

CONFERENCE COMMITTEE REPORT

HB 268

2024 Regular Session

Mike Johnson

May 29, 2024

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 268 by Representative Mike Johnson, recommend the following concerning the Engrossed bill:

- 1. That the set of Senate Committee Amendments by the Committee on Senate and Governmental Affairs (#3226) be adopted.
- 2. That the following amendments be adopted:

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 44:11," to "R.S. 44:5(B)(4) and 11,"

AMENDMENT NO. 2

On page 1, line 2, change "personnel" to "certain"

AMENDMENT NO. 3

On page 1, line 4, after "thereto;" insert "to provide for the confidentiality of certain records containing security details pertaining to schedule of the governor or his spouse or child;"

AMENDMENT NO. 4

On page 1, line 7, change "R.S. 44:11 is" to "R.S. 44:5(B)(4) and 11 are"

AMENDMENT NO. 5

On page 1, between lines 7 and 8, insert the following:

§5. Records of the office of the governor

* * *

B.

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(4) Notwithstanding Paragraphs (1) and (2) of this Subsection, any record of the office of the governor pertaining to the schedule of the governor, his spouse, or his child that contains security details that if made public may impair the safety of the governor, his spouse, or his child may be held confidential for a period not to exceed seven days following the scheduled event. However, nothing in this Paragraph shall be interpreted or construed in a manner to make confidential all records concerning a meeting or event that the governor attends and transportation related thereto. The governor may keep a record concerning a meeting or event that the governor attends and transportation thereto privileged for a period not to exceed seven days after the occurrence of the meeting or event.

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AMENDMENT NO. 6

On page 2, after line 25, insert the following:

"Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

Respectfully submitted,

Representative Michael T. Johnson

Senator Cleo Fields

Representative Gerald "Beau" Beaulieu, IV

Senator Caleb Seth Kleinpeter

Representative Jason Dewitt

Senator Blake Miguez

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)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 268

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Keyword and oneliner of the instrument as it left the House

PUBLIC RECORDS: Provides relative to the confidentiality of certain records

Report adopts Senate amendments to:

1. Add an employee's personal email address to the list of information that is confidential in a public employee's personnel record.

Report amends the bill to:

1. Add provision that allow records of the office of the governor pertaining to the schedule of the governor, his spouse, or his child containing security details that if made public may impair the safety of the governor, his spouse, or his child to be held confidential.
2. Make proposed law effective upon signature of the governor.

Digest of the bill as proposed by the Conference Committee

Present law (Public Records Law, R.S. 44:1 et seq.) provides that all types of records, 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". 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 for a public entity or agency to provide copies to persons so requesting.

Present law (R.S. 44:5) provides relative to records of the office of the governor. Specifies that any record of the office of the governor pertaining to the schedule of the governor, his spouse, or his child that contains security details that if made public may impair the safety of the governor, his spouse, or his child may be held confidential for a period not to exceed seven days following the scheduled event. Proposed law removes the limitation on the amount of time such a record may be held confidential and otherwise retains present law.

Present law (R.S. 44:11) provides that the following items in the personnel records of a public employee of any public body shall be confidential:

- (1) The home telephone number of the public employee where such employee has chosen to have a private or unlisted home telephone number because of the nature of his occupation with the public body.
- (2) The home telephone number of the public employee where such employee has requested that the number be confidential.

- (3) The home address of the public employee where such employee has requested that the address be confidential; except (a) the home address of any employee of a city or parish school board shall be made available to recognized educational groups and (b) the home address of a member of the Firefighters' Retirement System if that information is requested by a legislator, an agency or employer reporting information to the system, or a recognized association of system members.

Proposed law provides instead that the home address, the home and personal wireless telephone number, and the personal email address of the public employee in the personnel records of a public employee of any public body shall be confidential. Removes the requirement that the employee request the information be confidential and that the confidentiality of a private or unlisted telephone number be related to the nature of the employee's occupation. Further removes exceptions that allow the home address of any employee of a city or parish school board to be made available to recognized educational groups and the home address of a member of the Firefighters' Retirement System to be made available if requested by a legislator, an agency or employer reporting information to the system, or a recognized association of system members.

Present law further specifies that the social security number and the financial institution direct deposit information of a public employee of any public body shall be confidential, but provides that the employee's social security number or financial institution direct deposit information shall be disclosed when any other provision of law, including such purposes as child support enforcement, health insurance, and retirement reporting, requires such disclosure. Additionally provides that medical records, claim forms, insurance applications, requests for benefits payments, and all other health records of public employees, public officials, and their dependents are confidential. Provides that nothing in the public records laws shall limit access to employee records under the Code of Civil Procedure or Code of Evidence. Proposed law retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 44:5(B)(4) and 11)