

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

16 (2) Notwithstanding any law to the contrary, each court, official, employee,
17 or other entity of the judicial branch of state government shall promptly make
18 available all information pertaining to any money or monies, any assets or items of
19 economic value to the state, or any financial transactions in the control of or handled
20 by or through the judicial branch of state government requested by the legislature

1 and shall in all ways cooperate with the legislature by providing any and all
2 information pertaining to any money or monies, any assets or items of economic
3 value to the state, or any financial transactions in the control of or handled by or
4 through the judicial branch of state government that the legislature deems necessary
5 in assisting the legislature to perform and discharge its powers, functions, and duties.

6 B. No department, agency, official, employee, or other entity of state
7 government shall invoke any privilege or utilize any other impediment to deny the
8 provision of any requested information to the legislature; however, any information
9 that is deemed confidential or privileged by law and that is provided to the
10 legislature shall maintain its confidential or privileged status and shall be protected
11 from unauthorized use and disclosure. The person or entity providing any
12 confidential or privileged information to the legislature shall clearly mark the
13 information as confidential or privileged. The disclosure of any confidential or
14 privileged information by a department, agency, official, employee, or other entity
15 of state government to the legislature shall not be deemed a waiver of any right,
16 limitation, privilege, or confidentiality regarding such information. The legislature
17 shall not disclose any confidential or privileged information provided pursuant to this
18 Section to any person outside the legislature, and such information shall be used
19 solely for the purpose of analysis, compilation of general statistical data, oversight,
20 program evaluation, and policy development.

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

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

1 E.(1) For purposes of this Section, the term "legislature" shall mean the
2 legislature, either house of the legislature, any committee of the legislature or either
3 house of the legislature, a member of the legislature, the legislative fiscal office, the
4 legislative auditor's office, and any officer or full-time employee thereof acting to
5 fulfill public functions and duties.

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

8 (a) The clerk of the House of Representatives if the requestor is the House
9 of Representatives or a member, officer, committee, or employee of the House of
10 Representatives.

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

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

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

17 (e) The clerk of the House of Representatives and the secretary of the Senate
18 acting jointly if the requestor is the legislature or a joint legislative body established
19 by law, resolution, or the rules of procedure of either house or an officer or employee
20 of such a joint legislative body.

21 F. The provisions of this Section shall not apply to any of the following:

22 (1) Protected health information. For purposes of this Paragraph, "protected
23 health information" shall mean any information about past, present, or future
24 physical or mental health status, condition, treatment, service, or payment for health
25 care that is linked to a specific individual.

26 (2) Private information. For purposes of this Paragraph, "private
27 information" shall mean the social security number, date of birth, driver's license
28 number, mother's maiden name, or biometric records of an individual.

29 (3) Protected tax return information of an individual or legal entity.

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)]

HB 169 Engrossed

2015 Regular Session

Henry

Abstract: Requires each department, agency, official, employee, or other entity of state government to promptly make available all information requested by the legislature. Provides specified exceptions.

Proposed law requires, notwithstanding any law to the contrary, each department, agency, official, employee, or other entity of the executive branch of state government to promptly make available all information requested by the legislature and to cooperate with the legislature by providing any and all information the legislature deems necessary to assist the legislature to perform and discharge its powers, functions, and duties. Further requires each court, official, employee, or other entity of the judicial branch of state government to promptly make available all information pertaining to any money or monies, any assets or items of economic value to the state, or any financial transactions in the control of or handled by or through the judicial branch of state government requested by the legislature and to cooperate with the legislature by providing any and all information pertaining to any money or monies, any assets or items of economic value to the state, or any financial transactions in the control of or handled by or through the judicial branch of state government that the legislature deems necessary to assist the legislature to perform and discharge its powers, functions, and duties. Proposed law specifies that any information provided to the legislature shall be without cost or charge.

Proposed law prohibits the invoking of any privilege or other impediment to deny the provision of the requested information. Provides that confidential or privileged information retains its status and shall be protected against unauthorized use and disclosure. Requires the person or entity providing such information to clearly mark it. Provides that the provision of such information to the legislature shall not be deemed a waiver of any right, limitation, privilege, or confidentiality. Prohibits the legislature from disclosing such information to any person outside the legislature and restricts its use to analysis, compilation of general statistical data, oversight, program evaluation, and policy development. Proposed law further recognizes the limitation on the information in the Public Records Law.

Proposed law specifies that the provisions of proposed law shall not apply to protected health information of an individual; private information of an individual; protected tax return information of an individual or legal entity; information that if disclosed to the legislature pursuant to proposed law would subject a state agency to a fine or reduction in funding pursuant to federal law or regulation; information regarding a specific matter under investigation by a law enforcement agency, licensing or regulatory board or commission, or the Board of Ethics; information regarding deliberations regarding a specific matter being adjudicated by an official or agency authorized to exercise quasi-judicial power; proprietary or trade secret information of a private legal entity in the custody or control of the Dept. of Insurance pursuant to its duties to investigate, examine, manage, or liquidate certain legal entities in the manner provided by law; confidential, proprietary, or trade secret information submitted to the Public Service Commission pursuant to its constitutional authority; or proprietary or trade secret information contained within a specific matter being adjudicated by the division of administrative law.

Defines "legislature" as the legislature, either house of the legislature, any committee of the legislature or either house of the legislature, a member of the legislature, the legislative fiscal office, the legislative auditor's office, and any officer or full-time employee thereof acting to fulfill public functions and duties.

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.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Limit the broad provision of information requirement to the executive branch of state government and provide a requirement that the judicial branch provide the legislature with specific types of information.
2. Specify that privileged and confidential information shall be protected from unauthorized use and disclosure and that the disclosure of such information to the legislature shall not be deemed a waiver of any right, limitation, privilege, or confidentiality.
3. Add all types of legislative committees to the definition of "legislature" by removing the limitation to standing or statutory committees and limit the definition to specified legislative entities, officials, and employees "acting to fulfill public functions and duties".
4. Add exceptions for protected health information of an individual, private information of an individual, protected tax return information, information that if disclosed to the legislature would subject an agency to specified federal sanctions, information regarding specified matters under investigation, deliberations of an official or agency authorized to exercise quasi-judicial power, and specified confidential, proprietary, or trade secret information.