

2018 Regular Session

HOUSE BILL NO. 255

BY REPRESENTATIVE FALCONER

PUBLIC RECORDS: Provides for a public records exception for certain records of the State Board of Architectural Examiners concerning the fitness of a person to receive or hold a license or certificate of registration to practice architecture

1 AN ACT

2 To enact R.S. 44:4(55), relative to information regarding the fitness of a person to receive
3 or continue to hold a license or certificate of registration issued by the State Board
4 of Architectural Examiners; to exempt from the Public Records Law certain records
5 of the board concerning the fitness of a person to receive or continue to hold a
6 license or certificate of registration; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 44:4(55) is hereby enacted to read as follows:

9 §4. Applicability

10 This Chapter shall not apply:

11 * * *

12 (55) To any records, writings, accounts, recordings, letters, exhibits, pictures,
13 drawings, charts, photographs, memoranda, reports, examinations, or evaluations,
14 or copies thereof, in the custody or control of the State Board of Architectural
15 Examiners concerning the fitness of any person to receive or continue to hold a
16 license or certificate of registration to practice architecture. However, any such
17 record may be released to the public in an administrative proceeding before the
18 board, and any final determination made by the board relative to the fitness of any
19 person to receive or continue to hold a license or certificate of registration to practice

1 architecture and any legal grounds upon which such determination is based shall be
2 a public record.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 255 Original

2018 Regular Session

Falconer

Abstract: Adds an exception to the Public Records Law for certain information in the custody or control of the State Bd. of Architectural Examiners concerning a person's fitness to receive or continue to hold a license or certificate of registration to practice architecture.

Present law (R.S. 44:1 et seq. – Public Records Law) 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 a 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 of a public entity or agency to provide copies to persons so requesting. Provides for certain exceptions, exemptions, and limitations.

Proposed law adds an exception to the Public Records Law for records, writings, accounts, recordings, letters, exhibits, pictures, drawings, charts, photographs, memoranda, reports, examinations, or evaluations, or copies thereof, in the custody or control of the State Bd. of Architectural Examiners concerning the fitness of any person to receive or continue to hold a license or certificate of registration to practice architecture. Provides, however, that any such record may be released to the public in an administrative proceeding before the board and that any final determination made by the board relative to the fitness of any person to receive or continue to hold a license or certificate of registration to practice architecture and any legal grounds upon which such determination is based shall be a public record.

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

(Adds R.S. 44:4(55))