

2024 Regular Session

SENATE BILL NO. 482

BY SENATOR CLOUD

PUBLIC RECORDS. Provides for public records involving the security of the governor or his family and recommendations by which governmental decisions and policies are formulated. (8/1/24)

1 AN ACT

2 To amend and reenact R.S. 44:4.1(A), enact R.S. 44:4(64) and 4.1(E) and to repeal R.S.
3 44:5(B)(4), relative to public records; to prohibit access to records in the office of the
4 governor pertaining to the security of the governor or his family and an exception to
5 the public records law of any records involving opinions, recommendations, and
6 deliberations in formulating decisions or policies; to provide for legislative intent;
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 44:4.1(A) is hereby amended and reenacted and R.S. 44:4(64) and
10 4.1(E) are hereby enacted to read as follows:

11 §4. Applicability

12 This Chapter shall not apply:

13 **(64) To any record of the office of the governor pertaining to the**
14 **schedule of the governor or the governor's spouse or child that contains security**
15 **details that if made public may impair the safety of the governor, his spouse, or**
16 **his child.**

17 §4.1. Exceptions

1 A.(1) The legislature recognizes that it is essential to the operation of a
2 democratic government that the people be made aware of all exceptions, exemptions,
3 and limitations to the laws pertaining to public records. In order to foster the people's
4 awareness, the legislature declares that all exceptions, exemptions, and limitations
5 to the laws pertaining to public records shall be provided for in this Chapter or the
6 Constitution of Louisiana. Any exception, exemption, and limitation to the laws
7 pertaining to public records not provided for in this Chapter or in the Constitution
8 of Louisiana shall have no effect.

9 (2) The legislature further recognizes that protecting elements of the
10 deliberative process safeguards the process through which government
11 decisions and policies are shaped and formulated and that this privilege has
12 long been acknowledged and upheld by the United State Supreme Court and
13 various federal and state courts. This privilege fosters open communication
14 within government agencies by allowing public servants to provide uninhibited
15 opinions and recommendations without fear of public ridicule or criticism and
16 guards against public confusion by preventing the premature disclosure of
17 proposed policies before they have been finally formulated or adopted.

18 * * *

19 E. The provisions of this Chapter shall not apply to any records
20 reflecting advisory opinions, recommendations and deliberations comprising
21 part of a process by which governmental decisions and policies are formulated.
22 No provision of this Section shall be construed to deny a person the right to
23 observe deliberations of public bodies as defined by the Open Meetings Law.
24 The deliberative process privilege shall not be invoked by a public body as a
25 means to deliberate through any meeting of a quorum of the public body or
26 otherwise violate the provisions of the Open Meetings Law.

27 Section 2. R.S. 44:5(B)(4) is hereby repealed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Matt Deville.

DIGEST

SB 482 Engrossed

2024 Regular Session

Cloud

Proposed law provides that the public records law does not apply to records in the office of the governor pertaining to the governor or that of the governor's wife or children which contains security details that if made public may impair the safety of the governor, his spouse, or his child.

Proposed law provides that the legislature recognizes that protecting elements of the deliberative process safeguards the process through which government decisions and policies are shaped and formulated and that this privilege has been acknowledged by the United States Supreme Court and various federal and state courts.

Proposed law further provides that deliberative process privilege fosters open communication by allowing public servants to provide uninhibited opinions and recommendations without fear of public ridicule or criticism and guards against public confusion.

Proposed law provides as an exception to the public records law for any records reflecting advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated.

Proposed law provides that no provision of proposed law allows for the denial of the right of a person to observe deliberations of public bodies or as a means to circumvent the Open Meetings Law.

Effective August 1, 2024.

(Amends R.S. 44:44.1(A); adds R.S. 44:4(64) and 4.1(E); repeals R.S. 44:5(B)(4))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Make technical changes.
2. Provide for legislative intent.