

Regular Session, 2014

HOUSE BILL NO. 614

BY REPRESENTATIVE ABRAMSON

PUBLIC MEETINGS: Provides relative to certain deadlines relative to meetings of public bodies

1 AN ACT

2 To amend and reenact R.S. 42:17(A)(1) and 19(A)(1)(b)(i) and (ii)(aa) and (2)(a), relative
3 to the Open Meetings Law; to clarify that certain time periods are exclusive of legal
4 holidays; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 42:17(A)(1) and 19(A)(1)(b)(i) and (ii)(aa) and (2)(a) are hereby
7 amended and reenacted to read as follows:

8 §17. Exceptions to open meetings

9 A. A public body may hold an executive session pursuant to R.S. 42:16 for
10 one or more of the following reasons:

11 (1) Discussion of the character, professional competence, or physical or
12 mental health of a person, provided that such person is notified in writing at least
13 twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the
14 scheduled time contained in the notice of the meeting at which such executive
15 session is to take place and that such person may require that such discussion be held
16 at an open meeting. However, nothing in this Paragraph shall permit an executive
17 session for discussion of the appointment of a person to a public body or, except as
18 provided in R.S. 39:1593(C)(2)(c), for discussing the award of a public contract. In
19 cases of extraordinary emergency, written notice to such person shall not be

1 required; however, the public body shall give such notice as it deems appropriate and
2 circumstances permit.

3 * * *

4 §19. Notice of meetings

5 A.(1)

6 * * *

7 (b)(i) All public bodies, except the legislature and its committees and
8 subcommittees, shall give written public notice of any regular, special, or
9 rescheduled meeting no later than twenty-four hours, exclusive of Saturdays,
10 Sundays, and legal holidays, before the meeting.

11 (ii)(aa) Such notice shall include the agenda, date, time, and place of the
12 meeting. The agenda shall not be changed less than twenty-four hours, exclusive of
13 Saturdays, Sundays, and legal holidays, prior to the scheduled time of the meeting.

14 * * *

15 (2) Written public notice given by all public bodies, except the legislature
16 and its committees and subcommittees, shall include, but need not be limited to:

17 (a) Posting a copy of the notice at the principal office of the public body
18 holding the meeting, or if no such office exists, at the building in which the meeting
19 is to be held; or by publication of the notice in an official journal of the public body
20 no less than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays,
21 before the scheduled time of the meeting. If the public body has a website,
22 additionally by providing notice via the Internet on the website of the public body
23 for no less than twenty-four hours, exclusive of Saturdays, Sundays, and legal
24 holidays, immediately preceding the meeting. The failure to timely post notice via
25 the Internet pursuant to this Subparagraph or the inability of the public to access the
26 public body's website due to any type of technological failure shall not be a violation
27 of the provisions of this Chapter.

28 * * *

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)]

Abramson

HB No. 614

Abstract: Clarifies that several minimum time periods contained in the Open Meetings Law are exclusive of legal holidays.

Present law, the Open Meetings Law, contains several 24-hour minimum time periods, including: the minimum amount of time before the start of the meeting that notice must be given to a person whose character, professional competence, or physical or mental health will be discussed in executive session (R.S. 42:17(A)); the minimum amount of time before which written public notice must be given for any regular, special, or rescheduled meeting (R.S. 42:19(A)(1)(b)(i)); the minimum amount of time to change the agenda before the start of the meeting (R.S. 42:19(A)(1)(b)(ii)); and, the minimum amount of time that the meeting's notice must be posted, physically and electronically.

Present law excludes legal holidays for purposes of calculating any time period under seven days (C.C.P. Art. 5059). "Legal holidays" is defined in present law to include Saturdays, Sundays, all major holidays observed by the state, additional days depending on event or locale, and days of declared emergencies (R.S. 1:55). Proposed law retains present law but specifies that Saturdays, Sundays, and legal holidays are not part of the 24-hour minimum time periods in the Open Meetings Law.

(Amends R.S. 42:17(A)(1) and 19(A)(1)(b)(i) and (ii)(aa) and (2)(a))