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	<u>§16. Provision of information by state agencies</u>
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.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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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

28 the issuance of a writ of mandamus to compel the production of the information.

proceedings in the district court for the parish where the state capitol is located for

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 of
3	either house of the legislature, a member of the legislature, the legislative fiscal
4	office, the legislative auditor's office, and any officer or full-time employee thereof
5	acting to 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	Section 2. R.S. 44:4.1(B) is hereby amended and reenacted to read as follows:
22	§4.1. Exceptions
23	* * *
24	B. The legislature further recognizes that there exist exceptions, exemptions,
25	and limitations to the laws pertaining to public records throughout the revised
26	statutes and codes of this state. Therefore, the following exceptions, exemptions, and
27	limitations are hereby continued in effect by incorporation into this Chapter by
28	citation:
29	* * *

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

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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
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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.

<u>Proposed law</u> 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.

<u>Proposed law</u> 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.

<u>Proposed law</u> provides that a request for information pursuant to <u>proposed law</u> 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.

<u>Proposed law</u> 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. Prohibits the legislature from disclosing any confidential or privileged 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.

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

<u>Proposed law</u> 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 <u>proposed law</u>, 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)