

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Grant offered the following:

2
3 **Amendment**

4 Remove lines 162 through 166 and insert:

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6 information and traditionally is private. The Legislature finds
7 that the internal audit process, and therefore accountability to
8 the public, will be damaged if records relating to an incomplete
9 internal audit or investigation are made public. The Legislature
10 finds that although the association is an agency within the
11 meaning of the public records and open meetings laws, the
12 association essentially operates as a private business. Its core
13 function is to engage in the business of providing workers'
14 compensation insurance coverage, as distinguished from an agency
15 whose core functions are governmental in nature. The association
16 does not exercise the authority or perform the functions of a

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17 department or political subdivision, and lacks the power to
18 enforce laws. The Legislature further finds that the general
19 exemptions in chapters 119 and 286 relating to records created
20 by attorneys and communications with attorneys are designed to
21 address the needs of agencies providing governmental functions
22 and are generally limited to matters relating to litigation and
23 adversarial administrative matters. As distinguished from
24 agencies providing governmental functions, the association
25 receives the advice of counsel on the entire range of matters on
26 which a similarly situated private business would receive advice
27 of counsel, including matters that do not involve litigation or
28 adversarial administrative matters. These include, but are not
29 limited to, legal advice relating to business negotiations with
30 private entities which provide the association with reinsurance,
31 policy issuance, policy administration, underwriting, and
32 payroll audit services, with insurance agents who may act as
33 producers of insurance business to the association, and with
34 other entities which provide services to private market
35 insurers. Accordingly, the Legislature finds that the
36 association would not be able to carry out its core business
37 functions effectively without the free and confidential exchange
38 of attorneys' mental impressions, conclusions, litigation
39 strategies, and legal theories, both as to business matters and
40 as to litigation and adversarial administrative matters.

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