

Regular Session, 2012

HOUSE CONCURRENT RESOLUTION NO. 145

BY REPRESENTATIVE NANCY LANDRY

A CONCURRENT RESOLUTION

To urge and request 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.

WHEREAS, the Open Meetings Law provides 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 of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy; and

WHEREAS, the law requires a public body other than a legislative body or a school board to allow for a public comment period during a meeting prior to action on an agenda item; and

WHEREAS, the law provides, however, that the public comment period can be at any point prior to action on the item; and

WHEREAS, this means that a member of the public could be required to make his or her public comments at the beginning of a meeting, long before the agenda item is actually taken up by the public body; and

WHEREAS, the law provides a different requirement for school boards other than the Orleans Parish School Board; and

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

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

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

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

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request 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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE