

2016 Regular Session

HOUSE BILL NO. 166

BY REPRESENTATIVE RICHARD

PUBLIC RECORDS: Provides relative to records of the office of the governor

1 AN ACT

2 To amend and reenact R.S. 44:5(B), (D), and (E), relative to public records; to provide for
3 the application of the laws relative to public records to the records of the governor
4 and the office of the governor; to provide that specified records may be exempt from
5 disclosure; to provide for the availability of the records; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 44:5(B), (D), and (E) are hereby amended and reenacted to read as
9 follows:

10 §5. Records of the office of the governor

11 * * *

12 B.(1) Records of the office of the governor shall be public records and shall
13 be subject to the provisions of this Chapter.

14 (2) Records of the office of the governor relative to fiscal or budgetary
15 matters, including but not limited to records of communications between the
16 legislative auditor's office and the office of the governor relative to fiscal or
17 budgetary matters, shall be public records.

18 (3) Notwithstanding Paragraphs (1) and (2) of this Subsection, a record of
19 the office of the governor relating to intraoffice communications of the governor and
20 his internal staff may be ~~privileged~~ exempt from disclosure.

1 (4) Notwithstanding Paragraphs (1) and (2) of this Subsection, any record
 2 of the office of the governor pertaining to the schedule of the governor, his spouse,
 3 or his child that contains security details that if made public may impair the safety
 4 of the governor, his spouse, or his child may be ~~held confidential~~ exempt from
 5 disclosure for a period not to exceed seven days following the scheduled event.
 6 However, nothing in this Paragraph shall be interpreted or construed in a manner to
 7 ~~make confidential all records concerning a meeting or event that the governor~~
 8 ~~attends and transportation related thereto.~~ The governor may keep a record
 9 concerning a meeting or event that the governor attends and transportation related
 10 thereto ~~privileged~~ exempt from disclosure for a period not to exceed seven days after
 11 the occurrence of the meeting or event.

12 (5) For purposes of this Section, ~~"office of the governor"~~ means the
 13 ~~governor, his chief of staff, deputy chief of staff, and his executive counsel.~~ "internal
 14 staff" means the governor's chief of staff, deputy chief of staff, executive counsel,
 15 and director of policy, and "internal staff" shall not mean any employee of any other
 16 agency, department, or office.

17 * * *

18 D. ~~The governor and his internal staff shall preserve all records to which this~~
 19 ~~Section is applicable~~ All records of the office of the governor shall be retained and
 20 preserved in the manner provided by this Chapter and at no later than the conclusion
 21 of his term of office, the governor shall transfer all such records to the custody of the
 22 archives division of the secretary of state. Any exemption granted by this Section
 23 for such records shall continue in accordance with Subsection E of this Section. ~~For~~
 24 ~~purposes of this Section, "internal staff" of the governor includes the governor's chief~~
 25 ~~of staff, deputy chief of staff, executive counsel, and director of policy, but shall not~~
 26 ~~include any employee of any other agency, department, or office.~~

27 E. Any exemption granted by this Section shall lapse ~~eight years after the~~
 28 ~~creation of the record to which the exemption is applicable~~ no later than one business
 29 day after the governor holding office at the time the record was created no longer

1 holds the office of governor, except as otherwise specified in Paragraph (B)(4) of this
2 Section. After the lapse of eight years, the records of the office of the governor, as
3 maintained by the state archivist and deposited with the state archives program
4 pursuant to R.S. 44:417, shall be public record. After the lapse of any applicable
5 exemption, the record shall be available to the public and subject to inspection,
6 examination, copying, and reproduction in accordance with this Chapter and R.S.
7 44:417.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 166 Original

2016 Regular Session

Richard

Abstract: Specifies that the Public Records Law applies to the office of the governor generally and changes the length of time certain records can be held exempt from disclosure.

Present law provides that the records of the governor shall be public records, including communications with the auditor's office relative to fiscal or budgetary matters. Present law defines "office of the governor" as the governor, chief of staff, deputy chief of staff, and executive counsel.

Proposed law removes the definition of "office of the governor" and otherwise retains present law in the manner provided below.

Present law provides that a record of the office of the governor relating to intraoffice communications of the governor and his internal staff may be privileged from disclosure. Present law provides that "internal staff" of the governor includes the governor's chief of staff, deputy chief of staff, executive counsel, and director of policy, but shall not include any employee of any other agency, department, or office.

Proposed law changes "privileged from disclosure" to "exempt from disclosure" provides instead that "internal staff" means the governor's chief of staff, deputy chief of staff, executive counsel, and director of policy and shall not mean any employee of any other agency, department, or office.

Present law provides that any record pertaining to the schedule of the governor or that of his spouse or child containing security details may be "held confidential" for a period not to exceed seven days following the scheduled event. Further provides that nothing shall be interpreted or construed in a manner to make confidential all records concerning a meeting or event that the governor attends and transportation related thereto, but also provides that the governor may keep a record concerning a meeting or event that the governor attends and transportation thereto "privileged" for a period not to exceed seven days after the occurrence of the meeting or event.

Proposed law provides instead that such records may be "exempt from disclosure" for a period not to exceed seven days. Proposed law further removes the "nothing shall be interpreted or construed" language.

Present law provides that no person shall be prevented from inspecting or obtaining an electronic or physical reproduction of records pertaining to any money, asset, or items of economic value to the state, or any financial transactions in the control of or handled by or through the governor or the office of the governor. Proposed law retains present law.

Present law provides that the governor or his internal staff are to preserve all records to which present law applies, and at the conclusion of his term of office, the governor is to transfer all such records to the custody of the archives division of the secretary of state.

Proposed law provides instead that all records of the office of the governor shall be retained and preserved in the manner provided by the Public Records Law and provides that the records shall be transferred "no later" than the conclusion of the term and otherwise retains present law.

Present law provides that any exemption granted lapses eight years after the creation of the record. Present law provides that after the lapse of eight years, the records of the office of the governor as maintained by the state archivist and deposited with the state archives program are public record.

Proposed law provides instead that any exemption granted by present law and proposed law shall lapse no later than one business day after the governor in office at the time the record was created no longer holds the office of governor, except the exemption for those records regarding security details and meetings or events that the governor attends and transportation related thereto shall lapse as provided above. Proposed law further specifies that after the lapse of any applicable exemption the record shall be available to the public and subject to inspection, examination, copying, and reproduction in accordance with the Public Records Law and present law (R.S. 44:417) relative to deposit of records and associated historical materials of any governor or any other official to the custody of the state archivist.

(Amends R.S. 44:5(B), (D), and (E))