2016 Regular Session

HOUSE BILL NO. 711

BY REPRESENTATIVE SHADOIN

LEGISLATIVE AUDITOR: Provides relative to release of legislative audits

1	AN ACT
2	To amend and reenact R.S. 24:513(G), relative to audit reports issued by the legislative
3	auditor; to authorize the issuance of a temporary restraining order or injunctive relief
4	barring the release of an audit report; to provide for appeals; and to provide for
5	related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 24:513(G) is hereby amended and reenacted to read as follows:
8	§513. Powers and duties of legislative auditor; audit reports as public records;
9	assistance and opinions of attorney general; frequency of audits; subpoena
10	power
11	* * *
12	$G_{(1)}$ The audit reports issued by the legislative auditor or accepted by the
13	legislative auditor pursuant to this Section or R.S. 46:1064(B), shall be subject to the
14	laws providing for inspection of public records and shall be available in the office
15	of the legislative auditor three days after the date of issuance of the reports as
16	provided by R.S. 44:6. However, this Subsection shall not apply to any documents,
17	data, or information furnished the legislative auditor which are deemed confidential
18	by law.
19	(2)(a) An application to a court of competent jurisdiction for a temporary
20	restraining order, preliminary injunction, or permanent injunction barring the release
21	of an audit report, as described in this Subsection, shall be assigned for hearing by

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

1	the court not less than two nor more than ten days after service of the petition for a		
2	temporary restraining order, preliminary injunction, or permanent injunction. Any		
3	order granting or denying the relief prayed for shall be rendered by the court within		
4	forty-eight hours following the conclusion of the hearing.		
5	(b) An appeal shall be filed in the appropriate appellate court not later than		
6	the seventh day after the judgment is rendered and shall be tried on the original		
7	records and by preference over all other cases. The appellate court shall render its		
8	decision within ten days after submission.		
9	* * *		

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)]

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Abstract: Provides procedures for the issuance of a TRO or injunction to bar the release of an audit report prepared by the legislative auditor.

<u>Present law</u> sets forth the power and duties of the legislative auditor and specifically provides that audit reports issued by the legislative auditor are public records. <u>Proposed law</u> retains <u>present law</u>.

<u>Proposed law</u> provides that an application to a court of competent jurisdiction for a temporary restraining order, preliminary injunction, or permanent injunction barring the release of an audit report shall be assigned for hearing by the court not less than two nor more than 10 days after service of the petition.

<u>Proposed law</u> provides that any order granting or denying the relief prayed for shall be rendered by the court within 48 hours following the conclusion of the hearing.

<u>Proposed law</u> provides that an appeal shall be filed in the appropriate appellate court not later than the seventh day after the judgment is rendered and that the appellate court shall render its decision within 10 days.

(Amends R.S. 24:513(G))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Delete <u>proposed law</u> provisions prohibiting a court from having jurisdiction to issue temporary restraining orders, preliminary injunctions, or permanent injunctions barring the release of a legislative auditor's report.

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2. Add provisions providing for procedures for a court to hear temporary restraining orders, preliminary injunctions, or permanent injunctions barring the release of an audit report, and adds procedures for the appeal of the court's ruling.