

2016 Regular Session

HOUSE BILL NO. 518

BY REPRESENTATIVE BROADWATER

BOARDS/COMMISSIONS: Provides relative to information concerning the fitness of a person to be certified by the Board of Examiners of Certified Shorthand Reporters

1 AN ACT

2 To enact R.S. 44:4(51), relative to information regarding the fitness of a person to receive
3 or to continue to hold a certificate issued by the Board of Examiners of Certified
4 Shorthand Reporters; to exempt from the Public Records Law certain records of the
5 board concerning the fitness of a person to receive or to continue to hold a
6 certificate; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 44:4(51) is hereby enacted to read as follows:

9 §4. Applicability

10 This Chapter shall not apply:

11 * * *

12 (51) To any records, writings, accounts, recordings, letters, exhibits, pictures,
13 drawings, charts, photographs, memoranda, reports, examinations, or evaluations,
14 or copies thereof, concerning the fitness of any person to receive or continue to hold
15 a certificate issued pursuant to Chapter 32 of Title 37 of the Louisiana Revised
16 Statutes of 1950 in the custody or control of the Board of Examiners of Certified
17 Shorthand Reporters. However, any such record may be released to the public in an
18 administrative proceeding before the board, and any final determination made by the
19 board relative to the fitness of any person to receive or to continue to hold a
20 certificate issued pursuant to Chapter 32 of Title 37 of the Louisiana Revised
21 Statutes of 1950 and any legal grounds upon which such determination is based shall
22 be a public record.

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 518 Engrossed

2016 Regular Session

Broadwater

Abstract: Adds an exception to the Public Records Law for certain information in the custody or control of the Bd. of Examiners of Certified Shorthand Reporters concerning a person's fitness to be certified by the board.

Present law (R.S. 44:1, et seq. – Public Records Law) provides that all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state are "public records". Present law establishes a framework for the ready availability of public records to requesting persons and specifically provides that it is the duty of the custodian of the public records of a public entity or agency to provide copies to persons so requesting. Provides for certain exceptions, exemptions, and limitations.

Proposed law adds an exception to the Public Records Law covering records, writings, accounts, recordings, letters, exhibits, pictures, drawings, charts, photographs, memoranda, reports, examinations, or evaluations, or copies thereof, concerning the fitness of a person to receive or continue to hold a certificate issued pursuant to present law relative to certified shorthand reporters that is in the custody or control of the Bd. of Examiners of Certified Shorthand Reporters. Provides however that any such record may be released to the public in an administrative proceeding before the board and any final determination made by the board relative to the fitness of any person to receive or to continue to hold such a certificate and any legal grounds upon which such determination is based shall be a public record.

(Adds R.S. 44:4(51))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Remove the proposed authorization for the Bd. of Examiners of Certified Shorthand Reporters to obtain information in an expunged record.
2. Make technical changes to the terminology in the proposed Public Records Law exemption for consistency.