

Regular Session, 2011

HOUSE BILL NO. 449

BY REPRESENTATIVE ABRAMSON

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

**PUBLIC MEETINGS:** Specifies that discussions regarding the award of a public contract must be held in an open meeting

1 AN ACT

2 To amend and reenact R.S. 42:17(A)(1), relative to open meetings; to provide relative to  
3 exceptions and executive sessions; to provide relative to discussions regarding  
4 awarding of public contracts; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 42:17(A)(1) is hereby amended and reenacted to read as follows:

7 §17. Exceptions to open meetings

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

10 (1) Discussion of the character, professional competence, or physical or  
11 mental health of a person, provided that such person is notified in writing at least  
12 twenty-four hours before the meeting and that such person may require that such  
13 discussion be held at an open meeting. ~~and provided that~~ However, nothing in this  
14 ~~Subsection Paragraph~~ shall permit an executive session for discussion of the  
15 appointment of a person to a public body or for discussing the award of a public  
16 contract. In cases of extraordinary emergency, written notice to such person shall  
17 not be required; however, the public body shall give such notice as it deems  
18 appropriate and circumstances permit.

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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)]

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Abramson

HB No. 449

**Abstract:** Provides that the exception from the Open Meetings Law for discussions of the character, professional competence, or physical or mental health of a person does not apply to a discussion regarding the awarding of a public contract.

Present law generally requires meetings of public bodies be open to the public but also provides exceptions. One exception is a discussion of the character, professional competence, or physical or mental health of a person which present law authorizes public bodies to hold in executive session provided notice is given to the person. Present law specifically indicates that a discussion of the appointment of a person to a public body is not covered by this exception.

Proposed law retains present law and further specifies that a discussion of the awarding of a public contract is also not covered by the exception; therefore proposed law requires such discussions regarding the award of a contract to be held in open meetings.

(Amends R.S. 42:17(A)(1))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Specifies that proposed law provisions relative to the award of public contracts and present law provisions relative to the appointment of a person to a public body, which prohibit discussion of these issues in executive session, are limited to the present law provision that allows discussion of the character, professional competence, or physical or mental health of a person to be conducted in executive session and not to other exceptions in present law that allow for discussion of certain other matters in executive session.