

House Bill 784

By: Representatives Lumsden of the 12th, Jasperse of the 11th, Hitchens of the 161st,
Wiedower of the 119th, Gaines of the 117th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to open
2 and public meetings, so as to provide that discussions of school safety plans by members of
3 a local board of education may be conducted in executive session; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to open and public
8 meetings, is amended by revising Code Section 50-14-3, relating to excluded proceedings,
9 as follows:

10 "50-14-3.

11 (a) This chapter shall not apply to the following:

12 (1) Staff meetings held for investigative purposes under duties or responsibilities
13 imposed by law;

14 (2) The deliberations and voting of the State Board of Pardons and Paroles; and in
15 addition such board may close a meeting held for the purpose of receiving information
16 or evidence for or against clemency or in revocation proceedings if it determines that the
17 receipt of such information or evidence in open meeting would present a substantial risk
18 of harm or injury to a witness;

19 (3) Meetings of the Georgia Bureau of Investigation or any other law enforcement or
20 prosecutorial agency in the state, including grand jury meetings;

21 (4) Adoptions and proceedings related thereto;

22 (5) Gatherings involving an agency and one or more neutral third parties in mediation
23 of a dispute between the agency and any other party. In such a gathering, the neutral
24 party may caucus jointly or independently with the parties to the mediation to facilitate
25 a resolution to the conflict, and any such caucus shall not be subject to the requirements
26 of this chapter. Any decision or resolution agreed to by an agency at any such caucus

27 shall not become effective until ratified in a public meeting and the terms of any such
 28 decision or resolution are disclosed to the public. Any final settlement agreement,
 29 memorandum of agreement, memorandum of understanding, or other similar document,
 30 however denominated, in which an agency has formally resolved a claim or dispute shall be
 31 subject to the provisions of Article 4 of Chapter 18 of this title;

32 (6) Meetings:

33 (A) Of any medical staff committee of a public hospital;

34 (B) Of the governing authority of a public hospital or any committee thereof when
 35 performing a peer review or medical review function as set forth in Code
 36 Section 31-7-15, Articles 6 and 6A of Chapter 7 of Title 31, or under any other
 37 applicable federal or state statute or regulation; and

38 (C) Of the governing authority of a public hospital or any committee thereof in which
 39 the granting, restriction, or revocation of staff privileges or the granting of abortions
 40 under state or federal law is discussed, considered, or voted upon;

41 (7) Incidental conversation unrelated to the business of the agency; ~~or~~

42 (8) Email communications among members of an agency; provided, however, that such
 43 communications shall be subject to disclosure pursuant to Article 4 of Chapter 18 of this
 44 title; or

45 (9) Meetings of a local board of education to discuss, vote upon, review, or assess school
 46 safety plans prepared pursuant to Code Section 20-2-1185.

47 (b) Subject to compliance with the other provisions of this chapter, executive sessions shall
 48 be permitted for:

49 (1) Meetings when any agency is discussing or voting to:

50 (A) Authorize the settlement of any matter which may be properly discussed in
 51 executive session in accordance with paragraph (1) of Code Section 50-14-2;

52 (B) Authorize negotiations to purchase, dispose of, or lease property;

53 (C) Authorize the ordering of an appraisal related to the acquisition or disposal of real
 54 estate;

55 (D) Enter into a contract to purchase, dispose of, or lease property subject to approval
 56 in a subsequent public vote; or

57 (E) Enter into an option to purchase, dispose of, or lease real estate subject to approval
 58 in subsequent public vote.

59 No vote in executive session to acquire, dispose of, or lease real estate, or to settle
 60 litigation, claims, or administrative proceedings, shall be binding on an agency until a
 61 subsequent vote is taken in an open meeting where the identity of the property and the
 62 terms of the acquisition, disposal, or lease are disclosed before the vote or where the
 63 parties and principal settlement terms are disclosed before the vote;

- 64 (2) Meetings when discussing or deliberating upon the appointment, employment,
65 compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of
66 a public officer or employee or interviewing applicants for the position of the executive
67 head of an agency. This exception shall not apply to the receipt of evidence or when
68 hearing argument on personnel matters, including whether to impose disciplinary action
69 or dismiss a public officer or employee or when considering or discussing matters of
70 policy regarding the employment or hiring practices of the agency. The vote on any
71 matter covered by this paragraph shall be taken in public and minutes of the meeting as
72 provided in this chapter shall be made available. Meetings by an agency to discuss or
73 take action on the filling of a vacancy in the membership of the agency itself shall at all
74 times be open to the public as provided in this chapter;
- 75 (3) Meetings of the board of trustees or the investment committee of any public
76 retirement system created by or subject to Title 47 when such board or committee is
77 discussing matters pertaining to investment securities trading or investment portfolio
78 positions and composition; ~~and~~
- 79 (4) Portions of meetings during which that portion of a record made exempt from public
80 inspection or disclosure pursuant to Article 4 of Chapter 18 of this title is to be considered
81 by an agency and there are no reasonable means by which the agency can consider the
82 record without disclosing the exempt portions if the meeting were not closed; and
- 83 (5) Meetings of local boards of education to discuss, vote upon, review, or assess school
84 safety plans prepared pursuant to Code Section 20-2-1185."

85 **SECTION 2.**

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