

First Extraordinary Session, 2008

HOUSE BILL NO. 27

BY REPRESENTATIVE WADDELL

PUBLIC RECORDS: Limits the public records exemption for the office of the governor to the executive office of the governor (Item #5)

1 AN ACT

2 To amend and reenact R.S. 44:5, relative to public records; to provide for the application of
3 the laws relative to public records to the office of the governor; to provide that
4 exemption from such laws applies solely to the executive office of the governor; to
5 provide for definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 44:5 is hereby amended and reenacted to read as follows:

8 §5. Records in custody of governor

9 A. This Chapter shall not apply to any of the books, records, writings,
10 accounts, letters, letter books, photographs, or copies thereof ordinarily kept in the
11 custody or control of the governor in the usual course of the duties and business of
12 his office.

13 B. However, the ~~The~~ provisions of ~~this~~ Subsection A of this Section shall
14 apply only to the executive office of the governor and shall not apply to any agency
15 or entity established, transferred, or placed within the office of the governor or
16 ~~transferred or placed~~ within any agency within the office of the governor by R.S.
17 ~~36:4(V) and 4.1~~ law or executive order. For the purposes of this Section, the term
18 "executive office of the governor" shall mean the governor, his chief of staff, and his
19 executive counsel.

1 B: C. The provisions of Subsection A of this Section shall not prevent any
 2 person ~~otherwise herein authorized so to do~~ from inspecting, examining, and
 3 copying, or obtaining a reproduction of any books, records, papers, accounts, or
 4 other documents pertaining to any money or monies or any financial transactions in
 5 the control of or handled by or through the governor in accordance with the
 6 provisions of this Chapter.

7 Section 2. This Act shall become effective upon signature by the governor or, if not
 8 signed by the governor, upon expiration of the time for bills to become law without signature
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 11 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 [R.S. 1:13(B)] and do not constitute proof or indicia of legislative intent. [R.S. 24:177(E)]

Waddell

HB No. 27

Abstract: Provides that the public records exception for the office of the governor applies only to the executive office of the governor (the governor, his chief of staff, and his executive counsel) and specifies that it does not apply to any other agency or entity transferred, established, or placed within the office of the governor by law or executive order.

Present law (R.S. 44:5(A)) exempts the books, records, writings, accounts, letters, letter books, and photographs or copies thereof ordinarily kept in the custody or control of the governor in the usual course of the duties and business of his office from the laws relative to public records. Specifies that the exemption does not apply to certain agencies transferred or placed within the office of the governor or within an agency in the office of the governor pursuant to present law (R.S. 36:4(V) and 4.1, relative to certain agencies formerly within the Dept. of Economic Development). Present law (R.S. 44:5(B)) additionally provides that the exemption shall not prevent any person otherwise authorized from examining and copying any books, records, papers, accounts, or other documents pertaining to any money or monies or any financial transactions in the control of or handled by or through the governor.

Proposed law specifies that the exemption applies only to the executive office of the governor (defined as the governor, his chief of staff, and his executive counsel) and shall not apply to any agency or entity established, transferred, or placed within the office of the governor by law or executive order. Proposed law additionally specifies that the exemption shall not prevent any person from inspecting or obtaining a reproduction of any books, records, papers, accounts, or other documents pertaining to any money or monies or any financial transactions in the control of or handled by or through the governor in accordance with present law relative to public records.

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

(Amends R.S. 44:5)