

ACT No. 175

2018 Regular Session

HOUSE BILL NO. 665

BY REPRESENTATIVE GREGORY MILLER

1 AN ACT

2 To enact R.S. 44:22.1, relative to public records; to provide an exception for certain
3 documents related to port economic development negotiations; to require certain
4 procedures and notices; to provide a limitation on the amount of time certain
5 information regarding the negotiations may remain confidential; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 44:22.1 is hereby enacted to read as follows:

9 §22.1. Port economic development negotiations

10 A. Notwithstanding any other provision of this Chapter to the contrary,
11 records that are in the custody of a port commission or a port, harbor, and terminal
12 district that pertain to an active negotiation with a person for the purpose of a
13 proposed project involving the retention, expansion, or attraction of further economic
14 development of the port under its supervision and that relate to or facilitate the
15 transportation of goods in domestic or international commerce shall be confidential
16 and shall not be subject to the provisions of R.S. 44:31, 32, or 33 if the person
17 requests such confidentiality in writing detailing the reasons such person requests
18 confidentiality and asserting that the negotiation is conditioned in whole or in part
19 on the maintenance of such confidentiality, and the chief executive officer of the
20 commission or district determines that the disclosure of such records would have a
21 detrimental effect on the negotiation. Each determination by the chief executive
22 officer shall include reasons for the determination. The commission or district shall
23 publish in its official journal a notice containing general information regarding each

1 negotiation to which records are confidential pursuant to this Section no later than
2 ten days after the determination of confidentiality. Such notice shall include the date
3 of the chief executive officer's determination. Records of expenses of the
4 commission or district pertaining to the negotiation shall be public and subject to
5 review, except that the chief executive officer may redact information that he
6 determines would identify or lead to the identification of the person with whom the
7 commission or district is negotiating and such information shall be confidential until
8 the negotiations are concluded. However, immediately on the conclusion of the
9 negotiation, all such records shall be subject to the provisions of this Chapter.

10 B. No information made confidential pursuant to Subsection A of this
11 Section shall remain confidential for more than twelve months from the date of the
12 chief executive officer's determination of confidentiality; however, if the negotiation
13 remains active and the chief executive officer makes a new determination that the
14 disclosure of the information would be detrimental to the negotiations and gives
15 notice as provided in Subsection A of this Section, such information shall remain
16 confidential while the negotiation remains active, not to exceed an additional twelve
17 months. Under no circumstances shall information made confidential pursuant to
18 this Section remain confidential for more than twenty-four months from the date of
19 the initial determination of the chief executive officer.

20 C. For the purposes of this Section, "active negotiation" or "negotiation
21 remains active" shall mean a negotiation which has commenced concerning a project
22 for the retention, expansion, or location of public port facilities and operations which
23 relate to or facilitate the transportation of goods in domestic or international
24 commerce and which is not concluded when the commission or district receives a
25 request for information or other similar document concerning the project. For the
26 purposes of this Section, a negotiation is no longer active or is concluded when the
27 commission or district decides no longer to actively pursue the proposed project with
28 the person; when the person with whom the commission or district was negotiating
29 decides not to pursue the proposed project; or when a proposal affecting the

1 negotiation is submitted to a public body for consideration by the public body in a
2 public meeting, whichever occurs earlier.

3 D. The provisions of Subsection A of this Section shall not apply to any
4 application for a license or permit or to any record of negotiations concerning any
5 hazardous waste or waste site as "hazardous waste" and "waste" are defined in R.S.
6 30:2173.

7 E. The provisions of this Section shall have no effect unless the party whose
8 information is being maintained as confidential also maintains as confidential any
9 information provided to the party by the commission or district concerning the
10 project which remains in active negotiation.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____