

2018 Regular Session

HOUSE BILL NO. 760

BY REPRESENTATIVE JAY MORRIS

LEGISLATIVE AFFAIRS: Requires agencies to provide specified information to the legislature upon request

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(13) and to enact R.S. 24:16, relative to the provision  
3 of information to the legislature; to require certain state entities, officials, and  
4 employees to provide information to the legislature; to provide that any privileged  
5 or confidential information maintains its status; to provide for enforcement; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 24:16 is hereby enacted to read as follows:

9 §16. Provision of information by state agencies

10 A.(1) Notwithstanding any law to the contrary, the legislature shall have  
11 access to all information that the governor may access relative to the programs,  
12 services, and activities of the executive branch of state government.

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

18 (3)(a) A request for information pursuant to this Section shall not be required  
19 to be made in any particular form.

1           (b) The members of the legislature may enter any building or office where  
2           officials or employees of the executive branch of state government conduct the  
3           business of the state and may question any such official or employee concerning  
4           such business.

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

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

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



1 (13) R.S. 24:16, 513, 513.1, 513.3, 518

2 \* \* \*

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 760 Original

2018 Regular Session

Jay Morris

**Abstract:** Requires 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.

Proposed law provides that the legislature shall have access to all information that the governor may access relative to the programs, services, and activities of the executive branch of state government.

Proposed law requires 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 in all ways cooperate with the legislature by providing any and all information the legislature deems necessary in assisting the legislature to perform and discharge its powers, functions, and duties.

Proposed law provides that a request for information pursuant to proposed law shall not be required to be made in any particular form. Provides that members of the legislature may enter any building or office where officials or employees of the executive branch of state government conduct the business of the state and may question any such official or employee concerning such business.

Proposed law provides that no department, agency, official, employee, or other entity of the executive branch of state government shall invoke any privilege or utilize any other impediment to deny the provision of any requested information to the legislature. Provides, however, that any information that is deemed confidential or privileged by law and that is provided to the legislature shall maintain its confidential or privileged status and shall be protected from unauthorized use and disclosure. Requires the person or entity providing any confidential or privileged information to the legislature to clearly mark the information as confidential or privileged. Provides that the disclosure of any confidential or privileged information by a department, agency, official, employee, or other entity of state government to the legislature shall not be deemed a waiver of any right, limitation, privilege, or confidentiality regarding such information. Prohibits the legislature from disclosing any confidential or privileged information provided pursuant to proposed law to any person outside the legislature, and requires such information to be used solely for the purpose of analysis, compilation of general statistical data, oversight, program evaluation, and policy development.

Proposed law provides that any information provided to the legislature in accordance with proposed law shall be provided without cost or charge to the legislature.

Proposed law provides that if a department, agency, official, employee, or other entity of the executive branch of state government fails to timely provide information requested pursuant to proposed law, either by refusing 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 in the district court for the parish

where the state capitol is located for the issuance of a writ of mandamus to compel the production of the information.

Proposed law provides definitions.

(Amends R.S. 44:4.1(B)(13); Adds R.S. 24:16)