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

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§14.1. Prohibited communication

No quorum of a public body shall engage in contemporaneous interactive electronic communications regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power, including but not limited to engaging in video and audio conferencing, telephone calls, electronic mail, electronic chat, or instant or text messaging.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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 Engrossed 2016 Regular Session Edmonds

Abstract: Prohibits a quorum of a body from engaging in contemporaneous interactive electronic communications regarding matters over which the body has supervision, control, jurisdiction, or advisory power.

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 no quorum of a public body shall engage in contemporaneous interactive electronic communications regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power, including but not limited to engaging in video and audio conferencing, telephone calls, electronic mail, electronic chat, or instant or text messaging.

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)

Summary of Amendments Adopted by House

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

1. Change the proposed specific prohibition from prohibiting 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 to prohibiting a quorum of a body from engaging in contemporaneous interactive electronic communications regarding matters over which the body has supervision, control, jurisdiction, or advisory power.

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