

The House Committee on Economic Development and Tourism offers the following substitute to HB 218:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 50-14-3 of the Official Code of Georgia Annotated, relating to
2 proceedings excluded from the provisions of Chapter 14 of Title 50, so as to provide a new
3 exclusion from such provisions; to amend Code Section 50-18-72 of the Official Code of
4 Georgia Annotated, relating to public records exempted from inspection by members of the
5 general public, so as to provide an exemption for certain records of an agency engaged in a
6 program of economic development; to provide for disclosure of such records under certain
7 conditions; to provide for related matters; to provide an effective date; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Code Section 50-14-3 of the Official Code of Georgia Annotated, relating to proceedings
11 excluded from the provisions of Chapter 14 of Title 50, is amended by striking paragraph (9)
12 and inserting in lieu thereof a new paragraph (9) to read as follows:

13 "(9) Meetings when discussing any records that are exempt from public inspection or
14 disclosure pursuant to paragraph (15) or paragraph (18) of subsection (a) of Code Section
15 50-18-72 or when discussing any information a record of which would be exempt from
16 public inspection or disclosure under said paragraph."
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SECTION 2.

18 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to public records
19 exempted from inspection by members of the general public, is amended in subsection (a)
20 by striking the word "or" at the end of paragraph (16), by substituting "; or" for the period
21 at the end of paragraph (17), and by inserting at the end thereof a new paragraph (18) to read
22 as follows:

23 "(18)(A) Records of an agency engaged in a program of economic development that
24 would:
25

1 (i) Identify or reveal private persons, businesses, any other agency or entities
2 contacted or being solicited by the agency in carrying out the development functions
3 of the agency;

4 (ii) Reveal the terms of any agreement or proposed agreement being negotiated by
5 and between an agency and any private persons, businesses, any other agency or
6 entities in carrying out such program; or

7 (iii) Contain data, records, or information of a proprietary nature, produced or
8 collected by or for the agency or other governmental agencies, in the conduct of or as
9 a result of, study or research on commercial, economic, or marketing aspects of the
10 economic development program.

11 (B) For the purposes of this paragraph, a program of economic development is one
12 established by an agency for the purpose of maintaining, supporting, or expanding the
13 economic or employment base of the jurisdiction that establishes the program.

14 (C) Records not subject to disclosure pursuant to subparagraph (A) of this paragraph
15 shall become subject to public disclosure once the agency, person, business, or entity
16 publicly announces that the entity or business that is the subject of negotiations will be
17 retained, expanded, or located in the jurisdiction or that negotiations to do so have been
18 terminated or abandoned."

19 **SECTION 3.**

20 This Act shall become effective upon its approval by the Governor or upon its becoming law
21 without such approval.

22 **SECTION 4.**

23 All laws and parts of laws in conflict with this Act are repealed.