

House Bill 218 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Stephens of the 164<sup>th</sup>, Horne of the 71<sup>st</sup>, Cheokas of the 134<sup>th</sup>, and Parrish of the 156<sup>th</sup>

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."  
17

**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

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

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 (D) Nothing in this paragraph shall be construed to exempt any records necessary for  
 20 or related to:

21 (i) The exercise of local government zoning powers pursuant to Chapter 66 of Title  
 22 36;

23 (ii) An application for a permit required by the Environmental Protection Division  
 24 of the Department of Natural Resources pursuant to Title 12; or

25 (iii) The development or implementation of any comprehensive plan required by  
 26 Article 1 of Chapter 70 of Title 36.

27 Furthermore, nothing in this paragraph shall be construed to exclude hearings or  
 28 meetings to discuss any such zoning decisions, permit applications, or comprehensive  
 29 plans from the requirements of Chapter 14 of Title 50."

### 30 SECTION 3.

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

### 33 SECTION 4.

34 All laws and parts of laws in conflict with this Act are repealed.