

2018 Regular Session

SENATE BILL NO. 133

BY SENATORS HEWITT AND BARROW

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, the office**
10 **of state fire marshal shall provide electronic access to its information**
11 **management system, or any subsequent system thereafter, to the State Board**
12 **of Architectural Examiners or the Louisiana Professional Engineering and**
13 **Land Surveying Board, for the examination and reproduction of documents**
14 **submitted to the Louisiana State Fire Marshal. The State Board of**
15 **Architectural Examiners and the Louisiana Professional Engineering and Land**
16 **Surveying Board shall not allow for examination or release of any documents**
17 **obtained from the office of state fire marshal’s information system to the public**

1 or other third party, including other state agencies. The office of state fire
 2 marshal shall not be held responsible or liable for any release of confidential,
 3 proprietary, or trade secret information by the State Board of Architectural
 4 Examiners or the Louisiana Professional Engineering and Land Surveying
 5 Board.

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

DIGEST

SB 133 Engrossed

2018 Regular Session

Hewitt

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

Proposed law provides that the Office of State Fire Marshal will provide electronic access to its information management system, or any subsequent system thereafter, to the State Board of Architectural Examiners or the Louisiana Professional Engineering and Land Surveying Board, for the examination and reproduction of documents submitted to the Louisiana State Fire Marshal.

Proposed law provides that the State Board of Architectural Examiners and the Louisiana Professional Engineering and Land Surveying Board will not allow for examination or release of any documents obtained from the Office of State Fire Marshal's information system to the public or other third party, including other state agencies.

Proposed law provides that the Office of State Fire Marshal will not be held responsible or liable for any release of confidential, proprietary, or trade secret information by the State Board of Architectural Examiners or the Louisiana Professional Engineering and Land Surveying Board.

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.

Effective August 1, 2018.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Authorizes limited electronic access of the State Fire Marshal's information management system by the State Board of Architectural Examiners or the Louisiana Professional Engineering and Land Surveying Board.