

The Senate Ethics Committee offered the following substitute to SB 113:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 so as to change certain provisions relating to government meetings that are not required to
3 be open to the public; to provide that certain requests for records be required to be in writing;
4 to change certain provisions relating to exceptions from the requirements of disclosure of
5 public records; to provide an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

8 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
9 in Code Section 50-14-3, relating to government meetings that are not required to be open
10 to the public, by striking "and" at the end of paragraph (7); by striking the period at the end
11 of paragraph (8) and inserting in its place "; and"; and by adding a new paragraph
12 immediately following paragraph (8), to be designated paragraph (9) to read as follows:

13 "(9) Meetings when discussing any records that are exempt from public inspection or
14 disclosure pursuant to paragraph (17) of subsection (a) of Code Section 50-18-72 or when
15 discussing any information a record of which would be exempt from public inspection
16 or disclosure under paragraph (17) of subsection (a) of Code Section 50-18-72."
17

SECTION 2.

18 Said title is further amended in subsection (a) of Code Section 50-18-72, relating to
19 exceptions from the requirements of disclosure of public records, by striking "or" at the end
20 of paragraph (13.1); by striking the period at the end of paragraph (14), and inserting in its
21 place a semicolon; and by adding a new paragraph immediately following paragraph (14) to
22 be designated paragraph (15) to read as follows:

23 "(15)(A) Records, the disclosure of which would compromise security against sabotage
24 or criminal or terrorist acts, including, but not limited to, the following:
25

1 (i) Any security plan or vulnerability assessment for any public utility, building,
2 facility, function, or activity which depends for effectiveness on whole or in part upon
3 a lack of public knowledge of its elements;

4 (ii) Any plan for protection against terrorist or other attacks, which plan depends for
5 its effectiveness in whole or in part upon a lack of public knowledge of its elements;

6 (iii) Any record relating to the existence, nature, location, or function of security
7 devices or equipment designed to protect against terrorist or other attacks, which
8 devices or equipment depend for their effectiveness in whole or in part upon a lack
9 of public knowledge thereof; and

10 (iv) Any plan, blueprint, or other material that would reveal information about the
11 structure or function of a public facility or activity, which information is not already
12 of public knowledge and which if made public could compromise security against
13 sabotage or criminal or terroristic acts. By way of illustration and not limitation,
14 records protected under this division may include information concerning such things
15 as: the location and function of nonpublic points of entry to and exit from government
16 facilities; the location and function of government facility ventilation and utility
17 systems; the location and function of government facility computers; and the location
18 and function of generation, processing, and transmission facilities used in water, gas,
19 electric, and other utility systems and plants operated by any agency.

20 (B) In the event of litigation challenging nondisclosure by an agency of a document
21 covered by this paragraph, the court may review the documents in question in camera
22 and may condition, in writing, any disclosure upon such measures as the court may find
23 to be necessary to protect against endangerment of life, safety, or public property."

24 **SECTION 3.**

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

27 **SECTION 4.**

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