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 DIGEST

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SB 222 Reengrossed

2016 Regular Session

Claitor

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, in the custody or control of the State Licensing Bd. for Contractors concerning the fitness of a person to receive or continue to hold a license issued by the board. 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 a such license and any legal grounds upon which such determination is based shall be a public record.

Proposed law further exempts any portion of an examination administered or to be administered by the State Licensing Bd. for Contractors and any answers to such an examination from the Public Records Law, but specifies that any person who has taken an examination administered by the board may inspect his examination.

(Adds R.S. 44:4(51) and (52))

Summary of Amendments Adopted by Senate

1. Prohibits the disclosure of examinations administered by the board and answers to such examinations.

Senate Floor Amendments to engrossed bill

1. Legislative Bureau technical amendments.

Summary of Amendments Adopted by House

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

1. Make technical changes to the proposed Public Records Law exemption concerning the fitness of a person to hold a license for clarity and to correct the name of the board.

2. Establish the proposed exemption for the examinations and answers thereto as a separate provision to clarify that it is an exception to the Public Records Law and not to the proposed exemption relative to the fitness of a person to hold a license.
3. Specify that a person who has taken an examination administered by the board may inspect his examination.