provides that prior to any vote by the public body on the motion to take up a matter not on the agenda, there shall be an opportunity for public comment on any such motion. Prohibits the public body from using its authority to take up a matter not on the agenda as a subterfuge to defeat the purposes of provisions of present law relative to open meetings.

Proposed law provides that a matter may be added to the agenda only if it is proved to the presiding officer that an emergency exists which requires immediate action; otherwise, he shall rule that the motion is out of order. Provides that at a meeting of the full body, it shall also be proved to the presiding officer that an unusual and unforeseen occurrence prevented the matter from being included in or added to a committee agenda at its last meeting; otherwise, he shall rule that the motion is out of order. Provides that prior to any vote on the motion the presiding officer shall allow an opportunity for public comment on the motion by asking if there is any, and the minutes of the meeting shall show that he did so. Provides that the presiding officer may set a reasonable time limit for the comments and may limit the number of speakers. Provides that for identification purposes a person may be required to complete a comment card before being allowed to speak. Provides that to decide the fate of the motion, the roll shall be called and the response of each constituent member shall be recorded and entered into the minutes of the meeting. Otherwise retains present law.

Proposed law provides that upon unanimous approval of the constituent members present and voting at a meeting of a public body, the location of an item on the agenda may be changed. Provides that each proposed relocation shall require a separate motion which shall

include the reason for the relocation, and shall be entered into the minutes of the meeting. Provides that prior to any vote on the motion, the presiding officer shall allow an opportunity for public comment on the motion by asking if there is any, and the minutes of the meeting shall show that he did so. Provides that the presiding officer may set a reasonable time limit for the comments and may limit the number of speakers. Provides that for identification purposes a person may be required to complete a comment card before being allowed to speak. Provides that to decide the fate of the motion, the roll shall be called and the response of each constituent member shall be recorded and entered into the minutes of the meeting. Provides that the public body shall not use its authority to relocate an item on the agenda as a subterfuge to defeat the purposes of proposed law.

Proposed law provides that upon unanimous approval of the constituent members present and voting at a meeting of a public body, an item may be deleted from the agenda. Provides that each proposed deletion shall require a separate motion which shall include the reason for the deletion, and shall be entered into the minutes of the meeting. Provides that prior to any vote on the motion, the presiding officer shall allow an opportunity for public comment on the motion by asking if there is any, and the minutes of the meeting shall show that he did so. Provides that the presiding officer may set a reasonable time limit for the comments and may limit the number of speakers. Provides that for identification purposes a person may be required to complete a comment card before being allowed to speak. Provides that to decide the fate of the motion, the roll shall be called and the response of each constituent member shall be recorded and entered into the minutes of the meeting. Provides that the public body shall not use its authority to delete an item from the agenda as a subterfuge to defeat the purposes of proposed law.

(Amends R.S. 42:16 and 19(A)(1)(b)(ii)(bb) and (cc); Adds R.S. 42:19(A)(1)(b)(ii)(dd) and (ee))