

Regular Session, 2014

HOUSE BILL NO. 873

BY REPRESENTATIVE TIM BURNS

ETHICS/CODE: Provides relative to the confidential and privileged nature of certain records of the Board of Ethics

1 AN ACT

2 To amend and reenact R.S. 42:1141.4(K) and R.S. 44:4.1(B)(28), relative to records of the
3 Board of Ethics; to provide relative to the confidential and privileged nature of
4 certain records of the Board of Ethics; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 42:1141.4(K) is hereby amended and reenacted to read as follows:

7 §1141.4. Notice and procedure

8 * * *

9 K. The records of the Board of Ethics prepared or obtained in connection
10 with investigations and private hearings conducted by the Board of Ethics, including
11 all notes and reports prepared by the staff of the board, ~~extracts of transcripts,~~
12 recordings, or minutes, or extract of any such records, and votes to take any matter
13 under consideration in connection therewith, shall be deemed confidential and
14 privileged, except that such records shall be available to each member of the Board
15 of Ethics upon request. Except as provided in this Section and in R.S.
16 42:1111(E)(2)(c) and 1161(A), all other records, including the results and
17 conclusions reached by the Board of Ethics in connection with any investigation or
18 hearing, shall be public.

19 * * *

20 Section 2. R.S. 44:4.1(B)(28) is hereby amended and reenacted to read as follows:

1 §4.1. Exceptions

2 * * *

3 B. The legislature further recognizes that there exist exceptions, exemptions,
4 and limitations to the laws pertaining to public records throughout the revised
5 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
6 limitations are hereby continued in effect by incorporation into this Chapter by
7 citation:

8 * * *

9 (28) R.S. 42:17, 57, 1111, ~~1141~~, 1141.4, 1158, 1161

10 * * *

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)]

Tim Burns

HB No. 873

Abstract: Expands the illustrative list of records prepared or obtained in connection with investigations and private hearings of the Board of Ethics that are deemed confidential and privileged to specifically include notes and reports from staff, transcripts, recordings, and extracts of any record in the list deemed confidential and privileged.

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". Present law establishes the 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. Present law 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 (ethics code, R.S. 42:1141.4) provides that the records of the Board of Ethics prepared or obtained in connection with investigations and private hearings conducted by the board, including all extracts of minutes and votes to take any matter under consideration in connection therewith, shall be deemed confidential and privileged, except that such

records shall be available to each member of the board. Present law further specifies that except as provided in this provision of present law and in a provision of present law relative to certain transactional disclosure reports, all records, including the results and conclusions reached in connection with any investigation or hearing, shall be public.

Proposed law (ethics code, R.S. 42:1141.4) specifies that the records of the Board of Ethics prepared or obtained in connection with investigations and private hearings conducted by the Board of Ethics, including all notes and reports prepared by the staff of the board, transcripts, recordings, or minutes, or extract of any such records, and votes to take any matter under consideration in connection therewith, shall be deemed confidential and privileged, except that such records shall be available to each member of the Board of Ethics upon request. Except as provided in this provision of proposed law and in provisions of present law relative to certain transactional disclosure reports and confidential agency head reports, all other records, including the results and conclusions reached by the board in connection with any investigation or hearing, shall be public. Proposed law additionally corrects the citation of the provision of present and proposed law in the list of exceptions to the Public Records Law.

(Amends R.S. 42:1141.4(K) and R.S. 44:4.1(B)(28))