

Regular Session, 2010

HOUSE BILL NO. 500

BY REPRESENTATIVE WADDELL

PUBLIC RECORDS: Removes exemption from public records laws for economic development negotiations

1 AN ACT

2 To repeal R.S. 44:22, relative to records of economic development negotiations; to provide
3 for effectiveness; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 44:22 is hereby repealed in its entirety.

6 Section 2. Any information pertaining to an active negotiation made confidential
7 prior to the effectiveness of this Act in accordance with R.S. 44:22(A) as such provisions
8 existed prior to the effectiveness of this Act may remain confidential for the time period and
9 in accordance with the terms and conditions provided in R.S. 44:22 as such provisions
10 existed prior to the effectiveness of this Act.

11 Section 3. 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.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Waddell

HB No. 500

Abstract: Removes provisions of law which allow records in the custody of the Dept. of Economic Development pertaining to an active negotiation with a person for purposes of economic development in the state to be confidential.

Present law provides that records in the custody of the Dept. of Economic Development (DED) pertaining to an active negotiation with a person for purposes of economic development in the state shall be confidential if such confidentiality is requested in writing with reasons and asserting that the negotiation is conditioned on such confidentiality, and if the secretary of DED determines that disclosure of such records would have a detrimental effect on the negotiation and reasons therefor. Requires publication in the official state journal of a notice no later than 10 days after the secretary's determination. Present law defines active negotiation as a negotiation that has commenced when DED responds to a request for information from a person requesting assistance in the retention, expansion, or location of a business in the state and which is not concluded. Provides that a negotiation is no longer active or is concluded when the department or the person decides to no longer actively pursue the request for assistance or when a proposal affecting the negotiation is submitted to a public body for public consideration, whichever occurs earlier.

Present law limits the confidentiality of economic development negotiations to 12 months from the date of the secretary's determination of confidentiality, but allows confidentiality to be extended another 12 months if the negotiation remains active and the secretary determines the disclosure would be detrimental to the negotiation and he provides notice in the official state journal.

Present law provides that DED expense records pertaining to the negotiation shall be public except the secretary may redact information he determines would identify the person with whom the department is negotiating and such information shall be confidential until negotiations are concluded. Provides that at the conclusion of the negotiation, all such records shall be subject to the public records law.

Present law further provides that present law provisions relative to confidentiality shall not apply to an application for license or permit or any record of negotiations concerning any hazardous waste or waste site.

Present law also provides that the confidentiality provisions shall not be effective unless the party whose information is being held confidential maintains as confidential information provided to the party by DED.

Present law is void and of no effect beginning with any negotiations starting on or after July 1, 2012.

Proposed law removes the provisions of present law. However provides that any information pertaining to an active negotiation made confidential prior to the effectiveness of proposed law in accordance with present law may remain confidential for the time period and in accordance with the terms and conditions provided in present law.

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

(Repeals R.S. 44:22)