
DIGEST

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Danahay

HB No. 1121

Abstract: Provides a public records exemption for certain commercially sensitive information of a public power authority.

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". Present law establishes the framework for the ready 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. Present law 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 provides that nothing in the Public Records Law shall require the disclosure of commercially sensitive information in the custody or control of a public power authority. Defines "public power authority" and "commercially sensitive information" for its purposes.

Proposed law specifies that general information relating to the identity of the parties to any agreement or contract with a public power authority shall be subject to inspection, examination, copying, and reproduction and that nothing in proposed law shall be construed in a manner as to prevent the inspection, examination, copying, or reproduction of any record or part of a record that does not contain commercially sensitive information.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 44:3.3)