

2016 Regular Session

SENATE BILL NO. 23

BY SENATOR MARTINY

SECRETARY OF STATE. Provides relative to business filings with the secretary of state.
(2/1/17)

AN ACT

To amend and reenact R.S. 44:4.1(B)(3) and (5) and to enact R.S. 9:3411 and R.S. 12:1705,
relative to business filings; to provide relative to the submission of certain
information to the secretary of state; to provide for confidentiality; to provide for
public records; to provide for certain exceptions; to provide for certain terms and
conditions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:3411 is hereby enacted to read as follows:

§3411. North American Industry Classification System Codes; filings;
confidentiality

A. All entities submitting filings to the secretary of state in accordance
with the provisions of Chapters 1 through 4 of this Code Title shall include in
each filing their North American Industry Classification System Code.

B. Any North American Industry Classification System Code submitted
to or captured by the secretary of state pursuant to the provisions of this Section
shall be confidential and shall not be disclosed by the secretary of state or any
employee or official of the Department of State.

1 C.(1) The provisions of Subsection B of this Section shall not prohibit
2 the disclosure of the North American Industry Classification System Codes by
3 the secretary of state or any employee or official of the Department of State to
4 an agency, official, or employee of state government or of a political subdivision
5 of the state in the course of the interaction of the agency, official, or employee
6 with the Department of State. An agency, official, or employee that receives
7 North American Industry Classification System Codes in accordance with the
8 provisions of this Subsection shall use the North American Industry
9 Classification System Codes only for the governmental purposes for which the
10 information was submitted to or captured by the secretary of state, shall not
11 disclose the North American Industry Classification System Codes, and shall
12 maintain the confidentiality of the North American Industry Classification
13 System Codes.

14 Section 2. R.S. 12:1705 is hereby enacted to read as follows:

15 §1705. North American Industry Classification System Codes; filings;
16 confidentiality

17 A. All entities submitting filings to the secretary of state in accordance
18 with the provisions of this Title shall include in each filing their North American
19 Industry Classification System Code.

20 B. Any North American Industry Classification System Code submitted
21 to or captured by the secretary of state pursuant to the provisions of this Section
22 shall be confidential and shall not be disclosed by the secretary of state or any
23 employee or official of the Department of State.

24 C.(1) The provisions of Subsection B of this Section shall not prohibit
25 the disclosure of the North American Industry Classification System Codes by
26 the secretary of state or any employee or official of the Department of State to
27 an agency, official, or employee of state government or of a political subdivision
28 of the state in the course of the interaction of the agency, official, or employee
29 with the Department of State. An agency, official, or employee that receives

North American Industry Classification System Codes in accordance with the provisions of this Subsection shall use the North American Industry Classification System Codes only for the governmental purposes for which the information was submitted to or captured by the secretary of state, shall not disclose the North American Industry Classification System Codes, and shall maintain the confidentiality of the North American Industry Classification System Codes.

Section 3. R.S. 44:4.1(B)(3) and (5) are hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

(3) R.S. 9:172, 224, 313, 331.1, 395, 461, 1033, **3411**, 3518.1, 3556, 3574.6, 3576.21

* * *

(5) R.S. 12:1702, **1705**

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Section 4. This Act shall become effective on February 1, 2017.

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

DIGEST

SB 23 Original 2016 Regular Session Martiny

Present law provides for registration and filings of business entities with the secretary of state.

Proposed law retains present law and provides that all entities required to submit filings with the secretary of state include in each filing their North American Industry Classification

System ("NAICS") Code.

Proposed law provides that any NAICS Code submitted to or captured by the secretary of state shall be confidential and shall not be disclosed by the secretary of state or any employee or official of the Dept. of State.

Proposed law shall not prohibit the disclosure of the NAICS Codes by the secretary of state or any employee or official of the Dept. of State to an agency, official, or employee of state government or of a political subdivision of the state in the course of the interaction of the agency, official, or employee with the Dept. of State.

Proposed law provides that an agency, official, or employee that receives NAICS Codes pursuant to proposed law shall use the NAICS Codes only for the governmental purposes for which the information was submitted to or captured by the secretary of state, shall not disclose the NAICS Codes, and shall maintain the confidentiality of the NAICS Codes.

Present law provides for public records and exceptions to the public records law.

Proposed law creates an exception to the public records law for the NAICS Codes submitted to or captured by the secretary of state.

Effective February 1, 2017.

(Amends R.S. 44:4.1(B)(3) and (5); adds R.S. 9:3411 and R.S. 12:1705)