

## 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.