

SUMMARY OF LOUISIANA OPEN MEETINGS LAW

Louisiana Revised Statute 42:11 to 28



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42:13 A public meeting takes place whenever a majority of the members of a public body come together in order to receive information, discuss or act on a matter over which the body has supervision, control, jurisdiction or advisory power. Every meeting of the body must be held as a public meeting unless it is specifically exempted. All public bodies are required to post a copy of R.S. 42:11-28.

42:14 – Meetings of public bodies are to be open to the public, unless specifically exempted. Proxy voting, secret balloting or any other means to circumvent the intent of the law are not permitted. All individual votes cast by members of a public body must be recorded in the minutes. Public bodies must allow members of the public an opportunity to comment before the public body votes on an agenda item.

42:15 School boards, in general, shall allow public comment at any meeting of the school board prior to taking any vote on an agenda item. The comment period shall be for each agenda item and shall precede each agenda item. The Orleans Parish School Board, at any meeting of the school board, shall provide an opportunity for public comment subject to reasonable rules, regulations and restrictions as adopted by the school board.

42:16-17 A public body may go into executive session if two-thirds of the members present vote to go into executive session. The vote and the reason for the vote must be recorded in the minutes. No final or binding action can be taken in executive session. In executive session, public officials may only discuss a) the character, professional competence or physical or mental health of a person (unless the person is being considered for an appointment), b) strategy or negotiations regarding collective bargaining or future or current litigation, c) security personnel, plans or devices, d) investigative proceedings regarding alleged misconduct or e) an extraordinary emergency. There are a handful of other exceptions that are listed in 42:17. Citizens can be evicted if their conduct is disruptive.

42:19 At the beginning of the calendar year, public bodies must give written notice of the dates, times and locations of their regular meetings. Before any regular, special or rescheduled meeting, they must also give at least 24 hours of written, public notice of the date, time, location and agenda of the meeting. Unless there is an extraordinary emergency, the public must be given 24 hours notice of a public meeting. Notice must be posted at the principal office of the public body or at the building where the meeting is to be held if no such office exists. Public notice can also be made in an official journal of the public body. Any member of the media who requests notice shall be given notice of all meetings in the same manner as is given to members of the public body.

If the public body wishes to take up an item not on the agenda, there must be unanimous approval from the members present. The public must also be given an opportunity to comment about adding a new agenda item before the vote is taken. If litigation is to be discussed at a public meeting, the written notice must include certain details listed in 42:19. The Louisiana Legislature must give “reasonable public notice.”

42:20 Minutes must be kept by public bodies that include the date, time, and location of the meeting, as well as members present and absent. The minutes should reflect the substance of any matters decided and votes taken. Minutes are generally considered public records and must be made available within a reasonable time after a meeting.

42:23 Members of the public have a right to record, film or broadcast live the proceedings in a public meeting. The public body can establish reasonable restrictions to assure proper decorum in the meeting.

42:24 Actions taken in violation of the Open Meetings Law can be invalidated if a lawsuit is filed within 60 days of the action.

42:25 Enforcement proceedings can be instituted by the Attorney General or District Attorney on their own initiative and they must act in response to a claim filed with their office.

42:26 The AG, DA or any person interested in enforcing the Open Meetings Law can ask for a range of actions specified in law – ranging from a court order directing an action or prohibiting an action by a public body to civil penalties to a declaratory judgment. A party who brings an open meetings lawsuit and wins may recover reasonable attorney fees and costs. If the suit is deemed to be frivolous, the court may award reasonable attorney fees against the party who brought the suit.

42:27 An open meetings lawsuit can be filed in the parish where the public meeting did or will take place. Such lawsuits must be tried quickly by the courts.

42:28 If a member of a public body knowingly participates in a meeting that violates the Open Meetings Law, that person may be fined up to \$100 for each violation and must pay the fines personally.