

2016 Regular Session

HOUSE BILL NO. 162

BY REPRESENTATIVE EDMONDS

PUBLIC MEETINGS: Prohibits communication among a quorum of the members of a public body unless such communication is contemporaneously visible or audible to the public unless the public body is in an executive session authorized by law

1 AN ACT

2 To enact R.S. 42:14.1, relative to open meetings; to prohibit certain communication; to
3 provide for penalties; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 42:14.1 is hereby enacted to read as follows:

6 §14.1. Prohibited communication

7 Unless the public body is holding an executive session in accordance with
8 R.S. 42:16 and 17, no member of a public body that is subject to the notice
9 requirements of R.S. 42:19(A) shall engage in communication of any type regarding
10 a matter over which the public body has supervision, control, jurisdiction, or
11 advisory power with a quorum of the members of the public body unless such
12 communication is contemporaneously visible or audible to the public.

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)]

HB 162 Original

2016 Regular Session

Edmonds

Abstract: Prohibits members of certain public bodies from engaging in communication with a quorum of the members of the public body unless such communication is contemporaneously visible or audible to the public.

Present law (R.S. 42:11 et seq.) establishes the "Open Meetings Law" to govern the performance of public business in La. and specifies that it is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Present law provides that every meeting of a public body shall be open unless closed pursuant to present law authorizing executive sessions under limited, prescribed circumstances. Present law further prohibits each public body from utilizing any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of the Open Meetings Law.

Proposed law further provides that unless the public body is holding an executive session in accordance with present law (R.S. 42:16 and 17), no member of a public body that is subject to the notice requirements of present law (R.S. 42:19(A)) shall engage in communication of any type regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power with a quorum of the members of the public body unless such communication is contemporaneously visible or audible to the public.

Present law (R.S. 42:19(A)) provides that all public bodies, except the legislature and its committees and subcommittees, shall give written public notice of any regular, special, or rescheduled meeting no later than 24 hours before the meeting. Requires the notice to include the agenda, date, time, and place of the meeting and provides that the agenda may not be changed less than 24 hours prior to the meeting. Provides that each item on the agenda must be listed separately and described with reasonable specificity. Proposed law retains present law.

Present law (R.S. 42:28) provides that any member of a public body who knowingly and wilfully participates in a meeting conducted in violation of the Open Meetings Law shall be subject to a civil penalty not to exceed \$100 per violation. Specifies that the member is personally liable for the payment of such penalty and that a suit to collect the penalty must be instituted within 60 days of the violation. Proposed law retains present law.

(Adds R.S. 42:14.1)