
DIGEST

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HB 169 Reengrossed

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. Provides specified exceptions.

Proposed law requires, notwithstanding any law to the contrary, each department, agency, official, employee, or other entity of the executive branch 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. Further requires each court, official, employee, or other entity of the judicial branch of state government to promptly make available all information pertaining to any money or monies, any assets or items of economic value to the state, or any financial transactions in the control of or handled by or through the judicial branch of state government requested by the legislature and to cooperate with the legislature by providing any and all information pertaining to any money or monies, any assets or items of economic value to the state, or any financial transactions in the control of or handled by or through the judicial branch of state government that the legislature deems necessary to assist the legislature to perform and discharge its powers, functions, and duties. Proposed law specifies that any information provided to the legislature shall be without cost or charge.

Proposed law 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 shall be protected against unauthorized use and disclosure. Requires the person or entity providing such information to clearly mark it. Provides that the provision of such information to the legislature shall not be deemed a waiver of any right, limitation, privilege, or confidentiality and provides that no person or entity shall be liable in any civil action, criminal prosecution, or administrative proceeding for providing confidential, privileged, or protected information to the legislature. 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. Proposed law further recognizes the limitation on the information in the Public Records Law.

Proposed law specifies that the provisions of proposed law shall not apply to protected health information of an individual; private information of an individual and any personally identifying information of a minor; protected tax return information of an individual or legal entity; information that if disclosed to the legislature pursuant to proposed law would subject a state agency to a fine or reduction in funding pursuant to federal law or regulation; information regarding a specific matter

under investigation by a law enforcement agency, licensing or regulatory board or commission, or the Board of Ethics; information regarding deliberations regarding a specific matter being adjudicated by an official or agency authorized to exercise quasi-judicial power; proprietary or trade secret information of a private legal entity in the custody or control of the Dept. of Insurance pursuant to its duties to investigate, examine, manage, or liquidate certain legal entities in the manner provided by law; confidential, proprietary, or trade secret information submitted to the Public Service Commission pursuant to its constitutional authority; or proprietary or trade secret information contained within a specific matter being adjudicated by the division of administrative law.

Defines "legislature" as the legislature, either house of the legislature, any 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 acting to fulfill public functions and duties.

Proposed law further provides that if the information is not timely provided by refusal to provide the information, by the passage of five days, exclusive of Saturdays, Sundays, and legal public holidays, from the date of the request, or upon the expiration of any extension agreed to in writing by the requestor and the custodian of the information, 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.

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

Summary of Amendments Adopted by House

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

1. Limit the broad provision of information requirement to the executive branch of state government and provide a requirement that the judicial branch provide the legislature with specific types of information.
2. Specify that privileged and confidential information shall be protected from unauthorized use and disclosure and that the disclosure of such information to the legislature shall not be deemed a waiver of any right, limitation, privilege, or confidentiality.
3. Add all types of legislative committees to the definition of "legislature" by removing the limitation to standing or statutory committees and limit the definition to specified legislative entities, officials, and employees "acting to fulfill public functions and duties".
4. Add exceptions for protected health information of an individual, private information of an individual, protected tax return information, information that if disclosed to the legislature would subject an agency to specified federal sanctions, information regarding specified matters under investigation, deliberations of an official or agency authorized

to exercise quasi-judicial power, and specified confidential, proprietary, or trade secret information.

The House Floor Amendments to the engrossed bill:

1. Provide that no person or entity shall be liable in any civil action, criminal prosecution, or administrative proceeding providing confidential, privileged, or protected information to the legislature.
2. Add provision for delaying the institution of proceedings until the expiration of any extension agreed to in writing.
3. Add exception for any personally identifying information of a minor.