

Regular Session, 2010

HOUSE BILL NO. 37

BY REPRESENTATIVE GARY SMITH

VETOED
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Veto Message

1 AN ACT

2 To amend and reenact R.S. 44:36(D) and to enact R.S. 44:1(C), relative to public records;
3 to reduce the time required for the Department of Public Safety and Corrections to
4 retain records regarding adult offenders; to provide for records related to the
5 Mississippi Canyon 252 - Deep Water Horizon Oil Spill; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 44:36(D) is hereby amended and reenacted and R.S. 44:1(C) is
9 hereby enacted to read as follows:

10 §1. General definitions

11 * * *

12 C. Notwithstanding any provision of this Chapter, any records having been
13 used, being in use, or retained for use by the office of the governor or any other
14 executive branch agency in the usual course of the duties and business of the office
15 or agency relating to the Mississippi Canyon 252 - Deepwater Horizon Oil Spill shall
16 be made available for inspection and copying in accordance with the provisions of
17 this Chapter. Notwithstanding any provision of law to the contrary, any records
18 relating to the Mississippi Canyon 252 - Deepwater Horizon Oil Spill shall be
19 maintained for a period of not less than ten years.

20 * * *

21 §36. Preservation of records

22 * * *

23 D. All existing records or records hereafter accumulated by the Department
24 of Public Safety and Corrections, ~~Correction Services~~ corrections services, pertaining
25 to any adult offender shall be retained and may not be destroyed until after ~~ten~~ six

VETO MESSAGE

House Bill 37 by Representative Gary Smith contains a provision which would require any records relating to the Mississippi Canyon 252 – Deepwater Horizon Oil Spill that are used or retained by any executive branch agency to be made available for inspection and copying. For the following reasons, I have vetoed House Bill No. 37 and hereby return it to the House of Representatives.

The Deepwater Horizon incident is a man-made event with responsible parties that will create long-term challenges for the State of Louisiana. This bill would allow BP and other parties with potential liability to the state to obtain information retained by any state agency responding to this tragic event. Such access could impair the state's legal position both in responding to the disaster that is unfolding and in seeking remedies for economic injury and natural resource damage.

For this reason, I have vetoed House Bill No. 37 and hereby return it to the House of Representatives.