

Regular Session, 2012

HOUSE BILL NO. 756

BY REPRESENTATIVE ABRAMSON

PUBLIC RECORDS: Exempts certain materials of higher education boards and institutions from disclosure under the Public Records Law

1 AN ACT

2 To enact R.S. 44:4(16)(introductory paragraph) and (e) through (g), relative to public
3 records; to provide relative to records of boards or institutions of higher learning; to
4 exempt certain records from the Public Records Law; to provide for effectiveness;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 44:4(16)(introductory paragraph) and (e) through (g) are hereby
8 enacted to read as follows:

9 §4. Applicability

10 This Chapter shall not apply:

11 * * *

12 (16) To the following records of a board or institution of higher learning, in
13 accordance with rules and regulations promulgated by the Board of ~~Trustees for State~~
14 ~~Colleges and Universities~~, Supervisors for the University of Louisiana System, the
15 Board of Supervisors of Louisiana State University and Agricultural and Mechanical
16 College, and the Board of Supervisors of Southern University and Agricultural and
17 Mechanical College, or their successors, in conjunction with the Board of Regents,
18 for programs and institutions under their supervision and management, unless access
19 to the records is specifically required by state or federal statute or is ordered by a
20 court under rules of discovery:

21 * * *

records is specifically required by state or federal statute or is ordered by a court under rules of discovery. Includes the following:

- (1) Trade secrets and commercial or financial information obtained from a person, firm, or corporation, pertaining to research or to the commercialization of technology, including any such information designated as confidential by such person, firm, or corporation, but not including any such information relating to the identity of principals, officers, or individuals and entities directly or indirectly owning or controlling an entity other than a publicly held entity, or the identity of principals, officers, or individuals and entities directly owning or controlling five percent or more of a publicly held entity.
- (2) Data, records, or information produced or collected by or for faculty or staff of state institutions of higher learning in the conduct of or as a result of, study or research on commercial, scientific, or technical subjects of a patentable or licensable nature, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, until such data, records, or information have been publicly released, published, or patented.
- (3) Those portions of research proposals, supporting documentation, and information, submitted by an institution of higher learning to the Board of Regents' La. Education Quality Support Fund Program, which have been certified by the institution as containing data, information, ideas, or plans of a potentially patentable or licensable nature, including any discussions or written comments concerning such information by reviewers of the proposals, but not including reviewer ratings, until such data, records, or information have been publicly released, published, or patented.
- (4) Those portions of private document collections donated to state institutions of higher learning for historical research or preservation purposes, which are designated by the donor to have restricted access for a specific period of time.

Proposed law retains present law and adds the following to the exemption:

- (1) Materials or records developed, discovered, disclosed to, or received by or on behalf of faculty, staff, or employees of an institution that have previously been the subject of a denied discovery request.
- (2) Test questions, scoring keys, and other examination data pertaining to the administration of an academic examination.
- (3) Teaching materials used by faculty that are not provided to students, including unpublished lecture notes, outlines, slides, syllabi, or recordings.

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

(Adds R.S. 44:4(16)(intro. para.) and (e)-(g))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Corrects a reference in present law to the Board of Trustees for State Colleges and Universities to refer instead to the Board of Supervisors for the University of Louisiana System.

2. Deletes from proposed law provisions relative to admission applications, disciplinary proceedings against students, and records produced or collected in connection with study or research on certain issues.
3. Makes technical changes.