

BY REPRESENTATIVE NANCY LANDRY

1 A CONCURRENT RESOLUTION

2 To urge and request the House Committee on House and Governmental Affairs and the

3 Senate Committee on Senate and Governmental Affairs to meet and function as a

4 joint committee to study issues relative to meetings of public bodies, particularly

5 requirements regarding public comment at meetings, vote requirements for a public

6 body to go into executive session or take up a matter not on the agenda, and the

7 creation of committees and subcommittees by public bodies.

8 WHEREAS, the Open Meetings Law provides that it is essential to the maintenance

9 of a democratic society that public business be performed in an open and public manner and

10 that the citizens be advised of and aware of the performance of public officials and the

11 deliberations and decisions that go into the making of public policy; and

12 WHEREAS, the law requires a public body other than a legislative body or a school

13 board to allow for a public comment period during a meeting prior to action on an agenda

14 item; and

15 WHEREAS, the law provides, however, that the public comment period can be at

16 any point prior to action on the item; and

17 WHEREAS, this means that a member of the public could be required to make his

18 or her public comments at the beginning of a meeting, long before the agenda item is

19 actually taken up by the public body; and

20 WHEREAS, the law provides a different requirement for school boards other than

21 the Orleans Parish School Board; and

1 WHEREAS, such school boards are required to allow a public comment period
2 preceding each agenda item; and

3 WHEREAS, the law requires a two-thirds vote of a public body for the body to go
4 into executive session and a unanimous vote for the body to take up a matter not on its
5 posted agenda; and

6 WHEREAS, the vote on both issues is of the "members present", which does not
7 appear to allow a member to abstain; and

8 WHEREAS, the Open Meetings Law does not contain an express prohibition against
9 elected public bodies creating committees and subcommittees made up of nonelected
10 members or against granting such members voting rights.

11 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
12 urge and request the House Committee on House and Governmental Affairs and the Senate
13 Committee on Senate and Governmental Affairs to meet and function as a joint committee
14 to study issues relative to meetings of public bodies, particularly requirements regarding
15 public comment at meetings, vote requirements for a public body to go into executive
16 session or take up a matter not on the agenda, and the creation of committees and
17 subcommittees by public bodies.

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

HCR No. 145

Requests the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs to meet and function as a joint committee to study issues relative to meetings of public bodies, particularly requirements regarding public comment at meetings, vote requirements for a public body to go into executive session or take up a matter not on the agenda, and the creation of committees and subcommittees by public bodies.