

La. R.S. 42:11

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014
Louisiana Statutes, Annotated by LexisNexis(TM) > *LOUISIANA REVISED STATUTES* > *TITLE 42. PUBLIC OFFICERS AND EMPLOYEES* > *CHAPTER 1-A. OPEN MEETINGS LAW*

§ 42:11. Short title

This Chapter shall be known and may be cited as the "Open Meetings Law".

History

Acts 2010, No. 861, § 18, eff. Aug. 15, 2010; Redesignated from R.S. 42:4.1.1 by *Acts 2010, No. 861*, § 23, eff. Aug. 15, 2010.

Annotations

Notes

Amendment Notes

LSLI 2010 Amendments.

In accordance with the revision authority set forth in *R.S. 24:201* et seq., the Louisiana State Law Institute redesignated La. R.S. 42:4.1.1, as enacted by *Acts 2010, No. 861*, § 18, as *La. R.S. 42:11*.

Research References & Practice Aids

LexisNexis (R) Notes

RELATED STATUTES & RULES

Louisiana Law:

Louisiana Aquatic Chelonian Research and Promotion Board, see *La. R.S. 3:559.23*.

Funds of the commission; purses and breeders' awards; withholds; promotion and research, see *La. R.S. 4:165*.

Quorum; compensation; officers; records, see *La. R.S. 15:151*.

Board of commissioners; officers; meetings, see *La. R.S. 15:1094.3*.

Board of commissioners; officers; meetings, see *La. R.S. 15:1095.3*.

Board of commissioners; officers; meetings, see *La. R.S. 15:1097.3*.

Board of commissioners; officers; meetings, see *La. R.S. 15:1105.3*.

Witness Protection Services Board; composition; powers and duties, see *La. R.S. 15:1604*.

Internet broadcast of board and committee meetings; archives, see *La. R.S. 17:3.1*.

Domicile; organization and meetings of commission; terms; quorum; compensation, see *La. R.S. 17:32*.

Zachary community school system; interim school board, see *La. R.S. 17:64.1*.

School fund; management, expenditure, and accounting; duties of school principal; accounts for certain closed schools; committees; creation and authority; policies, see *La. R.S. 17:414.3*.

Huey P. Long Medical Center; merger with Louisiana State University Health Sciences Center at Shreveport, see *La. R.S. 17:1518.1*.

La. R.S. 42:12

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA REVISED STATUTES > TITLE 42. PUBLIC OFFICERS AND EMPLOYEES > CHAPTER 1-A. 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, the provisions of this Chapter shall be construed liberally.
- B. Further, to advance this policy, all public bodies shall post a copy of this Chapter.

History

Added by Acts 1976, No. 665, § 1; Amended by [Acts 1999, No. 467](#), § 1, eff. Aug. 15, 1999; Redesignated from [R.S. 42:4.1](#) by [Acts 2010, No. 861](#), § 23, eff. Aug. 15, 2010.

Annotations

Notes

Amendment Notes

LSLI 2010 Amendments.

In accordance with the revision authority set forth in [R.S. 24:201](#) et seq., the Louisiana State Law Institute redesignated [La. R.S. 42:4.1](#), as amended by [Acts 2010, No. 861](#), § 23, as [La. R.S. 42:12](#). In addition, the LSLI updated internal references in (A) and (B).

1999 Amendments.

[Acts 1999, No. 467](#), § 1, effective August 15, 1999, redesignated former section as (A) and added (B).

Case Notes

Administrative Law: Governmental Information: Freedom of Information: General Overview
Administrative Law: Governmental Information: Public Meetings: General Overview
Administrative Law: Governmental Information: Public Meetings: Sunshine Legislation
Civil Procedure: Remedies: Costs & Attorney Fees: General Overview
Education Law: Administration & Operation: Boards of Elementary & Secondary Schools: Authority
Education Law: Administration & Operation: Boards of Elementary & Secondary Schools: Proceedings
Governments: Legislation: Statutes of Limitations: General Overview
Governments: Local Governments: Administrative Boards
Governments: Local Governments: Duties & Powers
Governments: Local Governments: Licenses
Public Contracts Law: Types of Contracts: Local Contracts Generally

LexisNexis (R) Notes

Administrative Law: Governmental Information: Freedom of Information: General Overview

1. [La. Rev. Stat. Ann. §§ 46:1071, 46:1072, and 46:1073](#), the core provisions of the Enhanced Ability to Compete Act, are constitutional and not a violation of the Open Meetings Law, [La. Rev. Stat. Ann. § 42:4.1](#) et seq.; the right to observe the deliberations of public bodies and examine public documents was not an inalienable individual right, the legislature could exempt from disclosure any information it wished. [St. Mary Anesthesia Assocs. v. Hosp. Serv. Dist. No. 2](#), [La. App. 2001-2852](#), 836 So. 2d 379, 2002 La. App. LEXIS 3995 (La.App. 1 Cir. Dec. 20 2002), writ denied by [La. 2003-0220](#), 840 So. 2d 577, 2003 La. LEXIS 917 (La. Mar. 28, 2003).

2. Enhanced Ability to Compete Act expressly authorizes executive sessions of hospital service district commissions for the discussion and development of marketing strategies and strategic plans, as defined in [La. Rev. Stat. Ann. § 46:1072\(3\)](#) and (4); the authorized executive sessions may exceed in scope those sessions contemplated by the Open

La. R.S. 42:13

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA REVISED STATUTES > TITLE 42. PUBLIC OFFICERS AND EMPLOYEES > CHAPTER 1-A. OPEN MEETINGS LAW

§ 42:13. Definitions

A. For the purposes of this Chapter:

- (1) "Consent agenda" means a grouping of procedural or routine agenda items that can be approved with general discussion.
- (2) "Meeting" 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.
- (3) "Public body" 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 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 enumerated in this paragraph.
- (4) "Quorum" means a simple majority of the total membership of a public body.

B. The provisions of this Chapter shall not apply to chance meetings or social gatherings of members of a public body at which there is no vote or other action taken, including formal or informal polling of the members.

History

Added by Acts 1979, No. 681, § 1; Amended by Acts 1981, Ex. Sess., No. 21, § 1, eff. Nov. 19, 1981; [Acts 1988, No. 821](#), § 1; Redesignated from [R.S. 42:4.2](#) by [Acts 2010, No. 861](#), § 23, eff. Aug. 15, 2010; [Acts 2013, No. 416](#), § 1, eff. Aug. 1, 2013.

Annotations

Notes

Amendment Notes

LSLI 2013 Amendments.

In accordance with the revision authority set forth in [R.S. 24:201](#) et seq., the Louisiana State Law Institute redesignated subdivisions (A)(1), (A)(2) and (A)(3) as (A)(2), (A)(3) and (A)(4), respectively, and redesignated subdivision (A)(4) as (A)(1) in [R.S. 42:13](#), as amended by [Acts 2013, No. 416](#).

2013 Amendments.

The 2013 amendment by Act No. 416 added (A)(4).

LSLI 2010 Amendments.

In accordance with the revision authority set forth in [R.S. 24:201](#) et seq., the Louisiana State Law Institute redesignated [La. R.S. 42:4.2](#), as amended by [Acts 2010, No. 861](#), § 23, as [La. R.S. 42:13](#). In addition, the LSLI updated internal references in the introductory language of (A) and in (B).

Case Notes

Administrative Law: Governmental Information: Freedom of Information: General Overview
Administrative Law: Governmental Information: Public Meetings: General Overview

La. R.S. 42:14

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014
Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA REVISED STATUTES > TITLE 42. PUBLIC OFFICERS AND EMPLOYEES > CHAPTER 1-A. OPEN MEETINGS LAW

§ 42:14. Meetings of public bodies to be open to the public

- A. Every meeting of any public body shall be open to the public unless closed pursuant to [R.S. 42:16](#), [R.S. 42:17](#), or [R.S. 42:18](#).
- B. 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 this Chapter.
- C. 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.
- D. Except school boards, which shall be subject to [R.S. 42:15](#), each public body conducting a meeting which is subject to the notice requirements of [R.S. 42:19\(A\)](#) shall 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.

History

Added by Acts 1952, No. 484, § 1; Amended by Acts 1976, No. 665, § 1; Acts 1977, No. 707, § 1; Acts 1978, No. 456, § 1; Acts 1979, No. 681, § 1; Acts 1981, Ex. Sess., No. 21, § 1, eff. Nov. 19, 1981; [Acts 1989, No. 55, § 1](#); [Acts 2001, No. 285, § 1](#), eff. Aug. 15, 2001; [Acts 2010, No. 850, § 1](#), eff. Aug. 15, 2010; Redesignated from [R.S. 42:5](#) by [Acts 2010, No. 861, § 23](#), eff. Aug. 15, 2010.

Annotations

Notes

Amendment Notes

LSLI 2010 Amendments.

In accordance with the revision authority set forth in [R.S. 24:201](#) et seq., the Louisiana State Law Institute redesignated [La. R.S. 42:5](#), as amended by [Acts 2010, No. 861, § 23](#), as [La. R.S. 42:14](#). In addition, the LSLI updated internal references in (A), (B) and (D).

2010 Amendments

The 2010 amendment by No. 850 substituted "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" for "provide an opportunity for public comment at such meeting, subject to reasonable rules, regulations, and restrictions as adopted by the public body" and added the second sentence.

2001 Amendments.

[Acts 2001, No. 285, § 1](#), effective August 15, 2001, added (D).

Case Notes

Administrative Law: Governmental Information: Public Meetings: General Overview
Administrative Law: Governmental Information: Public Meetings: Sunshine Legislation
Education Law: Administration & Operation: Charter Schools
Governments: Local Governments: Administrative Boards

LexisNexis (R) Notes

Administrative Law: Governmental Information: Public Meetings: General Overview

1. The court properly sustained the exceptions of no cause of action in favor of the board counsel and director as to the claims regarding the Open Meetings Law, because the dentist failed to allege that either the director or counsel

La. R.S. 42:15

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA REVISED STATUTES > TITLE 42. PUBLIC OFFICERS AND EMPLOYEES > CHAPTER 1-A. OPEN MEETINGS LAW

§ 42:15. School board meetings; public comment

- 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.
- 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 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.

History

Acts 1997, No. 895, § 1, eff. July 10, 1997; Acts 2005, No. 474, § 1, eff. Aug. 15, 2005; Redesignated from R.S. 42:5.1 by Acts 2010, No. 861, § 23, eff. Aug. 15, 2010; Acts 2011, 1st Ex. Sess., No. 35, § 1, eff. June 12, 2011.
Annotations

Notes

Amendment Notes

2011 1st Extraordinary Session Amendments

The 2011 amendment by No. 35 substituted "The Orleans Parish School Board" for "A school board in a parish containing a municipality with a population of four hundred thousand or more according to the latest federal decennial census" in (B).

LSLI 2010 Amendments.

In accordance with the revision authority set forth in R.S. 24:201 et seq., the Louisiana State Law Institute redesignated La. R.S. 42:5.1, as amended by Acts 2010, No. 861, § 23, as La. R.S. 42:15.

2005 Amendments.

Acts 2005, No. 474, § 1, effective August 15, 2005, added (B) and (C); designated the first paragraph as (A); and in (A), inserted "except as provided in Subsection B of this Section" and made related stylistic changes, and deleted the last sentence, which read: "A comment period for all comments at the beginning of a meeting shall not suffice as a comment period."

Research References & Practice Aids

LexisNexis (R) Notes

RELATED STATUTES & RULES

Louisiana Law:

Meetings of public bodies to be open to the public, see La. R.S. 42:14.

La. R.S. 42:16

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA REVISED STATUTES > TITLE 42. PUBLIC OFFICERS AND EMPLOYEES > CHAPTER 1-A. OPEN MEETINGS LAW

§ 42:16. Executive Sessions

A public body may hold executive sessions upon an affirmative vote, taken at an open meeting for which notice has been given pursuant to [R.S. 42:19](#), of two-thirds of its constituent members present. An executive session shall be limited to matters allowed to be exempted from discussion at open meetings by [R.S. 42:17](#); however, no final or binding action shall be taken during an executive session. The vote of each member on the question of holding such an executive session and the reason for holding 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 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.

History

Added by Acts 1952, No. 484, § 1; Amended by Acts 1976, No. 665, § 1; Acts 1977, No. 707, § 1; Acts 1979, No. 681, § 1; Redesignated from [R.S. 42:6](#) by [Acts 2010, No. 861](#), § 23, eff. Aug. 15, 2010..

Annotations

Notes

Amendment Notes

LSLI 2010 Amendments.

In accordance with the revision authority set forth in [R.S. 24:201](#) et seq., the Louisiana State Law Institute redesignated [La. R.S. 42:6](#), as amended by [Acts 2010, No. 861](#), § 23, as [La. R.S. 42:16](#). In addition, the LSLI updated internal references.

Case Notes

Administrative Law: Governmental Information: Public Meetings: General Overview
Administrative Law: Governmental Information: Public Meetings: Sunshine Legislation
Education Law: Administration & Operation: Boards of Elementary & Secondary Schools: Proceedings
Governments: Local Governments: Administrative Boards
Governments: Local Governments: Duties & Powers
Governments: Local Governments: Employees & Officials
Real Property Law: Zoning & Land Use: General Overview

LexisNexis (R) Notes

Administrative Law: Governmental Information: Public Meetings: General Overview

1. Although the final vote was taken in a separate room, the meeting was not in violation of the Open Meetings Law, [La. Rev. Stat. § 42:6](#) where there was notice and it was open to the public. [Bailey v. Parish of Caddo, La. App. 30822, 716 So. 2d 523, 1998 La. App. LEXIS 2442](#) (La.App. 2 Cir. Aug. 19 1998), writ denied by [La. 98-2642, 730 So. 2d 461, 1998 La. LEXIS 3965](#) (La. Dec. 11, 1998).
2. Where the district attorney contended that the executive session of the school board moved beyond discussion to action, which was expressly prohibited by [La. Rev. Stat. Ann. § 42:6, section 42:6](#) could not be used to create a privilege concerning discussions and actions prohibited by the express terms of the statute; however, the court found no abuse of a trial court's great discretion in discovery matters when it granted the district attorney's Motion to Compel under [La. Code Civ. Proc. Ann. art. 1422, Connick v. Brechtel, La. App. 98-0543, 713 So. 2d 583, 1998 La. App. LEXIS 1219](#) (La.App. 4 Cir. Apr. 22 1998), writ denied by [La. 98-1404, 720 So. 2d 1202, 1998 La. LEXIS 1920](#) (La. June 3, 1998).

La. R.S. 42:17

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA REVISED STATUTES > TITLE 42. PUBLIC OFFICERS AND EMPLOYEES > CHAPTER 1-A. 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:
- (1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting. However, nothing in this Paragraph shall permit an executive session for discussion of the appointment of a person to a public body or, except as provided in [R.S. 39:1593\(C\)\(2\)\(c\)](#), for discussing the award 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 respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body.
 - (3) Discussion regarding the report, development, or course of action regarding security personnel, plans, or devices.
 - (4) Investigative proceedings regarding allegations of misconduct.
 - (5) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.
 - (6) Any meeting of the State Mineral and Energy Board at which records or matters entitled to confidential status by existing law are required to be considered or discussed by the board with its staff or with any employee or other individual, firm, or corporation to whom such records or matters are confidential in their nature, and are disclosed to and accepted by the board subject to such privilege, for the exclusive use in evaluating lease bids or development covering state-owned lands and water bottoms, which exception is proved pursuant to and consistently with the Public Records Act, being Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950, as amended, and other statutes to which the board is subject.
 - (7) Discussions between a city or parish school board and individual students or the parents or tutors of such students, or both, who are within the jurisdiction of the respective school system, regarding problems of such students or their parents 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 meetings of civil service boards of test questions, answers, and papers produced and exhibited by the office of the state examiner, municipal fire and police civil service, pursuant to [R.S. 33:2492](#) or 2552.
 - (9) The portion of any meeting of the Second Injury Board during which records or matters regarding the settlement of a workers' compensation claim are required to be considered or discussed by the board with its staff in order to grant prior written approval as required by [R.S. 23:1378\(A\)\(6\)](#).
 - (10) Or any other matters now provided for or as may be provided for by the legislature.
- B. The provisions of this Chapter shall not apply to judicial proceedings.
- 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.
- D. The provisions of [R.S. 42:19](#) and [R.S. 42:20](#) shall not apply to any meeting of a private citizens' advisory group or a private citizens' advisory committee established by a public body, when the members of such group or committee do not receive any compensation and serve only in an advisory capacity, except textbook advisory committees of the State Department of Education or the Board of Elementary and Secondary

La. R.S. 42:18

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA REVISED STATUTES > TITLE 42. PUBLIC OFFICERS AND EMPLOYEES > CHAPTER 1-A. OPEN MEETINGS LAW

§ 42:18. Executive or closed meetings of legislative houses and committees

- A. Notwithstanding any contrary provision of [R.S. 42:16](#) and [R.S. 42:17](#), executive or closed meetings may be held by the legislature, either house thereof, or any committee or subcommittee of either house, upon the affirmative vote of at least a majority of the members of the house or the committee or subcommittee thereof making the determination to hold such meeting, for one or more of the following purposes:
- (1) Discussion of confidential communications.
 - (2) Discussion of the character, professional competence, or physical or mental health of any person subject to contract with or to employment, election, or appointment or confirmation of appointment by either house of the legislature or any committee or subcommittee of either or by any other public body.
 - (3) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the legislature, either house thereof, or any committee or subcommittee of either house.
 - (4) Discussion regarding a report, development, or course of action regarding security personnel, plans, or devices.
 - (5) Investigations by the legislature, either house thereof, or by any committee or subcommittee thereof, including the Legislative Audit Advisory Council or any other joint or statutory committee, whenever reasonable grounds exist to believe that the testimony to be elicited will reflect a failure of compliance with law.
 - (6) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.
 - (7) Discussion by either house of the legislature, or any committee or subcommittee thereof, of any matter affecting the internal operations or management of the body.
 - (8) Any other matters provided by law or pursuant to the joint rules of the legislature.
- B. All procedural matters pertaining to the necessity, purposes, or reasons for the holding of executive or closed meetings under the provisions of this Section shall be in accordance with such rules as are adopted by each of the houses of the legislature for the purpose.
- C. The provisions of this Chapter shall not apply to chance meetings, social gatherings, or other gatherings at which only presentations are made to members of the legislature or members of either house thereof or of any committee or subcommittee if no vote or other action, including formal or informal polling of members, is taken.

History

Added by Acts 1981, Ex. Sess., No. 21, § 1, eff. Nov. 19, 1981; Redesignated from [R.S. 42:6.2](#) by [Acts 2010, No. 861](#), § 23, eff. Aug. 15, 2010.

Annotations

Notes

La. R.S. 42:19

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA REVISED STATUTES > TITLE 42. PUBLIC OFFICERS AND EMPLOYEES > CHAPTER 1-A. OPEN MEETINGS LAW

§ 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.
- (b)
- (i) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of any regular, special, or rescheduled meeting no later than twenty-four hours before the meeting.
- (ii) (aa) Such notice shall include the agenda, date, time, and place of the meeting. The agenda shall not be changed less than twenty-four hours prior to the meeting.
- (bb) Each item on the agenda shall be listed separately and described with reasonable specificity. Before the public body may take any action on an item, the presiding officer or his designee shall read aloud the description of the item except as otherwise provided in Subitem (dd) of this Item.
- (cc) Upon unanimous approval of the members present at a meeting of a public body, the public body may take up a matter not on the agenda. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, including the purpose for the addition to the agenda, and entered into the minutes of the meeting. Prior to any vote on the motion to take up a matter not on the 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.
- (dd) If an agenda of a meeting of a governing authority of a parish with a population of two hundred thousand or more according to the latest federal decennial census or municipality with a population of one hundred thousand or more according to the latest federal decennial census contains more than fifty items, the governing authority may take action on items listed on a consent agenda without reading the description of each item aloud. However, before any action is taken on items listed on a consent agenda, the governing authority shall allow a public comment period. Any item listed on a consent agenda may be removed from the consent agenda by an individual member of the governing authority if a person objects to the presence of the item on the consent agenda and provides reasons for individual discussion at the meeting. The name of the person who objects to a consent agenda item and the reasons for the objection shall be included in the minutes of the meeting.
- (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 the meeting as it deems appropriate and 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 failure 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 to members of the public body.

- B. Reasonable public notice of day to day sessions of either house of the legislature, and of all matters pertaining to such meetings, including but not necessarily restricted to the content of notices, quorums for the transaction of business, proxy voting, viva-voce votes, and recollection of votes, shall be governed by the provisions of the Louisiana Constitution, the rules of procedure of the Senate and the House of Representatives, and the Joint Rules applicable to both houses. Reasonable public notice of meetings of legislative committees and subcommittees shall be given in accordance with such rules as are adopted by the respective houses for the purpose.

History

Added by Acts 1952, No. 484, § 1; Amended by Acts 1972, No. 669, § 1; Acts 1976, No. 665, § 1; Acts 1977, No. 707, § 1; Acts 1979, No. 681, § 1; Acts 1981, 1st Ex. Sess., No. 21, § 1, eff. Nov. 19, 1981; [Acts 1989, No. 390, § 1](#); [Acts 2008, No. 131, § 1](#), eff. Aug. 15, 2008; Redesignated from [R.S. 42:7](#) by [Acts 2010, No. 861, § 23](#), eff. Aug. 15, 2010; [Acts 2012, No. 461, § 1](#), eff. Aug. 1, 2012; [Acts 2012, No. 747, § 1](#), eff. June 12, 2012; [Acts 2013, No. 416, § 1](#), eff. Aug. 1, 2013.

Annotations

Notes

Amendment Notes

2013 Amendments.

The 2013 amendment by Act No. 416 added the exception at the end of the second sentence of (A)(1)(b)(ii)(bb); and added (A)(1)(b)(ii)(dd).

2012 Amendments.

The 2012 amendment by Act No. 461, in present (A)(1)(b)(ii)(aa), deleted "provided that" at the end of the first sentence and added the second sentence; inserted (A)(1)(b)(ii)(bb); and added the (A)(1)(b)(ii)(cc) designation. The 2012 amendment by Act No. 747 added the last two sentences of (A)(2)(a).

LSLI 2010 Amendments.

In accordance with the revision authority set forth in [R.S. 24:201](#) et seq., the Louisiana State Law Institute redesignated [La. R.S. 42:7](#), as amended by [Acts 2010, No. 861, § 23](#), as [La. R.S. 42:19](#). In addition, the LSLI updated internal references in (A)(1)(b)(ii) and (A)(1)(b)(iii).

2008 Amendments

[Acts 2008, No. 131, § 1](#), effective August 15, 2008, in (A)(1)(b)(ii), substituted "unanimous approval of the members" for "approval of two-thirds of the members" and added the last three sentences.

Quoted Statutory Material

[Acts 2012, No. 747, § 2](#), provides that "(A) The Legislature of Louisiana does hereby encourage each governing body of a political subdivision of the state subject to the provisions of [R.S. 42:19\(A\)\(2\)](#) that does not have a website

La. R.S. 42:19.1

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA REVISED STATUTES > TITLE 42. PUBLIC OFFICERS AND EMPLOYEES > CHAPTER 1-A. OPEN MEETINGS LAW

§ 42:19.1. Procedure for the levy, increase, renewal, or continuation of a tax or for calling an election for such purposes by political subdivisions

A.

- (1) In addition to any other requirements provided for in [R.S. 42:19](#) or other provisions of law, public notice of the date, time, and place of any meeting at which a political subdivision as defined in [Article VI, Section 44\(2\) of the Constitution of Louisiana](#) intends to levy, increase, renew, or continue any ad valorem property tax or sales and use tax or authorize the calling of an election for submittal of such question to the voters of the political subdivision shall be both published in the official journal of the political subdivision no more than sixty days nor less than thirty days before such public meeting and shall be announced to the public during the course of a public meeting of such political subdivision no more than sixty days nor less than thirty days before such public meeting.
- (2) (a) In the event of cancellation or postponement of a meeting at which consideration of or action upon a proposal to levy, increase, renew, or continue any ad valorem or sales and use tax or authorize the calling of an election for submittal of such questions to the voters of the political subdivision was scheduled, notice of the date, time, and place of any subsequent meeting to consider such proposal shall be published in the official journal of the political subdivision no less than ten days before such subsequent meeting.
- (b) However, in the event that consideration of or action upon any such proposal was postponed at the scheduled meeting, or any such proposal was considered at the scheduled meeting without action or vote, then any subsequent meeting to consider such proposal shall be subject to the requirements of Subparagraph (a) of this Paragraph unless the date, time, and place of a subsequent meeting for consideration of such proposal is announced to the public during the course of such meeting.

- B.** The provisions of this Section shall not apply to any consideration of or action upon a proposal to levy additional or increased ad valorem property tax millages on property without voter approval to which the provisions of [R.S. 47:1705\(B\)\(2\)\(c\)](#) and (d) apply.

History

[Acts 2013, No. 267](#), § 1, eff. Aug. 1, 2013.

LOUISIANA STATUTES ANNOTATED

Copyright © 2014 by Matthew Bender & Company, Inc., a member of the LexisNexis Group. All rights reserved.

La. R.S. 42:20

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA REVISED STATUTES > TITLE 42. PUBLIC OFFICERS AND EMPLOYEES > CHAPTER 1-A. OPEN MEETINGS LAW

§ 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:
- (1) The date, time, and place of the meeting.
 - (2) The members of the public body recorded as either present or absent.
 - (3) The substance of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken.
 - (4) Any other information that the public body requests be included or reflected in the minutes.
- 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](#), [R.S. 42:17](#), and [R.S. 42:18](#), or rules adopted under the provisions of [R.S. 42:21](#).

History

Added by Acts 1976, No. 665, § 1; Amended by Acts 1981, Ex. Sess., No. 21, § 1, eff. Nov. 19, 1981; Redesignated from [R.S. 42:7.1](#) by [Acts 2010, No. 861](#), § 23, eff. Aug. 15, 2010.

Annotations

Notes

Amendment Notes

LSLI 2010 Amendments.

In accordance with the revision authority set forth in [R.S. 24:201](#) et seq., the Louisiana State Law Institute redesignated [La. R.S. 42:7.1](#), as amended by [Acts 2010, No. 861](#), § 23, as [La. R.S. 42:20](#). In addition, the LSLI updated internal references in the introductory language of (A) and in (B).

Research References & Practice Aids

LexisNexis (R) Notes

RELATED STATUTES & RULES

Louisiana Law:

Council meetings, see [La. R.S. 23:2049](#).

Exceptions to open meetings, see [La. R.S. 42:17](#).

Website; content, see [La. R.S. 49:1302](#).

Municipal Law:

Clerk of council > distribution of copies of minutes. New Orleans Code of Ordinance § 2-401.

La. R.S. 42:21

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

[Louisiana Statutes, Annotated by LexisNexis\(TM\)](#) > [LOUISIANA REVISED STATUTES](#) > [TITLE 42. PUBLIC OFFICERS AND EMPLOYEES](#) > [CHAPTER 1-A. OPEN MEETINGS LAW](#)

§ 42:21. Minutes of legislative sessions, legislative committees and subcommittees

- A. The journals of the proceedings of each of the houses of the legislature, as required to be kept by the provisions of [Article III, Section 10\(B\) of the Louisiana Constitution](#), shall constitute the written minutes of open sessions of the Senate and of the House of Representatives.
- B. The written minutes of standing, interim, joint, and other committees and subcommittees of the Senate and House of Representatives shall include such information as may be required by the rules of the respective houses.

History

Added by Acts 1981, Ex. Sess., No. 21, § 1, eff. Nov. 19, 1981; Redesignated from [R.S. 42:7.2](#) by [Acts 2010, No. 861](#), § 23, eff. Aug. 15, 2010.

Annotations

Notes

Amendment Notes

LSLI 2010 Amendments.

In accordance with the revision authority set forth in [R.S. 24:201](#) et seq., the Louisiana State Law Institute redesignated [La. R.S. 42:7.2](#), as amended by [Acts 2010, No. 861](#), § 23, as [La. R.S. 42:21](#).

Case Notes

LexisNexis (R) Notes

Administrative Law: Governmental Information: Public Meetings: General Overview

1. New Orleans Aviation Board's (NOAB) Technical Committee was a committee of a municipal board that possessed advisory and administrative functions, and was therefore subject to the Louisiana Open Meetings Law because it fit the definition of public body set forth in [La. Rev. Stat. Ann. § 42:4.2\(a\)\(2\)](#). *NOAB's Technical Committee meeting at which the taxi proposals were discussed was subject to the Louisiana Open Meetings Law, regardless of whether the taxi contract was a contract for professional services, and therefore, because NOAB's Technical Committee was not open to the public, in violation of [La. Rev. Stat. Ann. §§ 42:5, 42:7](#). 2, there was no genuine issue of material fact that NOAB violated the Louisiana Open Meetings Law, and the corporation and its subsidiary were entitled to recover the reasonable attorneys' fees and costs pursuant to [La. Rev. Stat. Ann. § 42:11\(C\)](#) that they incurred in successfully pursuing this claim. [Tectrans, Inc. v. New Orleans Aviation Bd.](#), 695 F. Supp. 2d 313, 2010 U.S. Dist. LEXIS 13647 (E.D. La. 2010).*

Research References & Practice Aids

LexisNexis (R) Notes

RELATED STATUTES & RULES

Louisiana Law:

Written minutes, see [La. R.S. 42:20](#).

La. R.S. 42:22

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA REVISED STATUTES > TITLE 42. PUBLIC OFFICERS AND EMPLOYEES > CHAPTER 1-A. OPEN MEETINGS LAW

§ 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

- A. For the purposes of this Section, "gas utility" means any revenue producing business or organization which is owned or operated by a public body, and which regularly supplies the public with natural gas at retail.
- B. Prior to consideration or action by a public body to accept a proposal by a nonpublic entity to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions, or to assume operation or acquire ownership of, a gas utility being operated or owned by the public body, the proposal shall:
 - (1) Be introduced, in writing, at an open meeting of the public body.
 - (2) Not be considered by the public body until notice of the proposal has been published in the official journal of the public body and at least thirty days has lapsed after the introduction of the proposal.
 - (3) Include a written report of the most recent five-year history of the sale of natural gas to similar public bodies for use in gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions by the nonpublic entity if the entity is seeking to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions to the public body or a five-year history of the purchase price of other gas utilities operated or owned by a public body paid by the nonpublic entity if the entity is seeking to assume operation or acquire ownership of the utility. A copy of the report shall be provided to all members of the public body and be available to the public.
 - (4) Include any written contract or agreement proposed between the nonpublic entity seeking to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions to, or assume operation or acquire ownership of, the gas utility and the public body. A copy of the contract or agreement shall be provided to all members of the public body and be available to the public.
- C. Notice of the proposal and the availability of the written report and contract or agreement shall be published once in the official journal of the public body. The notice shall indicate the time and place where the public body will hold a public hearing and consider the proposal.
- D. No proposal shall be considered until a public hearing on it has been held. No proposal can be adopted at the meeting at which it is introduced.
- E. Any proposed revision or amendment of the published contract or agreement shall be noticed, published, and made available in its entirety in the same manner as required for the original contract or agreement. No such contract or agreement shall be entered into by the public body until at least thirty days have lapsed since the notice of the availability of the revised contract or agreement has been published.

History

Acts 2003, No. 1274, § 1, eff. July 11, 2003; Redesignated from R.S. 42:7.3 by Acts 2010, No. 861, § 23, eff. Aug. 15, 2010.

Annotations

Notes

Amendment Notes

LSLI 2010 Amendments.

In accordance with the revision authority set forth in R.S. 24:201 et seq., the Louisiana State Law Institute redesignated La. R.S. 42:7.3, as amended by Acts 2010, No. 861, § 23, as La. R.S. 42:22.

La. R.S. 42:23

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA REVISED STATUTES > TITLE 42. PUBLIC OFFICERS AND EMPLOYEES > CHAPTER 1-A. OPEN MEETINGS LAW

§ 42:23. Sonic and video recordings; live broadcast

- A. All of the proceedings in a public meeting may be video or tape recorded, filmed, or broadcast live. However, any nonelected board or commission that has the authority to levy a tax shall video or audio record, film, or broadcast live all proceedings in a public meeting.
- B. A public body shall establish standards for the use of lighting, recording or broadcasting equipment to insure proper decorum in a public meeting.

History

Added by Acts 1952, No. 484, § 1; Amended by Acts 1972, No. 669, § 1; [Acts 1989, No. 172, § 1](#); Redesignated from [R.S. 42:8](#) by [Acts 2010, No. 861, § 23](#), eff. Aug. 15, 2010; [Acts 2013, No. 363, § 1](#), eff. June 17, 2013.

Annotations

Notes

Amendment Notes

2013 Amendments.

The 2013 amendment by Act No. 363, in (A), deleted "or any part" preceding "of the proceedings" in the first sentence and added the second sentence.

LSLI 2010 Amendments.

In accordance with the revision authority set forth in [R.S. 24:201](#) et seq., the Louisiana State Law Institute redesignated [La. R.S. 42:8](#), as amended by [Acts 2010, No. 861, § 23](#), as [La. R.S. 42:23](#).

Research References & Practice Aids

LexisNexis (R) Notes

RELATED STATUTES & RULES

Municipal Law:

Municipal and parish organization: governing body > executive sessions. Baton Rouge Code of Ordinance § 1:11.

LexisNexis (R) Notes

ADMINISTRATIVE LAW AND DECISIONS

Attorney General:

Town marshal, once person arrested, has no authority to release from criminal prosecution that authority is vested in prosecuting attorney, any member of a board of alderman or the Mayor may call special meetings of the council but Public Notice of such a meeting must be given., OPINION No. 78-370, [La. Atty. Gen. Op. No. 1978-370;1978 La. AG LEXIS 701](#).

Meetings of Student Government Association is subject to State Sunshine Law., OPINION NUMBER 81-181, [La. Atty. Gen. Op. No. 1981-181;1981 La. AG LEXIS 383](#).

[R.S. 42:2](#) & 5 and [R.S. 38:3074\(A\)\(4\)](#) & (6)., OPINION No. 82-289, [La. Atty. Gen. Op. No. 1982-289;1982 La. AG LEXIS 468](#).

La. R.S. 42:24

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

[Louisiana Statutes, Annotated by LexisNexis\(TM\)](#) > [LOUISIANA REVISED STATUTES](#) > [TITLE 42. PUBLIC OFFICERS AND EMPLOYEES](#) > [CHAPTER 1-A. OPEN MEETINGS LAW](#)

§ 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.

History

Added by Acts 1972, No. 669, § 2; Amended by Acts 1976, No. 665, § 1; Acts 1979, No. 681, § 1; Redesignated from [R.S. 42:9](#) by [Acts 2010, No. 861](#), § 23, *eff. Aug. 15, 2010*.

Annotations

Notes

Amendment Notes

LSLI 2010 Amendments.

In accordance with the revision authority set forth in [R.S. 24:201](#) et seq., the Louisiana State Law Institute redesignated [La. R.S. 42:9](#), as amended by [Acts 2010, No. 861](#), § 23, as [La. R.S. 42:24](#). In addition, the LSLI updated internal references.

Case Notes

Administrative Law: Governmental Information: Public Meetings: General Overview
Administrative Law: Governmental Information: Public Meetings: Sunshine Legislation
Civil Procedure: Pleading & Practice: Pleadings: Time Limitations: General Overview
Governments: Legislation: Statutes of Limitations
Governments: Legislation: Statutes of Limitations: General Overview
Governments: Local Governments: Duties & Powers
Governments: Local Governments: Licenses
Governments: State & Territorial Governments: Employees & Officials

LexisNexis (R) Notes

Administrative Law: Governmental Information: Public Meetings: General Overview

1. Denial of plaintiff lounge's application for a liquor license by defendant parish police jury was affirmed because the lounge's challenge of the police jury's finding, that they could not issue a liquor license under the amended ordinance, was untimely in that the lounge owner's were present at the meeting, they had notice that the license was denied, and they failed to file the lounge's action within 10 days after the denial under the provisions of [La. Rev. Stat. Ann. § 26:106](#), and the lounge lost the right to attack the amended ordinance on the ground that it violated the Open Meetings Law, [La. Rev. Stat. Ann. § 42:4.1](#) et seq., by failing to file suit within 60 days of the amendment of the ordinance as required by [La. Rev. Stat. Ann. § 42:9](#). [Sandi's II, Ltd. v. Assumption Parish Police Jury, La. App. 2001-2819, 837 So. 2d 124, 2002 La. App. LEXIS 4022 \(La.App. 1 Cir. Dec. 31 2002\)](#).
2. Where the trial court found that the Board of Commissioners for the Housing Authority of New Orleans violated the Open Meetings Law by voting on a contract for the director of the housing authority without announcing the discussion of the issue 24 hours before the meeting and thus declared the contract null and void, such judgment was not erroneous merely because [La. Rev. Stat. Ann. § 42:9](#) provided that actions taken in violation of the Law were voidable; hence, on appeal by the contracted director, who was not a party to the underlying suit, the court affirmed the judgment declaring the contract null and void because all of the other procedural requirements for challenging the action were complied with. [Jackson v. Board of Comm'rs, 514 So. 2d 628, 1987 La. App. LEXIS 10253 \(La.App.](#)

La. R.S. 42:25

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA REVISED STATUTES > TITLE 42. PUBLIC OFFICERS AND EMPLOYEES > CHAPTER 1-A. OPEN MEETINGS LAW

§ 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.
- 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.
- 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 R.S. 42:11 et seq. have been violated may institute enforcement proceedings.

History

Added by Acts 1976, No. 665, § 1; Amended by Acts 1977, No. 707, § 1; Acts 1979, No. 681, § 1; Redesignated from R.S. 42:10 by Acts 2010, No. 861, § 23, *eff. Aug. 15, 2010*.

Annotations

Notes

Amendment Notes

LSLI 2010 Amendments.

In accordance with the revision authority set forth in R.S. 24:201 et seq., the Louisiana State Law Institute redesignated La. R.S. 42:10, as amended by Acts 2010, No. 861, § 23, as La. R.S. 42:25. In addition, the LSLI updated internal references in (A) through (C).

Research References & Practice Aids

LexisNexis (R) Notes

RELATED STATUTES & RULES

Louisiana Law:

Children and youth services advisory boards; members; duties, see La. R.S. 46:1941.8.

Re-creation of terminated entity; procedure, see La. R.S. 49:193.

LexisNexis (R) Notes

ADMINISTRATIVE LAW AND DECISIONS

Attorney General:

A meeting of a joint committee appointed by the Governors of Louisiana and Texas is not subject to the open meetings requirements of R.S. 42:4.1-10., Opinion No. 78-1574, La. Att'y. Gen. Op. No. 1978-1574;1978 La. AG LEXIS 62.

R.S. 42:4.1; R.S. 42:6, 6.1, OPINION No. 78-298, La. Att'y. Gen. Op. No. 1978-298;1978 La. AG LEXIS 940.

Public meetings laws apply to site visits of the Comm. or Perinatal Care. Under La. jurisprudence, a public officer acting in good faith and without malice is not personally liable for his official acts., OPINION No. 81-22, La. Att'y. Gen. Op. No. 1981-22;1981 La. AG LEXIS 313.

La. R.S. 42:26

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA REVISED STATUTES > TITLE 42. PUBLIC OFFICERS AND EMPLOYEES > CHAPTER 1-A. OPEN MEETINGS LAW

§ 42:26. Remedies; jurisdiction; authority; attorney fees

- A. In any enforcement proceeding the plaintiff may seek and the court may grant any or all of the following forms of relief:
- (1) A writ of mandamus.
 - (2) Injunctive relief.
 - (3) Declaratory judgment.
 - (4) Judgment rendering the action void as provided in [R.S. 42:9](#).
 - (5) Judgment awarding civil penalties as provided in [R.S. 42:13](#).
- B. In any enforcement proceeding the court has jurisdiction and authority to issue all necessary orders to require compliance with, or to prevent noncompliance with, or to 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 proceeding prevails, he shall be awarded reasonable attorney fees and other costs of litigation. If such person prevails in part, the court may award him reasonable attorney fees or an appropriate portion thereof. If the 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.

History

Added by Acts 1979, No. 681, § 1; Amended by [Acts 1989, No. 54](#), § 1; Redesignated from [R.S. 42:11](#) by [Acts 2010, No. 861](#), § 23, eff. Aug. 15, 2010.

Annotations

Notes

Amendment Notes

LSLI 2010 Amendments.

In accordance with the revision authority set forth in [R.S. 24:201](#) et seq., the Louisiana State Law Institute redesignated [La. R.S. 42:11](#), as amended by [Acts 2010, No. 861](#), § 23, as [La. R.S. 42:26](#). In addition, the LSLI updated internal references in (A)(4), (A)(5) and (B).

Case Notes

Administrative Law: Governmental Information: Freedom of Information: Remedies: Costs & Attorney Fees: General Overview

Administrative Law: Governmental Information: Public Meetings: General Overview

Administrative Law: Governmental Information: Public Meetings: Sunshine Legislation

Civil Procedure: Remedies: Costs & Attorney Fees: General Overview

Constitutional Law: The Judiciary: Case or Controversy: Mootness: General Overview

LexisNexis (R) Notes

Administrative Law: Governmental Information: Freedom of Information: Remedies: Costs & Attorney Fees: General Overview

1. Commissioner and association prevailed in part on the enforcement of the open meetings law; therefore, there was no error in the trial court's award of costs and attorney fees. [Courville v. La. Rec. & Used Motor Vehicle Comm'n](#), 21 So. 3d 340, 2009 La. App. LEXIS 1153 (La.App. 1 Cir. 2009).

La. R.S. 42:27

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

Louisiana Statutes, Annotated by LexisNexis(TM) > LOUISIANA REVISED STATUTES > TITLE 42. PUBLIC OFFICERS AND EMPLOYEES > CHAPTER 1-A. OPEN MEETINGS LAW

§ 42:27. Venue; summary proceedings

- A. Enforcement proceedings shall be instituted in the district court for the parish in which the meeting took place or will take place.
- B. Enforcement proceedings shall be tried by preference and in a summary manner. 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.

History

Added by Acts 1979, No. 681, § 1; Redesignated from R.S. 42:12 by Acts 2010, No. 861, § 23, *eff. Aug. 15, 2010*.
Annotations

Notes

Amendment Notes

LSLI 2010 Amendments.

In accordance with the revision authority set forth in R.S. 24:201 et seq., the Louisiana State Law Institute redesignated La. R.S. 42:12, as amended by Acts 2010, No. 861, § 23, as La. R.S. 42:27.

Research References & Practice Aids

LexisNexis (R) Notes

ADMINISTRATIVE LAW AND DECISIONS

Attorney General:

Plaquemines Parish Commission is a public body which is subject to the provisions of R.S. 42:1-R.S. 42:12 every meeting as defined by R.S. 42:4.2(1) must be open to the public unless closed pursuant to R.S. 42:6 and R.S. 42:5.1; however, R.S. 42:1 et seq does not dictate how often or where the Commission Council should meet., OPINION No. 81-21, La. Att'y. Gen. Op. No. 1981-21;1981 La. AG LEXIS 414.

R.S. 49:951, OPINION No. 82-249, La. Att'y. Gen. Op. No. 1982-249;1982 La. AG LEXIS 691.

R.S. 42:12, OPINION NUMBER 84-986, La. Att'y. Gen. Op. No. 1984-986;1984 La. AG LEXIS 103.

RE: Louisiana's open meeting law does not require that a public body give notice of its intent to go into executive session at a properly noticed regular or special meeting, even if it has advance knowledge that an executive session will be required. A public body need not adjourn a regularly scheduled meeting and wait 24 hours in order to give notice of its intent to go into an executive session., OPINION NUMBER: 88-462, La. Att'y. Gen. Op. No. 1988-462;1988 La. AG LEXIS 308.

Open Meetings: Public Bodies may meet in various locations but are subject to Open Meetings Law when a quorum is present and a matter over which the body has supervision, control, jurisdiction or advisory power will be discussed., OPINION NUMBER 89-352, La. Att'y. Gen. Op. No. 1989-352;1989 La. AG LEXIS 369.

A social gathering with a quorum present of public body does not violate the Open Meetings Law as long as no business is discussed nor any votes taken., OPINION NUMBER 90-376, La. Att'y. Gen. Op. No. 1990-376;1990 La. AG LEXIS 401.

The removal from a public meeting of a willfully disruptive person, even an appointed or elected official, does not violate the "open meetings" law., OPINION NUMBER 91-19, La. Att'y. Gen. Op. No. 1991-19;1991 La. AG LEXIS 372.

La. R.S. 42:28

This document is current through the 2013 Regular Session. Annotations are current through April 10, 2014

[Louisiana Statutes, Annotated by LexisNexis\(TM\)](#) > [LOUISIANA REVISED STATUTES](#) > [TITLE 42. PUBLIC OFFICERS AND EMPLOYEES](#) > [CHAPTER 1-A. OPEN MEETINGS LAW](#)

§ 42:28. Civil penalties

Any member of a public body who knowingly and wilfully participates in a meeting conducted in violation of this Chapter, shall be subject to a civil penalty not to exceed one hundred dollars per violation. The member shall be personally liable for the payment of such penalty. A suit to collect such penalty must be instituted within sixty days of the violation.

History

[Acts 1989, No. 54](#), § 1; Redesignated from [R.S. 42:13](#) by [Acts 2010, No. 861](#), § 23, eff. Aug. 15, 2010.

Annotations

Notes

Amendment Notes

LSLI 2010 Amendments.

In accordance with the revision authority set forth in [R.S. 24:201](#) et seq., the Louisiana State Law Institute redesignated [La. R.S. 42:13](#), as amended by [Acts 2010, No. 861](#), § 23, as [La. R.S. 42:28](#). In addition, the LSLI updated internal references in the section.

Case Notes

Administrative Law: Governmental Information: Freedom of Information: Remedies: General Overview
Administrative Law: Governmental Information: Freedom of Information: Remedies: Costs & Attorney Fees:
General Overview

Administrative Law: Governmental Information: Public Meetings: General Overview
Administrative Law: Governmental Information: Public Meetings: Sunshine Legislation

LexisNexis (R) Notes

Administrative Law: Governmental Information: Freedom of Information: Remedies: General Overview

1. The court properly sustained the exceptions of no cause of action in favor of the board counsel and director as to the claims regarding the Open Meetings Law, because the dentist failed to allege that either the director or counsel was a member of the board that acted on his petition for declaratory order. [Llopis v. La. State Bd. of Dentistry](#), 2012 La. App. LEXIS 1802 (Sept. 14, 2012).

Administrative Law: Governmental Information: Freedom of Information: Remedies: Costs & Attorney Fees: General Overview

2. Record did provide a reasonable belief by the commissioners, albeit an erroneous one, that a discussion in a noticed executive session of "sensitive" legal matters and strategy concerning the pending litigation demonstrated a detrimental effect sufficient to justify an executive session; in the absence of any evidence establishing a knowing and willful violation by the commission members, the trial court erred in ordering the individual defendants to pay civil fines. [Courville v. La. Rec. & Used Motor Vehicle Comm'n](#), 21 So. 3d 340, 2009 La. App. LEXIS 1153 (La.App. 1 Cir. 2009).

Administrative Law: Governmental Information: Public Meetings: General Overview

3. The court properly sustained the exceptions of no cause of action in favor of the board counsel and director as to the claims regarding the Open Meetings Law, because the dentist failed to allege that either the director or counsel