

SENATE BILL NO. 278

BY SENATORS AMEDEE, ALARIO, APPEL, CHEEK, CROWE, DONAHUE,  
DUPLESSIS, DUPRE, ERDEY, N. GAUTREAUX, HEBERT,  
HEITMEIER, LAFLEUR, LONG, MARIONNEAUX, MARTINY,  
MCPHERSON, MICHOT, MOUNT, NEVERS, RISER, SHAW,  
THOMPSON AND WALSWORTH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 44:5, relative to public records; to provide for the application of  
3 laws relative to public records; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 44:5 is hereby amended and reenacted to read as follows:

6 §5. Records ~~in custody~~ of **the** governor

7 A. This Chapter shall not apply to any ~~of the books, records, writings,~~  
8 ~~accounts, letters, letter books, photographs, or copies thereof ordinarily kept in the~~  
9 ~~custody or control of the governor in the usual course of the duties and business of~~  
10 ~~his office, or to those having been used, being in use, or prepared, possessed, or~~  
11 ~~retained for use by or on behalf of the governor in the usual course of the duties and~~  
12 ~~business of his office~~ **relating to the deliberative process of the governor, intra-**  
13 **office communications of the governor and his internal staff, the governor's**  
14 **security and schedule, or communications with or the security and schedule of**  
15 **the governor's spouse or children.**

16 B. The **(1) Except as otherwise provided in this Subsection, the** provisions  
17 of this Section shall not apply to any agency, **office, or department** transferred or  
18 placed within the office of the governor.

19 **(2) Notwithstanding Paragraph (1) of this Subsection, a record limited**  
20 **to pre-decisional advice and recommendations to the governor concerning**  
21 **budgeting in the custody of any agency or department headed by an unclassified**  
22 **gubernatorial appointee shall be privileged for six months from the date such**  
23 **record is prepared.**

24 C. The provisions of this Section shall not prevent any person ~~otherwise~~  
25 ~~herein authorized so to do~~ from examining and copying any ~~books, records, papers,~~

~~accounts or other documents~~ pertaining to any money or monies or any financial transactions in the control of or handled by or through the governor.

**D. For purposes of this Section:**

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

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

**(3) "Internal staff of the governor" means the governor, chief of staff, executive counsel, director of policy, and employees under their supervision. Internal staff shall not mean any person employed in any other executive agency, including those designated by state law as housed in or transferred to the office of the governor.**

**E. Notwithstanding any provision of this Chapter, the state police shall maintain a travel log identifying the date and location of all travel by the governor in a state police helicopter, which record shall be available for inspection and copying in accordance with the provisions of this Chapter. Entries to the state police helicopter travel log shall be made within seven days after the date of travel.**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_