

2018 Regular Session

SENATE BILL NO. 133

BY SENATOR HEWITT

PUBLIC RECORDS. Provides relative to documents submitted to the Louisiana State Fire Marshal. (8/1/18)

1 AN ACT

2 To enact R.S. 44:3.2(G), relative to public records; to provide an exception for access to
3 proprietary and trade secrets; to provide access to State Fire Marshal documents by
4 certain entities; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 44:3.2(G) is hereby enacted to read as follows:

7 §3.2. Proprietary and trade secret information

8 * * *

9 G. Notwithstanding any other provision of law to the contrary,
10 documents, in any format, submitted to the Louisiana State Fire Marshal shall
11 be available for examination or reproduction by the Louisiana State Board of
12 Architectural Examiners or the Louisiana Professional Engineering and Land
13 Surveying Board, within two business days after the date of request.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tim Prather.

DIGEST

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Present law, the Public Records Law, requires the disclosure of public records upon request.

Proposed law provides an exemption for documents, in any format, submitted to the Louisiana State Fire Marshal. Provides that documents will be available for examination or reproduction by the Louisiana State Board of Architectural Examiners or the Louisiana Professional Engineering and Land Surveying Board, within two business days after the date of request.

Present law provides an exemption for proprietary or trade secret information submitted to the Dept. of Economic Development for economic development purposes.

Proposed law retains present law.

Present law requires all records containing proprietary or trade secret information submitted by a developer, owner, or manufacturer to a public body pursuant to present law to contain a cover sheet that provides in bold type "DOCUMENT CONTAINS CONFIDENTIAL PROPRIETARY OR TRADE SECRET INFORMATION". Present law further requires the developer, owner, or manufacturer to mark clearly each instance of information which is, in his opinion, proprietary or trade secret information.

Proposed law retains present law.

Present law provides that the determination of whether such information is in fact proprietary or trade secret information shall be made by the custodian within 30 days of a submission; however, if a custodian receives a public records request during the period of 30 days, the determination shall be made within the time period provided in present law.

Proposed law retains present law.

Present law requires a custodian who receives a request for any information which has been marked by the developer, owner, or manufacturer as proprietary or trade secret information to notify immediately, prior to the disclosure of the information, such developer, owner, or manufacturer of the request and of the custodian's determination of whether or not the information so requested is subject to disclosure.

Proposed law retains present law.

Present law provides that general information relating to the identity of the developer, owner, or manufacturer and any agreement or contract that such person or legal entity has entered into with the public body shall be subject to public review.

Proposed law retains present law.

Present law provides that nothing in present law shall be construed in a manner as to prevent the public examination or reproduction of any record or part of a record which is not proprietary or trade secret information.

Proposed law retains present law.

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Effective August 1, 2018.

(Adds R.S. 44:3.2(G))