

Regular Session, 2013

HOUSE BILL NO. 44

BY REPRESENTATIVES HAZEL AND ARNOLD

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

PUBLIC RECORDS: Provides an exception to confidentiality provisions of public records law for requests made by specified entities for certain information in personnel records of certain public employees

1 AN ACT

2 To enact R.S. 44:11(E), relative to the confidentiality of information in personnel records
3 of certain public employees; to provide for disclosure of certain information
4 concerning members of the Firefighters' Retirement System if requested by specified
5 entities; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article X, Section 29(C) of the Constitution
8 of Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 44:11(E) is hereby enacted to read as follows:

11 §11. Confidential nature of certain personnel records; exceptions

12 * * *

13 E. The provisions of Paragraph (A)(3) of this Section shall not apply to the
14 home address of a member of the Firefighters' Retirement System if that information
15 is requested by a member of the Louisiana Legislature, an agency or employer
16 reporting information to the system, or a recognized association of system members.

17 Section 2. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

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)]

Hazel

HB No. 44

Abstract: Provides an exception to confidentiality provisions of the Public Records Law to allow for disclosure of the home addresses of public employees who are members of the Firefighters' Retirement System, if requested by specified entities.

Present law (Public Records Law, R.S. 44:1 et seq.) 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". 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 provides for certain exceptions, exemptions, and limitations. Further specifies that any exception, exemption, and limitation to the laws pertaining to public records not provided for in the Public Records Law or in the constitution shall have no effect.

Present law (R.S. 44:11) provides relative to information in the personnel records of public employees. Provides that notwithstanding the Public Records Law, the home address of a public employee is confidential when the employee makes a request to that effect. Provides, however, that this confidentiality does not apply to the personnel records of a city or parish school board to the extent that the home address of any employee of a city or parish school board shall be made available to recognized educational groups.

Proposed law retains present law and additionally provides that present law confidentiality concerning the home address of a public employee does not apply to the home address of a member of the Firefighters' Retirement System if requested by a member of the La. Legislature, an agency or employer reporting information to the system, or a recognized association of system members.

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

(Adds R.S. 44:11(E))