

2015 Regular Session

HOUSE BILL NO. 169

BY REPRESENTATIVE HENRY

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

LEGISLATIVE AFFAIRS: Requires state entities, officials, and employees to provide information to the legislature

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(13) and to enact R.S. 24:15, relative to the provision  
3 of information; to require state entities, officials, and employees to provide  
4 information to the legislature; to provide that any privileged or confidential  
5 information maintains its status; to provide for enforcement; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 24:15 is hereby enacted to read as follows:

9 §15. Provision of information by state agencies

10 A. Notwithstanding any law to the contrary, each department, agency,  
11 official, employee, or other entity of state government shall promptly make available  
12 all information requested by the legislature and shall in all ways cooperate with the  
13 legislature by providing any and all information the legislature deems necessary in  
14 assisting the legislature to perform and discharge its powers, functions, and duties.

15 B. No department, agency, official, employee, or other entity of state  
16 government shall invoke any privilege or utilize any other impediment to deny the  
17 provision of any requested information to the legislature; however, any information  
18 that is deemed confidential or privileged by law and that is provided to the  
19 legislature shall maintain its confidential or privileged status. The person or entity  
20 providing any confidential or privileged information to the legislature shall clearly

1 mark the information as confidential or privileged. The legislature shall not disclose  
2 any confidential or privileged information provided pursuant to this Section to any  
3 person outside the legislature, and such information shall be used solely for the  
4 purpose of analysis, compilation of general statistical data, oversight, program  
5 evaluation, and policy development.

6 C. Any information provided to the legislature in accordance with the  
7 provisions of this Section shall be provided without cost or charge to the legislature.

8 D. If a department, agency, official, employee, or other entity of state  
9 government fails to timely provide information requested pursuant to this Section,  
10 either by refusing to provide the information or by the passage of five days,  
11 exclusive of Saturdays, Sundays, and legal public holidays, from the date of the  
12 request, the appropriate legislative officer shall institute proceedings in the district  
13 court for the parish where the state capitol is located for the issuance of a writ of  
14 mandamus to compel the production of the information.

15 E.(1) For purposes of this Section, the term "legislature" shall mean the  
16 legislature, either house of the legislature, any standing or statutory committee of the  
17 legislature or either house of the legislature, a member of the legislature, the  
18 legislative fiscal office, the legislative auditor's office, and any officer or full-time  
19 employee thereof.

20 (2) For purposes of Subsection D of this Section, "appropriate legislative  
21 officer" shall mean:

22 (a) The clerk of the House of Representatives if the requestor is a member,  
23 officer, committee, or employee of the House of Representatives.

24 (b) The secretary of the Senate if the requestor is a member, officer,  
25 committee, or employee of the Senate.

26 (c) The legislative auditor if the requestor is the office of the legislative  
27 auditor or an officer or employee of the office of the legislative auditor.

28 (d) The legislative fiscal officer if the requestor is the legislative fiscal office  
29 or an officer or employee of the legislative fiscal office.



Proposed law further provides that if the information is not timely provided either by refusal to provide the information or by the passage of five days, exclusive of Saturdays, Sundays, and legal public holidays, from the date of the request, the appropriate legislative officer shall institute proceedings for the issuance of a writ of mandamus to compel the production of the information in the district court for the parish where the state capitol is located. Defines "appropriate legislative officer" for such purposes.

Proposed law further recognizes the limitation on the information in the Public Records Law.

(Amends R.S. 44:4.1(B)(13); Adds R.S. 24:15)