

Regular Session, 2014

HOUSE BILL NO. 650

BY REPRESENTATIVE NANCY LANDRY (BY REQUEST)

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)(aa) and (cc) and to enact R.S.
3 42:19(A)(1)(b)(ii)(ee) and (ff), 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)(aa) and (cc) are hereby amended and
11 reenacted and R.S. 42:19(A)(1)(b)(ii)(ee) and (ff) 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 B. There shall be a separate motion for each agenda item to be discussed in
2 executive session, and the motion shall include the reason for doing so, which shall
3 be recorded and entered into the minutes of the meeting. Prior to any vote on the
4 motion, the presiding officer shall provide an opportunity for public comment on the
5 motion by asking if there is any, and the minutes of the meeting shall show that he
6 did so. The presiding officer may set a reasonable time limit for the comments and
7 may limit the number of speakers. For identification purposes a person may be
8 required to complete a comment card before being allowed to speak. To decide the
9 fate of the motion, the roll shall be called, and the response of each constituent
10 member shall be recorded and entered into the minutes of the meeting.

11 C. Nothing in this Section or R.S. 42:17 shall be construed to require that
12 any meeting be closed to the public, nor shall any executive session be used as a
13 subterfuge to defeat the purposes of this Chapter.

14 * * *

15 §19. Notice of meetings

16 A.(1)

17 * * *

18 (b)

19 * * *

20 (ii)(aa) Such notice shall include the agenda, date, time, and place of the
21 meeting. The agenda shall not be changed less than twenty-four hours prior to the
22 meeting. If a public body has established committees of the body composed of
23 constituent members of the body, a matter that was not considered by such a
24 committee at its last meeting may be included in an agenda prepared for a meeting
25 of the full body only if the presiding officer of the full body first decides that it is not
26 a potentially controversial matter.

27 * * *

28 (cc) Upon unanimous approval of the constituent members present and
29 voting at a meeting of a public body, the public body may take up a matter not on the

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

21 * * *

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

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

6 (ff) Deleting an item from the agenda is prohibited. An item may be
 7 relocated to the end of the agenda so that it will remain available if needed by
 8 following the procedure in Subitem (ee) of this Item. When the item is called at the
 9 end of the agenda, a motion may be made to not consider it, which shall only require
 10 approval from a majority of the constituent members present and voting.

11 * * *

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. 650

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 provide 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 provide 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 provide 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 deleting an item from the agenda is prohibited. Provides that an item may be relocated to the end of the agenda so that it will remain available if needed by following the procedure in proposed law. Provides that when the item is called at the end of the agenda a motion may be made to not consider it, which shall only require approval from a majority of the constituent members present and voting.

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