
DIGEST

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Richard

HB No. 121

Abstract: Makes all records of the governor's office subject to public records laws. Provides that certain records of the executive office of the governor relating to intraoffice communications are privileged. Requires the governor to transfer certain records of his office, at the conclusion of his term of office, to the archives division of the Dept. of State. Provides that any privilege from disclosure shall lapse 10 years after the creation of the record or, if creation date is unknown, after date of receipt by archives.

Present law (R.S. 44:5) provides that the laws relative to public records shall not apply to records having been used, being in use, possessed, or retained for use by the governor in the usual course of the duties and business of his office relating to the deliberative process of the governor, intraoffice communications of the governor and his internal staff, the governor's security and schedule, or communications with or the security and schedule of the governor's spouse or children. Present law provides definitions for "deliberative process", "relating to the deliberative process of the governor", and "internal staff of the governor".

Present law specifies that the exemption does not apply to agencies transferred or placed within the office of the governor; however, provides that a record that is limited to pre-decisional advice and recommendations to the governor concerning budgeting and that is in the custody of any agency or department headed by an unclassified gubernatorial appointee shall be privileged for six months from the date the record is prepared.

Present law provides that the exemption shall not prevent any person from examining and copying any records pertaining to any money or monies or any financial transactions in the control of or handled by or through the governor.

Present law requires state police to maintain a travel log identifying the date and location of all travel by the governor in a state police helicopter, which record shall be available for inspection and copying in accordance with the public records laws. Provides that entries to the state police helicopter travel log shall be made within seven days after the date of travel.

Proposed law repeals all of the above provisions of present law and provides instead that records of the office of the governor are public records and subject to the provisions of present law relative to public records.

Proposed law provides that, notwithstanding proposed law, a record of the executive office of the governor that is an intraoffice communication between the governor and his staff shall be

privileged from disclosure. Proposed law provides for these purposes that "executive office of the governor" means the governor, his chief of staff, and his executive counsel. Proposed law further provides that any record of the office of the governor pertaining to the schedule of the governor or of his spouse or child that contains security details that, if made public, may endanger the governor or his spouse or child may be held confidential for a period not to exceed seven days following the scheduled event. Proposed law further provides that the governor may keep a record concerning a meeting or event that he attends and transportation related thereto confidential for a period not to exceed seven days after the occurrence of the meeting or event. Proposed law further provides that nothing in proposed law is to 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. Further specifies that if a request is received for a record which is privileged, the governor may waive the privilege and make the requested record available or may claim the privilege and specify the period of time (not to exceed 10 years) the record will remain privileged. Specifies that if a request is received for a confidential record, the record shall be made available as soon as the period of confidentiality lapses.

Proposed law specifies that the above provisions of proposed law shall not prevent any person from inspecting, copying, or obtaining a reproduction of any record pertaining to money or monies, assets 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 specifies that all records of the office of the governor are to be retained and preserved in the manner provided by the Public Records Law and further requires the governor to preserve all records to which proposed law privilege applies and any other record of the office of the governor of historical value as determined by the state archivist. Provides that 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 Dept. of State.

Proposed law provides that any privilege granted by proposed law lapses 10 years after the creation of the record to which the privilege is applicable. Proposed law further provides that if the date of creation of a record is unknown, then the record shall become available 10 years after receipt by the state archivist.

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

(Adds R.S. 44:5.1; Repeals R.S. 44:5)