This table provides a side-by-side review of the text of the Open Meetings Law found in Louisiana's Revised Statutes and what that text actually means in plain English. The comparison was prepared by The Public Law Center at Tulane University Law School and is available here as part of PAR's work with the New Orleans Coalition on Open Governance (NOCOG) and through grants from the Open Society Foundation and the Greater New Orleans Foundation. The side-by-side was a current statement of the law when posted to PAR's website but has not been updated to incorporate new legislation passed or judicial decisions rendered since 2012. These copyrighted materials are used here by permission of The Public Law Center and may be further used only with the written consent of The Public Law Center or in compliance with the terms of a Creative Commons license: <a href="http://creativecommons.org/licenses/by-nc-nd/3.0/">http://creativecommons.org/licenses/by-nc-nd/3.0/</a>.

La. R.S. 42:11- 42: 28 <sup>1</sup>	What does the law say? <sup>2</sup>	What does it mean?
42:11	This Chapter shall be known and may be cited as the "Open Meetings Law."	This is called the "Open Meetings Law."
42:12	Public policy for open meetings; liberal construction	
	A. 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. Toward this end, <b>the provisions of R.S. 42:11 through</b> <b>25 shall be construed liberally.</b>	The Legislature is instructing courts that Louisiana's Open Meetings Law is to be "construed liberally." This means that in a "close" question of law, judges should favor the purpose of the law, which is to require open meetings. The members of public bodies should bear in mind this "liberally construed" standard, when facing a close question about whether or

<sup>&</sup>lt;sup>1</sup> Updated: 11/30/2012.

<sup>&</sup>lt;sup>2</sup> Occasional emphasis added throughout.

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		not a meeting must be open to the public.
	B. Further, to advance this policy, all public bodies shall post a copy of R.S. 42:11 through 28.	
42:13	Definitions	
	A. (1) " <b>Meeting</b> " means the convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power. It shall also mean the convening of a quorum of a public body by the public body or by another public official to receive information regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power.	A <b>meeting</b> 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 public body has supervision, control, jurisdiction, or advisory power.
	(2) <b>"Public body"</b> means 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	<b>Public body</b> includes all levels of government (city or parish entities, regional or district entities, and state entities), when the entity has policy making, advisory, or administrative functions.

	boards, commissions, or authorities, and	Public body means not only the entity
	those of any political subdivision thereof,	itself, but also any committees or
	where such body possesses policy making,	subcommittees of the entity.
	advisory, or administrative functions,	
	including any committee or subcommittee of	
	any of these bodies enumerated in this	
	paragraph.	
	(3) "Quorum" means a simple majority of	A "quorum" means more than 50% of the
	the total membership of a public body.	members of a public body.
	B. The provisions of this Chapter shall not	If a <b>quorum</b> of members come together
	apply to chance meetings or social	by chance or exclusively for a social
	gatherings of members of a public body at	gathering, that is not a meeting. But a
	which there is no vote or other action taken,	meeting does take place if they act or
	including formal or informal polling of the	vote (including any formal or informal
	members.	polling of members) on a matter within
		their jurisdiction.
10-11	Masting of weblie badies (a balance (a	
42:14	Meetings of public bodies to be open to	
	the public	
	A. Every meeting of any public body shall be	Public bodies must meet in public, unless
	open to the public unless closed pursuant to	specifically exempted from this
	R.S. 42:16, 17, or 18.	requirement.
	-, ,	
	B. Each public body shall be prohibited from	Proxy voting, secret balloting, or

	utilizing any manner of proxy voting	"other means" to avoid public voting are
	procedure, secret balloting, or any other	not allowed, because they would
	means to circumvent the intent of this	undermine the purpose of the Act, which
	Chapter.	requires most deliberations of
		governmental bodies to take place in
		public.
	C. All votes made by members of a public	All individual votes cast by members of a
	body shall be viva voce and shall be	public body must be recorded in the
	recorded in the minutes, journal, or other	minutes.
	official, written proceedings of the body,	
	which shall be a public document.	
	D. Except school boards, which shall be	Public bodies, except school boards,
	subject to R.S. 42:15, each public body	must allow members of the public an
	conducting a meeting which is subject to the	opportunity to comment before the public
	notice requirements of R.S. 42:19(A) shall	body votes on an agenda item.
	allow a public comment period at any	
	point in the meeting prior to action on an	
	agenda item upon which a vote is to be	
	taken. The governing body may adopt	
	reasonable rules and restrictions regarding	
	such comment period.	
42:15	School board meetings; public comment	
42:15	School board meetings, public comment	

	A public body may hold <b>executive sessions</b> upon an affirmative vote, taken at an open meeting for which notice has been given	An <b>executive session</b> is a closed meeting that the public cannot attend. A public body can only go into <b>executive</b>
42:16	Executive Sessions	
	reasonable rules, regulations, and restrictions as adopted by the school board. C. For purposes of this Section, a comment period for all comments at the beginning of a meeting shall not suffice to meet the requirements of Subsection A or Subsection B of this Section.	A general comment period at the beginning of a school board meeting does not meet the requirements listed above.
	<ul> <li>A. Notwithstanding any other law to the contrary, each school board subject to the provisions of this Chapter, except as provided in Subsection B of this Section, shall allow public comment at any meeting of the school board prior to taking any vote. The comment period shall be for each agenda item and shall precede each agenda item.</li> <li>B. 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</li> </ul>	Before taking a vote at any school board meeting, the school board must allow the public to comment on each agenda item. The Orleans Parish School Board must allow public comment, subject to reasonable rules, regulations, and restrictions adopted by the Orleans Parish School Board.

	pursuant to R.S. 42:19, of two-thirds of its	session if 2/3 of the members present
	constituent members present. An executive	vote in favor in an open meeting.
	session shall be limited to matters allowed to	The vote and the reason for holding an
	be exempted from discussion at open	executive session must be recorded in
	meetings by R.S. 42:17; however, <b>no final</b>	the open meeting's minutes.
	or binding action shall be taken during an	
	executive session. The vote of each	During an executive session, public
	member on the question of holding such an	officials may only discuss matters listed
	executive session and the reason for holding	in 42:17. Public officials may not take any
		final or binding action during the
	such an executive session shall be recorded and entered into the minutes of the meeting. Nothing in this Section or R.S. 42:17 shall	executive session.
	be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of this Chapter.	A public body cannot falsely use an executive session to avoid the requirements of the Open Meetings Law.
42:17	Exceptions to open meetings	
	A. A public body may hold an executive session pursuant to R.S. 42:16 for one or more of the following reasons:	A. A public body may hold an executive session only for the following reasons:
	(1) Discussion of the character,	(1) Discussion of the <b>character</b> ,
	professional competence, or physical or	professional competence, or physical
	mental health of a person, provided that	or <b>mental health of a person</b> , but the
	such person is notified in writing at least	person must get written notice at least 24

twenty-four hours before the meeting and	hours before the meeting and the person
that such person may require that such	may require that the discussions be held
discussion be held at an open meeting.	in an open public meeting. This exception
However, nothing in this Paragraph shall	does not apply when considering
permit an executive session for discussion	appointment of a person to a public body
of the appointment of a person to a public	or when discussing the award of a public
body or, except as provided in R.S.	contract; those discussions must be held
39:1593(C)(2)(c), for discussing the award	in public.
of a public contract. In cases of	
extraordinary emergency, written notice to	
such person shall not be required; however,	
the public body shall give such notice as it	
deems appropriate and circumstances	
permit.	
(2) Strategy sessions or negotiations with	(2) Strategy sessions or negotiations over
respect to collective bargaining,	collective bargaining, future litigation
prospective litigation after formal written	(after receiving notice in writing), or
demand, or litigation when an open	current litigation;
meeting would have a detrimental effect on	
the bargaining or litigating position of the	
public body.	
(3) Discussion regarding the report,	(3) Discussion regarding <b>security</b>
development, or course of action regarding	personnel, plans, or devices;
security personnel, plans, or devices.	
(4) Investigative proceedings regarding	(4) Investigative proceedings regarding

allegations of misconduct; allegations of misconduct. (5) Cases of extraordinary emergency, (5) An extraordinary emergency (which which shall be limited to natural disaster, includes natural disaster, threat of threat of epidemic, civil disturbances, epidemic, civil disturbances, suppression suppression of insurrections, the repelling of of insurrections, the repelling of invasions, or other matters of similar invasions, or other matters of similar magnitude. magnitude); (6) [Any meeting of the State Mineral and (6) Meetings of the State Mineral and Energy Board . . .] Energy Board ...; (7) Discussions between a city or parish (7) Discussions between a school board school board and individual students or the and students, parents, or tutors, and parents or tutors of such students, or both, relating to the students, parents, or who are within the jurisdiction of the tutors, unless the students, parents, or respective school system, regarding tutors require the discussions to be held problems of such students or their parents in an open meeting. or tutors; provided however that any such parent, tutor, or student may require that such discussions be held in an open meeting. (8) [Presentations and discussions at (8) Presentations at civil service board meetings of civil service boards of test meetings about test questions, answers, questions, answers, and papers . . .] and papers ...;

(9) Second Injury Board meetings regarding the settlement of a workers'

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Second Injury Board . . .]

(9) [The portion of any meeting of the

	compensation claim; or
(10) Or any other matters now provided for or as may be provided for by the legislature.	(10) Any other matters as provided for by the legislature.
B. The provisions of this Chapter shall not apply to judicial proceedings.	B. Courts are exempt from the Open Meetings Law.
C. The provisions of this Chapter shall not prohibit the removal of any person or persons who willfully disrupt a meeting to the extent that orderly conduct of the meeting is seriously compromised.	C. You can be evicted from a meeting if your conduct is disruptive.
D. The provisions of R.S. 42:19 and R.S. 42:20 shall not apply to any meeting of a	D. Generally speaking, a <b>citizens'</b> advisory committee that is not
private citizens' advisory group or a	compensated and that has no decision- making authority must comply with all
private citizens' advisory committee established by a public body, when the	provisions of the Open Meetings Law
members of such group or committee do not	except for the notice provisions in section
receive any compensation and serve only in	19 and the requirement of written minutes
an advisory capacity, except textbook	in section 20. The public body that
advisory committees of the State	established the advisory committee must
Department of Education or the Board of	give public notice of the advisory
Elementary and Secondary Education.	committee's meetings as required in R.S.
However, all other provisions contained in	42:19.

	R.S. 42:11 through 42:27 shall be applicable to such group or committee and the public body which established such group or committee shall comply with the provisions of R.S. 42:19 in providing the required notice of meetings of such group or committee.	
42:18	[Executive or closed meetings of the legislature and committees]	This provision, which governs meetings of the legislature and its committees, has been omitted because it does not apply to city employees.
42:19	Notice of meetings A. (1)(a) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of their regular meetings, if established by law, resolution, or ordinance, at the beginning of each calendar year. Such notice shall include the dates, times, and places of such meetings.	At the beginning of each calendar year, public bodies must give written notice of the dates, times, and locations of their regular meetings.
	(b)(i) All public bodies, except the legislature	At least 24 hours before any regular,

and its committees and subcommittees,	special, or rescheduled meeting, public
shall give written public notice of any	bodies must also give notice of the date,
regular, special, or rescheduled meeting no	time, location, and agenda of the
later than twenty-four hours before the	meeting.
meeting.	
(ii)(aa) Such notice shall include the agenda,	The notice must include the agenda,
date, time, and place of the meeting. The	date, time, and place of the meeting. The
agenda shall not be changed less than	agenda cannot be changed 24 hours
twenty-four hours prior to the meeting.	before the meeting.
(bb) Each item on the agenda shall be listed	Items on the agenda must be listed
separately and described with reasonable	separately and reasonably described.
specificity. Before the public body may take	Before any action can be taken on an
any action on an item, the presiding officer	item, a description of the item must be
or his designee shall read aloud the	read aloud.
description of the item.	
(cc) Upon unanimous approval of the	A public body that wants to take up a
members presents at a meeting of a public	matter not on the agenda must get
body, the public body may take up a matter	unanimous approval from the members
not on the agenda. Any such matter shall be	present; in addition, before voting on a
identified in the motion to take up the matter	motion to add the item to their agenda,
not on the agenda with reasonable	they must give the public an opportunity
specificity, including the purpose for the	to comment. The public body cannot
addition to the agenda, and entered into the	deliberately use this late addition of
minutes of the meeting. Prior to any vote on	agenda items to avoid the public notice
the motion to take up a matter not on the	requirements of the Open Meetings Law.
agenda by the public body, there shall be an	
opportunity for public comment on any such	

motion in accordance with R.S. 42:14 or 15. The public body shall not use its authority to take up a matter not on the agenda as a subterfuge to defeat the purposes of this Chapter.

(iii) Following the above information there shall also be attached to the written public notice of the meeting, whether or not such matters will be discussed in an executive session held pursuant to R.S. 42:17(A)(2):

(aa) A statement identifying the court, case number, and the parties relative to any pending litigation to be considered at the meeting.

(bb) A statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made that is to be considered at the meeting.

(iv) In cases of extraordinary emergency,such notice shall not be required; however,the public body shall give such notice of themeeting as it deems appropriate and

A public body that wishes to discuss litigation must give the following information along with the written notice of its public meeting:

- the court, case number, and parties relative to any pending litigation to be considered;
- the parties involved and subject matter of any future litigation to be considered.

In an emergency, notice need not be given 24 hours before a meeting, but the public body must still give the best notice

## circumstances permit.

(2) Written public notice given by all public bodies, except the legislature and its committees and subcommittees, shall include, but need not be limited to:

(a) Posting a copy of the notice at the principal office of the public body holding the meeting, or if no such office exists, at the building in which the meeting is to be held; or by publication of the notice in an official journal of the public body no less than twenty-four hours before the meeting. If the public body has a website, additionally by providing notice via the Internet on the website of the public body for no less than twenty-four hours immediately preceding the meeting. The failure to timely post notice via the Internet pursuant to this Subparagraph or the inability of the public to access the public body's website due to any type of technological failures shall not be a violation of the provisions of this Chapter.

(b) Mailing a copy of the notice to any member of the news media who requests notice of such meetings; any such member of the news media shall be given notice of all meetings in the same manner as is given it can manage.

At least 24 hours before the meeting, notice must be posted at the principal office of the public body, or if no such office exists, notice must be posted at the building in which the meeting is to be held; or notice must be published in an official journal of the public body.

In addition, if the public body has a website, the public body should try to post notice on its website at least 24 hours before the meeting.

Notice must also be mailed to any member of the news media who requests notice.

	to members of the public body.	
	B. Reasonable public notice of day to day sessions of either house of the legislature	This provision governs the legislature. It has been omitted because it does not apply to city employees.
42:20	Written minutes	
	A. All public bodies shall keep written minutes of all of their open meetings. The minutes to be kept by the legislature and legislative committees and subcommittees shall be governed by the provisions of R.S. 42:21. The minutes of all other public bodies shall include but need not be limited to:	Public bodies must keep written minutes that include the date, time, and location of the meeting; members present and absent; substance of matters decided and (if requested by a member) the individual votes taken; and a record of any other information that the public body directs be included.
	(1) The date, time, and place of the meeting.	
	(2) The members of the public body recorded as either present or absent.	
	<ul><li>(3) The substance of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken.</li></ul>	
	(4) Any other information that the public body requests be included or reflected in the minutes.	

	<ul> <li>B. The minutes shall be public records and shall be available within a reasonable time after the meeting, except where such disclosures would be inconsistent with R.S. 42:16, 17, and 18, or rules adopted under the provisions of R.S. 42:21.</li> </ul>	Minutes are generally public records and must be made available within a reasonable time after the meeting.
42:21	[ <i>Minutes of legislative sessions, legislative committees and subcommittees</i> ]	This provision governs the legislature. It has been omitted because it does not apply to city employees.
42:22	[Presentation and consideration of offer to sell natural gas to a public body, or to operate or acquire ownership of, a gas utility owned or operated by a public body]	This provision has been omitted because it does not apply to city employees.
42:23	Sonic and video recordings; live broadcast	
	A. All or any part of the proceedings in a public meeting may be video or tape recorded, filmed, or broadcast live.	Members of the public have a right to record, film, or broadcast live the proceedings in a public meeting.
	B. A public body shall establish standards for the use of lighting, recording or	The public body can establish reasonable restrictions to assure proper decorum in

	broadcasting equipment to insure proper	the meeting.
	decorum in a public meeting.	
42:24	Voidability	
	Any action taken in violation of this Chapter shall be voidable by a court of competent jurisdiction. A suit to void any action must be commenced within sixty days of the action.	Actions taken in violation of the Open Meetings Law can be thrown out by the courts, but a lawsuit must be filed within 60 days of the action.
42:25	Enforcement	
	A. The attorney general shall enforce the provisions of this Chapter throughout the state. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed.	The Open Meetings Law can be enforced by: (A) The Attorney General (AG). The AG's office can act at its own initiative and must act in response to a claim filed with it. The AG can only decline to act in response to a complaint if written reasons are given.
	B. Each district attorney shall enforce the provisions of this Chapter throughout the judicial district within which he serves. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed.	(B) the District Attorney (DA) for the judicial district. The DA's Office can act at its own initiative and must act in response to a claim filed with the office. The DA can only decline to act if written reasons are given.

	C. Any person who has been denied any right conferred by the provisions of this Chapter or who has reason to believe that the provisions of this Chapter have been violated may institute enforcement proceedings.	(C) Any person who has been denied rights or who reasonably believes that the provisions of the Open Meetings Law have been violated.
42:26	Remedies; jurisdiction; authority; attorney fees	
	A. In any enforcement proceeding the	The Attorney General, the District
	plaintiff may seek and the court may grant	Attorney, or any person enforcing the
	any or all of the following forms of relief:	Open Meetings Law can ask for:
	(1) A writ of mandamus.	(1) a writ of mandamus (a court order directing a public body or public official to do something)
	(2) Injunctive relief.	(2) injunctive relief (a court order prohibiting a public body or public official from doing something);
	(3) Declaratory judgment.	(3) declaratory judgment (a court order declaring what the law requires);
	(4) Judgment rendering the action void as provided in R.S. 42:24.	(4) judgment rendering the action void (a court order undoing whatever action was taken illegally by the public body);

	(5) Judgment awarding civil penalties as	(5) civil penalties (such as a \$100 fine for
	provided in R.S. 42:28.	each violation); or any combination of
		these remedies.
	B. In any enforcement proceeding the court	Anyone who refuses to comply with
	has jurisdiction and authority to issue all	judicial orders can be held in contempt of
	necessary orders to require compliance	court, which could mean a fine or
	with, or to prevent noncompliance with, or to	imprisonment or both.
	declare the rights of parties under the	
	provisions of this Chapter. Any	
	noncompliance with the orders of the court	
	may be punished as contempt of court.	
	C. If a person who brings an enforcement	A party who brings an "open meetings"
	proceeding prevails, he shall be awarded	lawsuit and wins may recover reasonable
	reasonable attorney fees and other costs of	attorney fees and costs. If the suit is
	litigation. If such person prevails in part, the	frivolous, the court may award
	court may award him reasonable attorney	reasonable attorney fees against the
	fees or an appropriate portion thereof. If the	party who brought the suit.
	court finds that the proceeding was of a	
	frivolous nature and was brought with no	
	substantial justification, it may award	
	reasonable attorney fees to the prevailing	
	party.	
42:27	Venue; summary proceedings	
	A. Enforcement proceedings shall be	An "open meetings" lawsuit can be filed

	instituted in the district court for the parish in	in the parish where the public meeting
	which the meeting took place or will take	took place or will take place.
	place.	
	B. Enforcement proceedings shall be tried	Open meetings lawsuits must be tried
	by preference and in a summary manner.	quickly by the courts.
	Any appellate court to which the proceeding	
	is brought shall place it on its preferential	
	docket, shall hear it without delay, and shall	
	render a decision as soon as practicable.	
42:28	Civil penalties	
	Any member of a public body who knowingly	If a member of a public body knowingly
	and willfully participates in a meeting	participates in a meeting that violates the
	conducted in violation of this Chapter, shall	Open Meetings Law, that member may
	be subject to a civil penalty not to exceed	be fined up to \$100 for each violation and
	one hundred dollars per violation. The	must pay the fine(s) personally. Suit to
	member shall be personally liable for the	collect the penalties must be brought
	payment of such penalty. A suit to collect	within 60 days of the violation.
	such penalty must be instituted within sixty	
	days of the violation.	