

Bill advances, would limit future governors' ability to shield records from public

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Future governors' ability to shield records from the public would be limited under a measure headed to the Louisiana House for debate.

The House and Governmental Affairs Committee on Wednesday advanced legislation which its sponsor state Sen. Dan Claitor said would ["increase transparency"](#) in the governor's office."

Gov. Bobby Jindal, who promotes transparency, has opposed prior attempts to change the law he pushed in 2009 which grants broad public records exemptions.

Some legislators, media organizations as well as the Public Affairs Research Council say a "deliberative process" provision has been particularly abused to hide documents. The exemption involves documents or records created as part of the governor's internal decision-making process.

[Senate Bill 190](#) would keep the governor's communications with his internal staff exempt from disclosure. But no longer would agencies outside the governor's office be able to shield records claiming they are part of the governor's "deliberative process."

The legislation would also remove an exemption that gives executive branch agencies a six-month blackout period on budget documents. In addition, the governor's travel records would be accessible within seven days.

The changes would not go into effect until noon on Jan. 11, 2016, when a new governor takes office.

"Obviously what's good for the goose is not good for the gander in this case," said state Rep. Jeff Arnold, D-New Orleans, noting the prospective nature of the legislation.

"If the bill is not going to be vetoed," replied Claitor, R-Baton Rouge. "I'm with you Arnold, but that's just the way it is."

Claitor said legislators thought they were voting for something good in 2009 as they adopted Jindal's public records revamp.

"It turns out we were boondoggled on that," Claitor said.

"It morphed into something we never intended it to do," agreed Rep. Mike Danahay, D-Sulphur.

Louisiana Press Association general counsel Scott Sternberg and Carl Redman, former executive editor of The Advocate, testified about abuses that have occurred. They recounted how LSU, the Department of Education and the Department of Transportation and Development used "deliberative process" to deny reporters access to records.

"The intent of this bill is to prevent that seepage process," said Sternberg.

Redman said the budget records provision will allow people "real-time" access to information being used in crafting it instead of what went into decision-making six months after the fact.

"The public has a right to know," he said.

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