

Regular Session, 2014

HOUSE BILL NO. 648

BY REPRESENTATIVE NANCY LANDRY (BY REQUEST)

PUBLIC MEETINGS: Provides relative to committees and subcommittees of certain public bodies

1 AN ACT

2 To enact R.S. 42:14.1, relative to public bodies; to provide for the composition of
3 committees and subcommittees of certain public bodies; to provide relative to the
4 powers, duties, and authority of members of such committees and subcommittees;
5 to provide relative to establishing a quorum for such committees and subcommittees;
6 to provide relative to certain groups that advise certain public bodies; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

10 §14.1. Committees and subcommittees of elected public bodies

11 A. For purposes of this Section, "elected public body" means a public body
12 as defined in R.S. 42:13(A)(3) that is composed entirely of constituent members
13 directly elected by the public, excluding the governing authority of any local
14 governmental subdivision which operates under a home rule charter.

15 B. If an elected public body establishes a committee or subcommittee of the
16 body, the committee or subcommittee shall include at least three constituent
17 members of the body, one of whom shall serve as presiding officer. The presence
18 of a majority of these members shall be required to constitute a quorum for action.

19 C. A person who is not a constituent member of the elected public body may
20 serve on a committee or subcommittee of the body in an advisory capacity and may

1 argue for or against a proposal, but his presence shall not be counted toward
2 establishing a quorum nor shall he have the authority to make a motion, to vote, or
3 to determine how a vote is taken on a matter in a meeting of the committee or
4 subcommittee or in a meeting of the full body.

5 D. The provisions of Subsections B and C of this Section shall not apply to
6 a group of persons who are not constituent members of the elected public body and
7 who are selected by the body to investigate a matter and issue a report of its findings,
8 except that no person in the group shall have the authority to make a motion, to vote,
9 or to determine how a vote is taken on a matter in a meeting of the elected public
10 body or in a meeting of one of its committees or subcommittees.

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

HB No. 648

Abstract: Requires that at least three constituent members serve on committees and subcommittees created by certain public bodies and provides for establishing a quorum of such committees and subcommittees and for the powers, duties, and authority of nonconstituent members of such committees and subcommittees.

Present law (Open Meetings Law) provides that every meeting of any public body shall be open to the public unless closed pursuant to present law. Defines "public body" to include village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and any other state, parish, municipal, or special district boards, commissions, or authorities, and those of any political subdivision thereof, where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies.

Present law provides that each public body shall be prohibited from utilizing any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of present law. Provides that all votes made by members of a public body shall be viva voce and shall be recorded in the minutes, journal, or other official, written proceedings of the body, which shall be a public document. Provides procedures and requirements for notice and public comment.

Proposed law retains present law and additionally provides that if an elected public body establishes a committee or subcommittee of the body, the committee or subcommittee shall include at least three constituent members of the body, one of whom shall serve as presiding officer. Requires the presence of a majority of these members to constitute a quorum for action.

Proposed law provides that a person who is not a constituent member of the elected public body may serve on a committee or subcommittee of the body in an advisory capacity and

may argue for or against a proposal, but his presence shall not be counted toward establishing a quorum nor shall he have the authority to make a motion, to vote, or to determine how a vote is taken on a matter in a meeting of the committee or subcommittee or in a meeting of the full body.

Proposed law provides that it shall not apply to a group of persons who are not constituent members of the elected public body and who are selected by the body to investigate a matter and issue a report of its findings, except that no person in the group shall have the authority to make a motion, to vote, or to determine how a vote is taken on a matter in a meeting of the elected public body or in a meeting of one of its committees or subcommittees.

Proposed law defines "elected public body" as a public body as defined in present law (R.S. 42:13(A)(3)) that is composed entirely of constituent members directly elected by the public, excluding the governing authority of any local governmental subdivision which operates under a home rule charter.

(Adds R.S. 42:14.1)