
DIGEST

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HB No. 648

Abstract: Requires that at least three constituent members serve on committees and subcommittees created by certain public bodies and provides for establishing a quorum of such committees and subcommittees and for the powers, duties, and authority of nonconstituent members of such committees and subcommittees.

Present law (Open Meetings Law) provides that every meeting of any public body shall be open to the public unless closed pursuant to present law. Defines "public body" to include village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and any other state, parish, municipal, or special district boards, commissions, or authorities, and those of any political subdivision thereof, where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies.

Present law provides that each public body shall be prohibited from utilizing any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of present law. Provides that all votes made by members of a public body shall be viva voce and shall be recorded in the minutes, journal, or other official, written proceedings of the body, which shall be a public document. Provides procedures and requirements for notice and public comment.

Proposed law retains present law and additionally provides that if an elected public body establishes a committee or subcommittee of the body, the committee or subcommittee shall include at least three constituent members of the body, one of whom shall serve as presiding officer. Requires the presence of a majority of these members to constitute a quorum for action.

Proposed law provides that a person who is not a constituent member of the elected public body may serve on a committee or subcommittee of the body in an advisory capacity and may argue for or against a proposal, but his presence shall not be counted toward establishing a quorum nor shall he have the authority to make a motion, to vote, or to determine how a vote is taken on a matter in a meeting of the committee or subcommittee or in a meeting of the full body.

Proposed law provides that it shall not apply to a group of persons who are not constituent members of the elected public body and who are selected by the body to investigate a matter and issue a report of its findings, except that no person in the group shall have the authority to make a motion, to vote, or to determine how a vote is taken on a matter in a meeting of the elected public body or in a meeting of one of its committees or subcommittees.

Proposed law defines "elected public body" as a public body as defined in present law (R.S. 42:13(A)(3)) that is composed entirely of constituent members directly elected by the public, excluding the governing authority of any local governmental subdivision which operates under a home rule charter.

(Adds R.S. 42:14.1)