

Senate Bill 449

By: Senators Dean of the 31st, Starr of the 44th and Marable of the 52nd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 38-2-279 of the Official Code of Georgia Annotated, relating to  
2 rights of public officers and employees absent on military duty as members of organized  
3 militia or reserve forces, so as to provide that agencies may conduct meetings by  
4 telecommunications conference when members of an agency are on ordered military duty;  
5 to provide that members of an agency on ordered military duty may participate in meetings  
6 of the agency by telecommunications conference; to provide that absence on ordered military  
7 duty does not constitute vacation of office; to provide for an effective date and applicability;  
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

10 Code Section 38-2-279 of the Official Code of Georgia Annotated, relating to rights of public  
11 officers and employees absent on military duty as members of organized militia or reserve  
12 forces, is amended by striking subsection (b) and inserting in its place the following:

13 "(b) Every public officer or employee shall be entitled to absent himself or herself and  
14 shall be deemed to have a leave of absence from duties or service as a public officer or  
15 employee while engaged in the performance of ordered military duty and while going to  
16 and returning from such duty. Notwithstanding Code Section 45-5-1 or any other provision  
17 of law, a public office shall not be considered vacated or abandoned by a public officer  
18 while on ordered military duty."

**SECTION 2.**

20 Said Code section is further amended by designating subsection (g) as subsection (h) and  
21 inserting a new subsection (g) to read as follows:

22 "(g) Notwithstanding the provisions of Chapter 14 of Title 50, an agency, as defined by  
23 subsection (a) of Code Section 50-14-1, shall be authorized to conduct meetings by  
24 telecommunications conference in the event that one or more of the agency's members is  
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1 on ordered military duty at the time of such meeting, provided that any such meeting is  
2 conducted in compliance with such chapter. The members of the agency, including those  
3 on ordered military duty, shall be entitled to participate and make decisions during such a  
4 telecommunications conference."

5 **SECTION 3.**

6 This Act shall become effective upon its approval by the Governor or upon its becoming law  
7 without such approval. The provisions of Section 1 of this Act shall apply to all public  
8 officers and employees in office on and after January 1, 2001.

9 **SECTION 4.**

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