

CONFERENCE COMMITTEE REPORT

HB 767

2024 Regular Session

Emerson

June 3, 2024

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 767 by Representative Emerson, recommend the following concerning the Engrossed bill:

1. That Senate Committee Amendments Nos. 1 and 2 by the Senate Committee on Senate and Governmental Affairs (#4071) be adopted.
2. That Senate Committee Amendment No 3 by the Senate Committee on Senate and Governmental Affairs (#4071) be rejected.
3. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S. 44:31.1 and to"

AMENDMENT NO. 2

On page 1, line 2, after "law;" and before "to provide" insert "to provide for the qualifications of those eligible to request records of the office of the governor; to provide for proof of identity, age, and residency;"

AMENDMENT NO. 3

On page 1, line 7, after "Section 1." and before "R.S. 44:5.1" insert:

"R.S. 44:31.1 is hereby amended and reenacted and"

AMENDMENT NO. 4

On page 1, at the end of line 16, delete "a" and delete line 17 and insert "the schedule of the official or of an employee of the office nor alter any legal deadlines contained in this Chapter."

AMENDMENT NO. 5

On page 1, after line 20, insert the following:

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§31.1. Exceptions; authority of the custodian

A.(1) For the purposes of this Chapter, person does not include an individual in custody after sentence following a felony conviction who has exhausted his appellate remedies when the request for public records is not limited to grounds upon which the individual could file for post-conviction relief under Code of Criminal Procedure Article 930.3.

(2) Notwithstanding the provisions contained in R.S. 44:32, the custodian may make an inquiry of any individual who applies for a public record to determine if ~~such~~ the individual is in custody after sentence following a felony conviction who has exhausted his appellate remedies and the custodian may determine if the request

of any ~~such~~ individual in custody for a felony conviction is limited to grounds upon which ~~such~~ the individual may file for post-conviction relief under Code of Criminal Procedure Article 930.3.

B.(1) For the purposes of this Chapter, as it relates to requests for records of the office of the governor, only a person who resides in the state of Louisiana and who otherwise meets the qualifications required by this Chapter may inspect, copy, reproduce, or obtain a copy or reproduction of a public record or seek to enforce the provisions of this Chapter pursuant to R.S. 44:35. For purposes of this Subsection, "office of the governor" shall have the same meaning as provided in R.S. 44:5.

(2) Notwithstanding the provisions of R.S. 44:32, a custodian of a record of the office of the governor may require a person to provide sufficient information to establish the person's identity, age, and residency within the state of Louisiana. For purposes of this Subsection, "sufficient information" may include any government-issued document showing the person's name, age, or residential address. A custodian may deny the request of a person who does not meet the requirements of this Subsection.

(3) Any document submitted to a custodian to establish a person's identity, age, or residency pursuant to this Subsection shall not be a public record pursuant to this Chapter and shall be destroyed within one year of the final disposition of the public record request."

Respectfully submitted,

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Representative Julie Emerson

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Senator Kirk Talbot

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Representative Gerald "Beau" Beaulieu, IV

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Senator Alan Seabaugh

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Representative Michael T. Johnson

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Senator Cleo Fields

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)]

**CONFERENCE COMMITTEE REPORT DIGEST**

**HB 767**

**2024 Regular Session**

**Emerson**

**Keyword and oneliner of the instrument as it left the House**

PUBLIC RECORDS: Provides a limited exception for the schedule of a statewide elected official

**Report adopts Senate amendments to:**

1. Remove a provision authorizing records of a meeting or event that a statewide official attends and transportation thereto to remain confidential for up to seven days after the occurrence of the meeting or event.
2. Provide that nothing in proposed law shall alter any legal deadlines contained in the Public Records Law.

**Report amends the bill to:**

1. Provide that only La. residents may request public records of the office of the governor.
2. Authorize the custodian of records of the office of the governor to request proof of a requestor's identity, age, and residency.
3. Provide that proposed law shall not be construed to make confidential all records concerning the schedule of the statewide elected official or of an employee of the office.

**Digest of the bill as proposed by the Conference Committee**

**Confidentiality of Records of Statewide Elected Officials**

Proposed law (R.S. 44:5.1) provides that any record of the office of lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, or commissioner of insurance pertaining to the schedule of the official or of an employee of the office that contains security details that if made public may impair the safety of the official may be held confidential for a period of seven days following a scheduled event.

Proposed law provides that it does not make confidential all records concerning the schedule of the official or of an employee of the office or alter any legal deadlines provided by present law (Public Records Law).

**Requests for Records of the Office of the Governor**

Present law defines "office of the governor" as the governor, his chief of staff, deputy chief of staff, and his executive counsel.

Proposed law retains present law, and applies to the "office of the governor" as defined by present law.

Present law provides that except as otherwise provided in present law, any person of the age of majority may inspect, copy, or reproduce any public record.

Proposed law retains present law except to provide that only La. residents of the age of majority may request public records of the office of the governor, as defined in present law.

Present law provides that except as otherwise provided by present law, any person may obtain a copy or reproduction of any public record.

Proposed law retains present law except to provide that only La. residents may obtain a copy or reproduction of a public record of the office of the governor.

Present law provides that "persons" as referred to in the Public Records Law does not include an individual in custody after sentence following a felony conviction who has exhausted his appellate remedies when the request for public records is not limited to grounds upon which the individual could file for post-conviction relief under present law. Further provides that a custodian may make any inquiry necessary to determine whether a person meets such requirements.

Proposed law retains present law.

Proposed law provides that as it relates to requests for any record of the office of the governor, only a person who resides in La. and who otherwise meets the qualifications required by present law may inspect, copy, reproduce, or obtain a copy or reproduction of a public record or seek to enforce the provisions of the Public Records Law.

Present law provides that a custodian shall make no inquiry of any person who applies for a public record, except an inquiry as to the age and identification of the person and may require the person to sign a register and shall not review, examine, or scrutinize any copy, photograph, or memoranda in the possession of any such person.

Proposed law retains present law for custodians of records other than records of the office of the governor.

Proposed law provides that a custodian of a record of the office of the governor may require a person to provide sufficient information to establish the person's identity, age, and La. residency, including any government-issued document showing the person's name, age, or residential address. Further provides that a custodian may deny the request of a person who fails to meet the requirements of proposed law.

Proposed law provides that any document submitted to a custodian to establish a person's identity, age, or residency shall not be a public record and shall be destroyed within one year of the final disposition of the public record request.

(Amends R.S. 44:31.1; Adds R.S. 44:5.1)