The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law relative to public records provides that present law does not apply to any 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 that relate to the deliberative process of the governor, intra-office 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.

Proposed law deletes these provisions of present law, and further provides expressly 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 office of the governor relating to executive deliberations of the governor and intra-office communications of the governor and his staff may be privileged from disclosure, but this privilege does not apply to any record of the office of the governor relative to fiscal matters.

For purposes of proposed law:

(1) "Deliberations" means the process by which decisions and policies are formulated.

(2) Records "relating to executive deliberations of the governor" include all forms of pre-decisional advice, opinions, planning and consideration, or recommendations made for the purpose of assisting the governor in the usual course of the duties and business of his office.

Proposed law provides that any record of the office of the governor pertaining to the schedule of the governor or that of his spouse or child that contains security details that if made public may impair the safety of 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 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. Proposed law further provides that the governor may keep a record concerning a meeting or event that he attends and transportation related thereto privileged for a period not to exceed seven days after the occurrence of the meeting or event.

Proposed law provides that proposed law does not apply to the records of any agency transferred or placed within the office of the governor or to the records of any other executive branch agency.

Proposed law provides that "office of the governor" means the governor, his chief of staff, and his executive counsel.

Present law provides that present law does 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 or the office of the governor.

Proposed law retains present law, and adds that proposed law does not prevent any person from inspecting or obtaining a reproduction of any record pertaining to any money or monies, any 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 provides that the governor and his internal staff (the governor's chief of staff, executive counsel, and director of policy, but not employees of any other agency, department, or office) are to preserve all records to which proposed law applies, and 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 secretary of state. Proposed law further provides that any exemption for such records continues in accordance with proposed law.

Proposed law provides that any exemption granted by proposed law lapses 10 years after the creation of the record to which the exemption is applicable. Proposed law further provides that after the lapse of 10 years, the records of the office of the governor, as maintained by the state archivist and deposited with the state archives program pursuant to present law, are public record.

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

(Amends R.S. 44:5)