

Regular Session, 2014

SENATE BILL NO. 332

BY SENATOR MORRISH AND REPRESENTATIVE MONTOUCET

PUBLIC CONTRACTS. Provides bidding documents prior to opening bids are not subject to public records requirements. (gov sig)

1 AN ACT

2 To enact R.S. 44:24, relative to public records; to provide for an exception to public records
3 for bidding documents for a project for public work until bids on such project are
4 opened; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 44:24 is hereby enacted to read as follows:

7 **§24. Public contracts; bidding documents**

8 **Notwithstanding the provisions of R.S. 44:31, 32, or 33, bidding**
9 **documents for a project for public work advertised and let or for a project for**
10 **public work to be advertised and let by a public entity in accordance with R.S.**
11 **38:2212 shall not be available for examination, inspection, copying, or**
12 **reproduction, and shall not be considered a public record until the date that the**
13 **bids for such project are opened. If the custodian of such a record receives a**
14 **request for bidding documents prior to the date the bids for such project are**
15 **opened, except as provided in R.S. 38:2212, the custodian shall notify the**
16 **requestor that such documents are not available and shall specify the date that**
17 **the record will be available.**

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

Morrish (SB 332)

Present law (R.S. 38:2212) requires the public entity to furnish bidding documents to prime bidders.

Proposed law provides an exception to public records for bidding documents for a project for public work advertised and let or for a project for public work to be advertised and let by a public entity in accordance with R.S. 38:2212. Provides such bidding documents shall not be considered a public record until the date that bids for such project are opened. Provides that if the custodian of such a record receives a request for bidding documents prior to the date bids for such project are opened, except as provided in R.S. 38:2212, the custodian shall notify the requestor that such documents are not available and shall specify the date that the record will be available.

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

(Adds R.S. 44:24)