

2024 Regular Session

HOUSE BILL NO. 461

BY REPRESENTATIVE JACKSON

1 AN ACT

2 To enact R.S. 44:22.2, relative to public records; to provide an exception for certain
3 documents related to economic development negotiations by local government; to
4 require certain procedures and notices; to provide a limitation on the amount of time
5 certain information regarding the negotiations may remain confidential; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 44:22.2 is hereby enacted to read as follows:

9 §22.2. Local government economic development negotiations

10 A. Notwithstanding any other provision of this Chapter to the contrary,
11 records that are in the custody of a local government that pertain to an active
12 negotiation with a person for the purpose of a proposed project involving the
13 retention, expansion, or attraction of further economic development within the local
14 government's jurisdictional boundaries shall be confidential and shall not be subject
15 to the provisions of R.S. 44:31, 32, or 33 if the person requests such confidentiality
16 in writing at the outset of negotiations detailing the reasons such person requests
17 confidentiality and asserting that the negotiation is conditioned in whole or in part
18 on the maintenance of such confidentiality, and the chief executive officer of the
19 local government determines that the disclosure of such records would have a
20 detrimental effect on the negotiation. Each determination by the chief executive
21 officer shall include reasons for the determination. The chief executive officer shall
22 not enter into any agreement without an affirmative vote of the local governing
23 authority consistent with the Open Meetings Law. The local government shall
24 publish on its website and in its official journal a notice containing general

1 information regarding each negotiation to which records are confidential pursuant
2 to this Section no later than five days after the determination of confidentiality. Such
3 notice shall include the date of the chief executive officer's determination. Records
4 of expenses of the local government pertaining to the negotiation shall be public and
5 subject to review, except that the chief executive officer may redact information that
6 he determines would identify or lead to the identification of the person with whom
7 the local government is negotiating and such information shall be confidential until
8 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:

21 (1) "Active negotiation" or "negotiation remains active" means a negotiation
22 that has commenced concerning a project for the retention, expansion, or location of
23 a business within the jurisdictional boundaries of the local government and which is
24 not concluded when the local government receives a request for information or other
25 similar document concerning the project. For the purposes of this Section, a
26 negotiation is no longer active or is concluded when the local government decides
27 to no longer actively pursue the proposed project with the person; when the person
28 with whom the local government was negotiating decides not to pursue the proposed
29 project; or when a proposal affecting the negotiation is submitted to a public body
30 for consideration by the public body in a public meeting, whichever occurs earlier.

1 (2) "Chief executive officer" for a municipality means the mayor and for a
2 parish, means the parish president or the official designated as the chief executive
3 officer of the parish by law or home rule charter.

4 (3) "Local government" means a parish or municipality.

5 (4) "Economic development" means a project for which a company seeking
6 incentives commits to either:

7 (a) Creating or retaining at least fifteen permanent jobs for manufacturing
8 or distribution centers or at least twenty-five permanent jobs for digital media,
9 headquarters, research and development or inbound call center operations.

10 (b) Having at least five million dollars in capital improvements.

11 D. The provisions of Subsection A of this Section shall not apply to any
12 application for a license or permit or to any record of negotiations concerning any
13 hazardous waste or waste site as "hazardous waste" and "waste" are defined in R.S.
14 30:2173.

15 E. The provisions of this Section shall have no effect unless the party whose
16 information is being maintained as confidential also maintains as confidential any
17 information provided to the party by the local government concerning the project
18 which remains in active negotiation.

19 F. The provisions of this Section shall terminate on January 1, 2028.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____