

Regular Session, 2010

HOUSE CONCURRENT STUDY REQUEST NO. 7
BY REPRESENTATIVE LEGER

Approved
6-21-10

COMMITTEE STUDIES: Requests the governmental affairs committees to study public records, including access, redaction, electronic records and copies, and fees

1 A CONCURRENT STUDY REQUEST

2 To the House Committee on House and Governmental Affairs and the Senate Committee on
3 Senate and Governmental Affairs to meet and function as a joint committee to study
4 issues related to the application of the public records laws, the public's right of access
5 to documents, the form of records and copies, redaction of information, fees, and
6 enforcement of the public records laws, and to report the findings of the joint
7 committee to the legislature by March 31, 2011.

8 WHEREAS, Article XII, Section 3 of the Constitution of Louisiana provides that "No
9 person shall be denied the right to observe the deliberations of public bodies and examine
10 public documents, except in cases established by law"; and

11 WHEREAS, the Legislature of Louisiana recognizes that it is essential to the
12 maintenance of a democratic society that public business be performed in an open and public
13 manner and that the citizens be advised and aware of the performance of public officials and
14 the deliberations and decisions that go into the making of public policy; and

15 WHEREAS, R.S. 44:31 provides that any person of the age of majority may inspect,
16 copy, or reproduce or obtain a reproduction of any public record and that any person may
17 obtain a copy or reproduction of any public record, except as otherwise provided by law; and

18 WHEREAS, because of the importance the legislature has given to transparency of
19 governmental functions and public accessibility to the records created in the performance
20 of such functions, the public records laws are very broad in application and apply to

1 numerous types of records used or created during the performance of public functions or
2 duties by a public body, except as otherwise provided by law; and

3 WHEREAS, numerous public records contain information which is personal, private,
4 or protected information that would be required to be redacted by the custodian of the record
5 prior to providing the record; and

6 WHEREAS, the prevalent use of technology by public entities has resulted in public
7 records being created in many different electronic formats; and

8 WHEREAS, R.S. 44:32 provides that for all public records, except public records of
9 state agencies, the custodian of the records may establish and collect reasonable fees for
10 making copies of such records; and

11 WHEREAS, that same statute provides that fees charged for copies of all public
12 records of state agencies shall be according to the uniform fee schedule adopted by the
13 commissioner of administration; and

14 WHEREAS, it may be helpful to public bodies and the citizens of this state for there
15 to be a study of issues related to the application of the public records laws, the public's right
16 of access to documents, and enforcement of the public records laws with the intention of
17 clarifying some of these issues and of providing the most expeditious, efficient, and
18 economical method of responding to public records requests.

19 THEREFORE, the Legislature of Louisiana requests the House Committee on House
20 and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs
21 to meet and function as a joint committee to study issues related to the application of the
22 public records laws, the public's right of access to documents, the form of records and
23 copies, redaction of information, fees, and enforcement of the public records laws, and to
24 report the findings of the joint committee to the legislature by March 31, 2011.

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)]

Leger

HCSR No. 7

Requests the House and Senate committees on governmental affairs to study issues related to the application of the public records laws, the public's right of access to documents, the

form of records and copies, redaction of information, fees, and enforcement of the public records laws, and to report its findings to the legislature by March 31, 2011.