

Regular Session, 2012

HOUSE BILL NO. 511

BY REPRESENTATIVE LEGER

PUBLIC RECORDS: Provides for the application of the Public Records Law to certain records relative to archeological dig sites

1 AN ACT

2 To enact R.S. 44:4.1(B)(37), relative to public records; to provide for the application of the
3 Public Records Law to certain information regarding archaeological sites; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 44:4.1(B)(37) is hereby enacted to read as follows:

7 §4.1. Exceptions

8 * * *

9 B. The legislature further recognizes that there exist exceptions, exemptions,
10 and limitations to the laws pertaining to public records throughout the revised
11 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
12 limitations are hereby continued in effect by incorporation into this Chapter by
13 citation:

14 * * *

15 (37) R.S. 41:1609

16 * * *

17 Section 2. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
- 2 effective on the day following such approval.

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)]

Leger

HB No. 511

Abstract: Recognizes the limitation on public access to records of the division of archaeology within the Dept. of Culture, Recreation and Tourism which specify the specific location of archaeological sites.

Present law (Public Records Law, R.S. 44:1, et seq.) provides that all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state, are "public records". Present law establishes the framework for the ready availability of public records to requesting persons, and specifically provides that it is the duty of the custodian of the public records for a public entity or agency to provide copies to persons so requesting. Present law provides for certain exceptions, exemptions, and limitations.

Present law (R.S. 41:1609) provides that records of the division of archaeology within the Dept. of Culture, Recreation and Tourism which specify the specific location of archaeological sites, including but not limited to the state archaeological site files shall not be public information and that access to such records shall be restricted to individuals who have a legitimate research or management need as determined by the division.

Proposed law recognizes in the Public Records Law the present law limitation on access to the records the division of archaeology which specify the location of archaeological sites.

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

(Adds R.S. 44:4.1(B)(37))