

COMMITTEE OF CONFERENCE SUBSTITUTE TO HB 875

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics
2 in government, so as to provide that certain records of the Georgia Government Transparency
3 and Campaign Finance Commission may not be subject to public inspection; to provide for
4 filings with, fees of, and notices by the commission; to amend Code Section 27-1-3 of the
5 Official Code of Georgia Annotated, relating to ownership and custody of wildlife,
6 preservation of hunting and fishing opportunities, promotion and right to hunt, trap, or fish,
7 local regulation, and general offenses, so as to provide for privacy of certain records and
8 personal information maintained by the Department of Natural Resources pursuant to Title
9 27; to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to
10 when public disclosure is not required for certain records and disclosure of exempting legal
11 authority, so as to exempt certain records of the Department of Agriculture from disclosure;
12 to amend Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to
13 numbering of vessels generally, so as to provide for privacy of certain records and personal
14 information maintained by the department pursuant to Title 52; to repeal conflicting laws;
15 and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in
19 government, is amended in Code Section 21-5-6, relating to powers and duties of the Georgia
20 Government Transparency and Campaign Finance Commission, by adding a new paragraph
21 in subsection (a) to read as follows:

22 "(5.1) In the discretion of the commission, to seal any records of the commission relating
23 to a concluded investigation of an alleged or suspected violation if that investigation
24 resulted in a determination by the commission either that no violation occurred or that
25 only a technical defect in a filing occurred in accordance with Code Section 21-5-7.1.

26 Any records so sealed shall not be open to public inspection under Article 4 of Chapter
 27 18 of Title 50:"

28 **SECTION 2.**

29 Said chapter is further amended in Code Section 21-5-50, relating to filings by public
 30 officers, filings by candidates for public office, filings by elected officials and members of
 31 the General Assembly, electronic filing, and transfer of filings from the Secretary of State
 32 to the commission, by adding a new subsection to read as follows:

33 "(f.1)(1) The commission shall not give public notice stating that a filing required by this
 34 Code section was made late or was otherwise deficient until at least 30 days after the
 35 deadline for filing.

36 (2) The commission may provide by rule or regulation for the waiver of late fees
 37 imposed under subsection (f) of this Code section."

38 **SECTION 3.**

39 Said chapter is further amended in Code Section 21-5-71, relating to lobbyist registration
 40 requirements, application for registration, supplemental registration, expiration, docket, fees,
 41 identification cards, public rosters, and exemptions, by adding a new subparagraph in
 42 paragraph (2) of subsection (f) to read as follows:

43 "(F) The commission may provide by rule or regulation for the waiver of late fees
 44 imposed under subparagraphs (D) and (E) of this paragraph."

45 **SECTION 4.**

46 Code Section 27-1-3 of the Official Code of Georgia Annotated, relating to ownership and
 47 custody of wildlife, preservation of hunting and fishing opportunities, promotion and right
 48 to hunt, trap, or fish, local regulation, and general offenses, is amended by adding a new
 49 subsection to read as follows:

50 "(k) Records maintained by the department concerning individuals applying for, or in
 51 possession of, any license, registration, permit, stamp, or permission issued by the
 52 department under this title that reveal an individual's photograph or digitized image, social
 53 security number, date of birth, driver's identification number, home address, home
 54 telephone number, personal e-mail address, personal mobile telephone number, personal
 55 text number, medical or disability information, bank account numbers, account or
 56 identification number issued or used by any federal or state governmental agency or private
 57 financial institution, employment history, height, weight, race, or other physical details,
 58 signature, biometric identifiers, and any credit records or reports are exempt from any law

59 of this state requiring that such records be open for public inspection; provided, however,
 60 that such records may be provided to public or private entities performing activities under
 61 an agreement with the department and such records shall remain exempt from public
 62 inspection. Such records shall also be provided, upon request, to any judge, law
 63 enforcement agency, or prosecuting official for use in the investigation or prosecution of
 64 alleged criminal or unlawful activity, and such records may be provided to other
 65 governmental entities for official use. Individuals applying for any license, registration,
 66 permit, stamp, or permission issued by the department under this title related to a business
 67 may indicate on the application that the department may reveal the address, telephone
 68 number, and e-mail address given for the business, even if these are the same as the
 69 individual's home address, telephone number, personal e-mail address, personal mobile
 70 telephone number, or personal text number."

71 **SECTION 5.**

72 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
 73 disclosure is not required for certain records and disclosure of exempting legal authority, is
 74 amended by adding a new paragraph in subsection (a) to read as follows:

75 "(10.4) Records, data, or information compiled and maintained by the Department of
 76 Agriculture regarding applicants for or recipients of certification for taxation purposes
 77 as a qualified agriculture producer as defined in Code Section 48-8-3.3; provided,
 78 however, that nothing in this paragraph shall prevent the release of such records, data, or
 79 information to a law enforcement officer, prosecutor, or judge or another state or federal
 80 agency for use in the investigation or prosecution of alleged criminal or unlawful activity
 81 or for other official use;"

82 **SECTION 6.**

83 Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to numbering of
 84 vessels generally, is amended by revising subsection (g) as follows:

85 "(g) All records of the department made or kept pursuant to this Code section shall be
 86 public records; provided, however, that the records maintained by the department
 87 concerning individuals applying for, or in possession of, any license, registration, permit,
 88 stamp, or permission issued by the department under this title that reveal an individual's
 89 photograph or digitized image, social security number, date of birth, driver's identification
 90 number, home address, home telephone number, personal e-mail address, personal mobile
 91 telephone number, personal text number, medical or disability information, bank account
 92 numbers, account or identification number issued or used by any federal or state
 93 governmental agency or private financial institution, employment history, height, weight,

94 race, or other physical details, signature, biometric identifiers, and any credit records or
95 reports are exempt from any law of this state requiring that such records be open for public
96 inspection; provided, however, that such records may be provided to public or private
97 entities performing activities under an agreement with the department and such records
98 shall remain exempt from public inspection. Such records shall also be provided, upon
99 request, to any judge, law enforcement agency, or prosecuting official for use in the
100 investigation or prosecution of alleged criminal or unlawful activity, and such records may
101 be provided to other governmental entities for official use. Individuals applying for any
102 license, registration, permit, stamp, or permission issued by the department under this title
103 related to a business may indicate on the application that the department may reveal the
104 address, telephone number, and e-mail address given for the business, even if these are the
105 same as the individual's home address, telephone number, personal e-mail address, personal
106 mobile telephone number, or personal text number."

107 **SECTION 7.**

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