



State of Tennessee

PUBLIC CHAPTER NO. 421

SENATE BILL NO. 1179

By Hensley

Substituted for: House Bill No. 947

By Whitson, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 5, Chapter 1, Part 1; Title 6, Chapter 54; Title 10, Chapter 7 and Title 12, relative to public records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) Except as otherwise provided in this section, any contract or agreement, together with all supporting records and documentation, that obligates public funds as part of a county's economic and community development program to assist new and existing businesses and industries in locating or expanding in the county is a public record subject to title 10, chapter 7, part 5, and open for public inspection as of the date such contract or agreement is made available to members of the governing body. A governing body shall publicly disclose the proposed contract or agreement in a manner that would adequately notify and fairly inform the public of the proposed contract or agreement before voting on the proposal.

(b) This section does not apply to trade secrets received or maintained by a county. All such trade secrets are confidential.

(c) This section does not apply to company documents or records containing marketing information or capital plans that are provided to a county with the understanding that they are confidential. Any such document or record is confidential until such time as the provider thereof no longer requires its confidentiality.

(d) As used in this section:

(1) "Capital plans" means plans, feasibility studies, and similar research and information that will contribute to the identification of future business sites and capital investments;

(2) "Marketing information" means marketing studies, marketing analyses, and similar research and information designed to identify potential customers and business relationships; and

(3) "Trade secrets" means manufacturing processes, materials used in manufacturing processes, and costs associated with the manufacturing process of a person or company submitting information to a county relating to an opportunity to contract with the county.

SECTION 2. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following as a new section:

(a) Except as otherwise provided in this section, any contract or agreement, together with all supporting records and documentation, that obligates public funds as part of a municipality's economic and community development program to assist new and existing businesses and industries in locating or expanding in the municipality is a public record subject to title 10, chapter 7, part 5, and open for public inspection as of the date such

contract or agreement is made available to members of the governing body. A governing body shall publicly disclose the proposed contract or agreement in a manner that would adequately notify and fairly inform the public of the proposed contract or agreement before voting on the proposal.

(b) This section does not apply to trade secrets received or maintained by a municipality. All such trade secrets are confidential.

(c) This section does not apply to company documents or records containing marketing information or capital plans that are provided to a municipality with the understanding that they are confidential. Any such document or record is confidential until such time as the provider thereof no longer requires its confidentiality.

(d) As used in this section:

(1) "Capital plans" means plans, feasibility studies, and similar research and information that will contribute to the identification of future business sites and capital investments;

(2) "Marketing information" means marketing studies, marketing analyses, and similar research and information designed to identify potential customers and business relationships; and

(3) "Trade secrets" means manufacturing processes, materials used in manufacturing processes, and costs associated with the manufacturing process of a person or company submitting information to a municipality relating to an opportunity to contract with the municipality.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

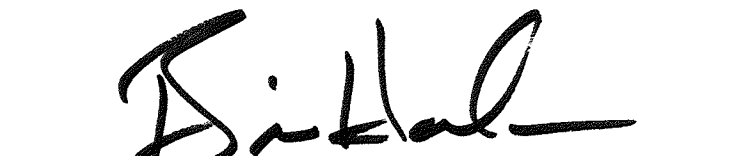
SENATE BILL NO. 1179

PASSED: May 4, 2017


RANDY McNALLY
SPEAKER OF THE SENATE


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of May 2017


BILL HASLAM, GOVERNOR