

The House Committee on Judiciary Non-civil offers the following substitute to HB 1303:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 50-14-1 of the Official Code of Georgia Annotated, relating to
2 meetings to be open to the public, so as to change and clarify provisions relating to the notice
3 for such meetings; to provide for related matters; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 50-14-1 of the Official Code of Georgia Annotated, relating to meetings to be
8 open to the public, is amended by revising subsection (d) as follows:

9 "(d)(1) Every agency shall prescribe the time, place, and dates of regular meetings of the
10 agency. Such information shall be available to the general public and a notice containing
11 such information shall be posted and maintained in a conspicuous place available to the
12 public at the regular meeting place of the agency. Meetings shall be held in accordance
13 with a regular schedule, but nothing in this subsection shall preclude an agency from
14 canceling or postponing any regularly scheduled meeting.

15 (2) Whenever any meeting required to be open to the public is to be held at a time or
16 place other than at the time and place prescribed for regular meetings, the agency shall
17 give due notice thereof. 'Due notice' shall be the posting of a written notice for at least
18 24 hours at the place of regular meetings, posting notice in a conspicuous location on the
19 agency's website, if the agency has a website, for at least 24 hours in advance of the
20 meeting, and giving publication of written or oral notice for at least 24 hours in advance
21 of the meeting to in the legal organ in which notices of sheriff's sales are published in the
22 county where regular meetings are held or at the option of the agency to in a newspaper
23 having a general circulation in ~~said~~ such county at least equal to that of the legal organ;
24 provided, however, that in counties where the legal organ is published ~~less often than four~~
25 ~~times weekly~~ only once per week, 'due notice' shall be the posting of a written notice for
26 at least 24 hours at the place of regular meetings and, ~~upon written request from any local~~

27 ~~broadcast or print media outlet whose place of business and physical facilities are located~~
 28 ~~in the county, notice by telephone or facsimile to that requesting media outlet at least 24~~
 29 ~~hours in advance of the called meeting:~~

30 (A) Posting notice in a conspicuous location on the agency's website, if the agency has
 31 a website, for at least 24 hours in advance of the meeting; or

32 (B) Publication of written notice for at least 24 hours in advance of the meeting in the
 33 legal organ in which notices of sheriff's sales are published in the county where regular
 34 meetings are held or at the option of the agency in a newspaper having a general
 35 circulation in such county at least equal to that of the legal organ.

36 ~~(3) When special circumstances occur and are~~ an emergency exists and is so declared by
 37 an agency, that agency may hold a meeting with less than 24 hours' published notice upon
 38 giving such notice of the meeting and subjects expected to be considered at the meeting
 39 as is reasonable under the circumstances including the posting of a written notice for at
 40 least eight hours at the place of regular meetings, posting notice in a conspicuous location
 41 on the agency's website, if the agency has a website, for at least eight hours in advance
 42 of the meeting, and written or oral notice to said county legal organ or a newspaper
 43 having a general circulation in the county at least equal to that of the legal organ, in
 44 which event the reason for holding the meeting within 24 hours and the nature of the
 45 notice shall be recorded in the minutes. ~~Whenever notice is given to a legal organ or~~
 46 ~~other newspaper, that publication shall immediately make the information available upon~~
 47 ~~inquiry to any member of the public.~~ Any oral notice required or permitted by this
 48 subsection may be given by telephone.

49 (4) An agency's declaration of an emergency shall be reviewable by a superior court
 50 pursuant to Code Section 50-14-5.

51 (5) When a meeting is held pursuant to an agency's declaration of an emergency as
 52 provided in paragraph (3) of this subsection, the presiding officer for the meeting shall
 53 execute an affidavit, under oath, certifying how notice, as provided in paragraph (2) of
 54 this subsection, was given; and such affidavit shall be attached to the minutes of the
 55 meeting."

56 **SECTION 2.**

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