

The Senate Economic Development Committee offered the following substitute to SB 159:

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) Any state body corporate and politic established by the laws of this state; or

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

20 (2) Except as provided in this paragraph, information relating to a private person or
21 entity's economic development project, as designated by a government agency, shall not
22 be subject to any mandatory public disclosure requirement, and no document or record
23 containing information about such private economic development project shall constitute
24 a matter of public record. No meeting of a government agency discussing matters related
25 to an economic development project of a private person or entity shall be a public

26 meeting or be required to be opened to the public. At the time that a private person or
27 entity responsible for an economic development project announces to the general public
28 that the project or business related thereto, will be retained, expanded, or located in this
29 state or that such proposed project has been terminated, then records containing the
30 identity of the private person or entity and the terms and conditions of such project shall
31 be a matter of public record. Nothing contained in this paragraph shall prohibit a
32 government agency from entering into an agreement, consistent with the requirements of
33 this paragraph, with a private person or entity prohibiting or authorizing public disclosure
34 of information relating to an economic development project."

35 **SECTION 2.**

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

38 **SECTION 3.**

39 All laws and parts of laws in conflict with this Act are repealed.