
DIGEST

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HB 166 Original

2016 Regular Session

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Abstract: Specifies that the Public Records Law applies to the office of the governor generally and changes the length of time certain records can be held exempt from disclosure.

Present law provides that the records of the governor shall be public records, including communications with the auditor's office relative to fiscal or budgetary matters. Present law defines "office of the governor" as the governor, chief of staff, deputy chief of staff, and executive counsel.

Proposed law removes the definition of "office of the governor" and otherwise retains present law in the manner provided below.

Present law provides that a record of the office of the governor relating to intraoffice communications of the governor and his internal staff may be privileged from disclosure. Present law provides that "internal staff" of the governor includes the governor's chief of staff, deputy chief of staff, executive counsel, and director of policy, but shall not include any employee of any other agency, department, or office.

Proposed law changes "privileged from disclosure" to "exempt from disclosure" provides instead that "internal staff" means the governor's chief of staff, deputy chief of staff, executive counsel, and director of policy and shall not mean any employee of any other agency, department, or office.

Present law provides that any record pertaining to the schedule of the governor or that of his spouse or child containing security details may be "held confidential" for a period not to exceed seven days following the scheduled event. Further provides that nothing 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, but also provides that 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.

Proposed law provides instead that such records may be "exempt from disclosure" for a period not to exceed seven days. Proposed law further removes the "nothing shall be interpreted or construed" language.

Present law provides that no person shall be prevented from inspecting or obtaining an electronic or physical reproduction of records pertaining to any money, asset, or items of economic value to the state, or any financial transactions in the control of or handled by or through the governor or the office of the governor. Proposed law retains present law.

Present law provides that the governor or his internal staff are to preserve all records to which present law applies, and at the conclusion of his term of office, the governor is to transfer all such records to the custody of the archives division of the secretary of state.

Proposed law provides instead that all records of the office of the governor shall be retained and preserved in the manner provided by the Public Records Law and provides that the records shall be transferred "no later" than the conclusion of the term and otherwise retains present law.

Present law provides that any exemption granted lapses eight years after the creation of the record. Present law provides that after the lapse of eight years, the records of the office of the governor as maintained by the state archivist and deposited with the state archives program are public record.

Proposed law provides instead that any exemption granted by present law and proposed law shall lapse no later than one business day after the governor in office at the time the record was created no longer holds the office of governor, except the exemption for those records regarding security details and meetings or events that the governor attends and transportation related thereto shall lapse as provided above. Proposed law further specifies that after the lapse of any applicable exemption the record shall be available to the public and subject to inspection, examination, copying, and reproduction in accordance with the Public Records Law and present law (R.S. 44:417) relative to deposit of records and associated historical materials of any governor or any other official to the custody of the state archivist.

(Amends R.S. 44:5(B), (D), and (E))