

Senate Bill 159

By: Senators Mullis of the 53rd, Chance of the 16th, Rogers of the 21st, Gooch of the 51st, Miller of the 49th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 10-1-767 of the Official Code of Georgia Annotated, relating to
2 applicability of article relative to trade secrets, so as to clarify that certain information
3 generated as a result of an economic development project conducted by a private person or
4 entity shall not constitute public information; to provide for exceptions; to provide for related
5 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Code Section 10-1-767 of the Official Code of Georgia Annotated, relating to applicability
9 of article relative to trade secrets, is amended by adding a new subsection to read as follows:

10 "(c)(1) As used in this subsection, the term 'government agency' means:

11 (A) A state department, agency, board, bureau, commission, public corporation, or
12 authority;

13 (B) A local governing body, county, municipal corporation, consolidated government,
14 school district, or other political subdivision of this state;

15 (C) A department, agency, board, bureau, commission, public corporation, authority,
16 or similar body of an entity listed in subparagraph (B) of this paragraph;

17 (D) A city, county, regional, or other authority established by the laws of this state;

18 (E) Any public body corporate and politic established by the laws of this state; or

19 (F) A nonprofit organization that receives a direct allocation of tax funds when such
20 funds constitute more than 33 1/3 percent of the funds received by such organization
21 from all sources; provided, however, a nonprofit organization shall not be considered
22 a government agency if such nonprofit organization is a dispenser of pharmaceutical
23 products, hospital, nursing home, or other health care facility or any subagency or
24 affiliate of such a nonprofit organization.

25 (2) Except as provided in this paragraph, information relating to a private person or
26 entity's economic development project, as designated by a government agency, shall not

27 be subject to any mandatory public disclosure requirement, and no document or record
28 containing information about such private economic development project shall constitute
29 a matter of public record. No meeting of a government agency discussing matters related
30 to an economic development project of a private person or entity shall be a public
31 meeting or be required to be opened to the public. At the time that a private person or
32 entity responsible for an economic development project announces to the general public
33 that the project or business related thereto, will be retained, expanded, or located in this
34 state or that such proposed project has been terminated, then records containing the
35 identity of the private person or entity and the terms and conditions of such project shall
36 be a matter of public record. Nothing contained in this paragraph shall prohibit a
37 government agency from entering into an agreement, consistent with the requirements of
38 this paragraph, with a person or entity prohibiting or authorizing public disclosure of
39 information relating to an economic development project."

40 **SECTION 2.**

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

43 **SECTION 3.**

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