HLS 15RS-510 ORIGINAL

2015 Regular Session

HOUSE BILL NO. 169

1

BY REPRESENTATIVE HENRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LEGISLATIVE AFFAIRS: Requires state entities, officials, and employees to provide information to the legislature

AN ACT

2 To amend and reenact R.S. 44:4.1(B)(13) and to enact R.S. 24:15, relative to the provision 3 of information; to require state entities, officials, and employees to provide 4 information to the legislature; to provide that any privileged or confidential 5 information maintains its status; to provide for enforcement; and to provide for 6 related matters. 7 Be it enacted by the Legislature of Louisiana: 8 Section 1. R.S. 24:15 is hereby enacted to read as follows: 9 §15. Provision of information by state agencies 10 A. Notwithstanding any law to the contrary, each department, agency, 11 official, employee, or other entity of state government shall promptly make available 12 all information requested by the legislature and shall in all ways cooperate with the 13 legislature by providing any and all information the legislature deems necessary in 14 assisting the legislature to perform and discharge its powers, functions, and duties. 15 B. No department, agency, official, employee, or other entity of state 16 government shall invoke any privilege or utilize any other impediment to deny the 17 provision of any requested information to the legislature; however, any information that is deemed confidential or privileged by law and that is provided to the 18 19 legislature shall maintain its confidential or privileged status. The person or entity 20 providing any confidential or privileged information to the legislature shall clearly

Page 1 of 4

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

| 1 | mark the information as confidential or privileged. The legislature shall not disclose |
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| 2 | any confidential or privileged information provided pursuant to this Section to any |
| 3 | person outside the legislature, and such information shall be used solely for the |
| 4 | purpose of analysis, compilation of general statistical data, oversight, program |
| 5 | evaluation, and policy development. |
| 6 | C. Any information provided to the legislature in accordance with the |
| 7 | provisions of this Section shall be provided without cost or charge to the legislature. |
| 8 | D. If a department, agency, official, employee, or other entity of state |
| 9 | government fails to timely provide information requested pursuant to this Section, |
| 10 | either by refusing to provide the information or by the passage of five days, |
| 11 | exclusive of Saturdays, Sundays, and legal public holidays, from the date of the |
| 12 | request, the appropriate legislative officer shall institute proceedings in the district |
| 13 | court for the parish where the state capitol is located for the issuance of a writ of |
| 14 | mandamus to compel the production of the information. |
| 15 | E.(1) For purposes of this Section, the term "legislature" shall mean the |
| 16 | legislature, either house of the legislature, any standing or statutory committee of the |
| 17 | legislature or either house of the legislature, a member of the legislature, the |
| 18 | legislative fiscal office, the legislative auditor's office, and any officer or full-time |
| 19 | employee thereof. |
| 20 | (2) For purposes of Subsection D of this Section, "appropriate legislative |
| 21 | officer" shall mean: |
| 22 | (a) The clerk of the House of Representatives if the requestor is a member, |
| 23 | officer, committee, or employee of the House of Representatives. |
| 24 | (b) The secretary of the Senate if the requestor is a member, officer, |
| 25 | committee, or employee of the Senate. |
| 26 | (c) The legislative auditor if the requestor is the office of the legislative |
| 27 | auditor or an officer or employee of the office of the legislative auditor. |
| 28 | (d) The legislative fiscal officer if the requestor is the legislative fiscal office |
| 29 | or an officer or employee of the legislative fiscal office. |

| 1 | (e) The clerk of the House of Representatives and the secretary of the Senate |
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| 2 | acting jointly if the requestor is a joint legislative body established by law, |
| 3 | resolution, or the rules of procedure of either house or an officer or employee of such |
| 4 | a joint legislative body. |
| 5 | Section 2. R.S. 44:4.1(B)(13) is hereby amended and reenacted to read as follows: |
| 6 | §4.1. Exceptions |
| 7 | * * * |
| 8 | B. The legislature further recognizes that there exist exceptions, exemptions, |
| 9 | and limitations to the laws pertaining to public records throughout the revised |
| 10 | statutes and codes of this state. Therefore, the following exceptions, exemptions, and |
| 11 | limitations are hereby continued in effect by incorporation into this Chapter by |
| 12 | citation: |
| 13 | * * * |
| 14 | (13) R.S. 24: <u>15,</u> 513, 513.1, 513.3, 518 |
| 15 | * * * |
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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 169 Original

2015 Regular Session

Henry

Abstract: Requires each department, agency, official, employee, or other entity of state government to promptly make available all information requested by the legislature.

Proposed law requires, notwithstanding any law to the contrary, each department, agency, official, employee, or other entity of state government to promptly make available all information requested by the legislature and to cooperate with the legislature by providing any and all information the legislature deems necessary to assist the legislature to perform and discharge its powers, functions, and duties. Prohibits the invoking of any privilege or other impediment to deny the provision of the requested information. Provides that confidential or privileged information retains its status and requires the person or entity providing such information to clearly mark it. Prohibits the legislature from disclosing such information to any person outside the legislature and restricts its use to analysis, compilation of general statistical data, oversight, program evaluation, and policy development. Specifies that any information provided to the legislature shall be without cost or charge. Defines "legislature" as the legislature, either house of the legislature, any standing or statutory committee of the legislature or either house of the legislature, a member of the legislature, the legislative fiscal office, the legislative auditor's office, and any officer or full-time employee thereof.

<u>Proposed law</u> further provides that if the information is not timely provided either by refusal to provide the information or by the passage of five days, exclusive of Saturdays, Sundays, and legal public holidays, from the date of the request, the appropriate legislative officer shall institute proceedings for the issuance of a writ of mandamus to compel the production of the information in the district court for the parish where the state capitol is located. Defines "appropriate legislative officer" for such purposes.

<u>Proposed law</u> further recognizes the limitation on the information in the Public Records Law.

(Amends R.S. 44:4.1(B)(13); Adds R.S. 24:15)