SLS 20RS-235

ORIGINAL

2020 Regular Session

SENATE BILL NO. 43

BY SENATOR JOHNS

COMMERCIAL REGULATIONS. Provides relative to business filings and NAICS codes. (8/1/20)

1	AN ACT
2	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,
3	relative to business filings; to provide relative to the North American Industry
4	Classification System codes; to provide for confidentiality of certain information; to
5	provide for public records; to provide for exceptions, exemptions, and limitations;
6	to provide for terms, conditions, and procedures; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 9:3411 is hereby enacted to read as follows:
9	<u>§3411. North American Industry Classification System; codes; filings;</u>
10	<u>confidentiality</u>
11	A. Beginning February 1, 2021, if requested by the secretary of state, an
12	entity that submits filings in accordance with the provisions of this Code Title
13	shall include with each filing the entity's North American Industry
14	Classification System (NAICS) code.
15	B. Any NAICS code submitted to or captured by the secretary of state
16	pursuant to the provisions of this Section shall be confidential and shall not be
17	disclosed by the secretary of state or any employee or official of the Department

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1	of State.
2	C.(1) The provisions of Subsection B of this Section shall not prohibit
3	the disclosure of a NAICS code by the secretary of state or any employee or
4	official of the Department of State to an agency, official, or employee of state
5	government or a political subdivision of the state during the course of the
6	interaction with such agency, official, or employee.
7	(2) Any person who receives a NAICS code pursuant to Paragraph
8	(C)(1) of this Subsection shall use such code only for the governmental purpose
9	for which the information was submitted to or captured by the secretary of
10	state, shall not disclose the NAICS code, and shall maintain the confidentiality
11	of the NAICS code.
12	Section 2. R.S. 12:1705 is hereby enacted to read as follows:
13	§1705. North American Industry Classification System; codes; filings;
14	<u>confidentiality</u>
15	A. Beginning February 1, 2021, if requested by the secretary of state, an
16	entity that submits filings in accordance with the provisions of this Title shall
17	include with each filing the entity's North American Industry Classification
18	System (NAICS) code.
19	B. Any NAICS code submitted to or captured by the secretary of state
20	pursuant to the provisions of this Section shall be confidential and shall not be
21	disclosed by the secretary of state or any employee or official of the Department
22	of State.
23	C.(1) The provisions of Subsection B of this Section shall not prohibit
24	the disclosure of a NAICS code by the secretary of state or any employee or
25	official of the Department of State to an agency, official, or employee of state
26	government or a political subdivision of the state during the course of the
27	interaction with such agency, official, or employee.
28	(2) Any person who receives a NAICS code pursuant to Paragraph
29	(C)(1) of this Subsection shall use such code only for the governmental purpose

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1	for which the information was submitted to or captured by the secretary of
2	state, shall not disclose the NAICS code, and shall maintain the confidentiality
3	of the NAICS code.
4	Section 3. R.S. 44:4.1(B)(3) and (5) are hereby amended and reenacted to read as
5	follows:
6	§4.1. Exceptions
7	* * *
8	B. The legislature further recognizes that there exist exceptions, exemptions
9	and limitations to the laws pertaining to public records throughout the revised
0	statutes and codes of this state. Therefore, the following exceptions, exemptions, and
1	limitations are hereby continued in effect by incorporation into this Chapter by
12	citation:
13	* * *
4	(3) R.S. 9:172, 224, 313, 331.1, 395, 461, 1033, <u>3411</u> , 3518.1, 3556, 3574.6
5	3576.21
16	* * *
17	(5) R.S. 12:1702 <u>, 1705</u>
18	* * *

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

SB 43 Original

DIGEST 2020 Regular Session

Johns

Present law provides relative to business filings with the secretary of state.

<u>Proposed law</u> provides that beginning February 1, 2021, the secretary of state may request a business entity to include its North American Industry Classification System (NAICS) code with certain business filings.

<u>Proposed law</u> provides that the 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 Department of State (department).

<u>Proposed law</u> allows for disclosure of the NAICS code by the secretary of state or an employee or official of the department to an agency, official, or employee of state government or a political subdivision of the state in the course of the interaction with such agency, official, or employee.

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<u>Proposed law</u> requires any person who receives a NAICS code to use such code only for the governmental purpose for which the information was submitted to or captured by the secretary of state. <u>Proposed law</u> prohibits such person from disclosing the code and requires such person to maintain confidentiality of the code.

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

<u>Proposed law</u> excludes any NAICS code submitted to or captured by the secretary of state from the public records law.

Effective August 1, 2020.

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