

Regular Session, 2014

HOUSE BILL NO. 1207

BY REPRESENTATIVE PIERRE

PUBLIC RECORDS: Provides references in the Public Records Law to exemptions applicable to certain records relative to insurance

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(11), relative to public records; to provide references
3 in the Public Records Law for exemptions applicable to certain records relative to
4 insurance; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 44:4.1(B)(11) is hereby amended and reenacted 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 (11) R.S. 22:2, 14, 31(B), 42.1, 88, 244, 263, 461, 550.7, 571, 572, 572.1,
16 574, 618, 639, 732, 752, 753, 771, 834, 1008, 1019.2(~~B~~)(5)(a), 1203, 1460, 1464,
17 1466, 1546, 1644, 1656, 1723, 1796, 1801, 1927, 1929, 1983, 1984, 2036, 2056,
18 2085, 2091, 2293, 2303

19 * * *

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)]

Pierre

HB No. 1207

Abstract: Provides references in the Public Records Law to exemptions applicable to certain records relative to insurance.

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". Establishes the framework for the 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. Further specifies that any exception, exemption, and limitation to the laws pertaining to public records not provided for in the Public Records Law or in the constitution shall have no effect.

Proposed law retains present law and provides references in the Public Records Law to certain present law exemptions in Title 22 of the Revised Statutes (Insurance Code) (R.S. 22:263 and 1008 (payments pursuant to certain health care provider contracts), 550.7 (information relative to an application for a certificate of authority), 571 (information in annual reports relative to solvency), 639 (information contained in risk-based capital reports relative to health maintenance organizations), 834 (records of the La. Municipal Advisory and Technical Services Bureau), 1464 (information relative to rate making), 1796 (information from examinations), 1801 (information concerning suspected or actual fraudulent viatical settlement acts), 2056 (records relative to certain insolvent insurers), 2085 (records relative to life and health insurance policies and annuity contracts involving insolvent insurers), 2091 (examinations of insurance insolvencies), and 2293 (certain documents relative to the La. Citizens Property Insurance Corp.)).

(Amends R.S. 44:4.1(B)(11))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Adds certain exemptions to the Public Records Law (R.S. 22:550.7 (information relative to an application for a certificate of authority), 571 (information in annual reports relative to solvency), 639 (information contained in risk-based capital reports relative to health maintenance organizations), 1796 (information from examinations), and 2091 (examinations of insurance insolvencies)).