

House Bill 134 (AS PASSED HOUSE AND SENATE)

By: Representatives Anderson of the 10th, Jones of the 47th, Jones of the 25th, Dubnik of the 29th, Hawkins of the 27th, 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 exclude meetings relating to cybersecurity contracting and
3 planning from open meeting requirements; to amend Article 4 of Chapter 18 of Title 50 of
4 the Official Code of Georgia Annotated, relating to inspection of public records, so as to
5 provide an exemption for certain documents relating to cybersecurity plans and systems; to
6 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to open and public
11 meetings, is amended in Code Section 50-14-3, relating to excluded proceedings, by revising
12 subsection (b) as follows:

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

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

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

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

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

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

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

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

30 (2) Meetings when discussing or deliberating upon the appointment, employment,
31 compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of
32 a public officer or employee or interviewing applicants for the position of the executive
33 head of an agency. This exception shall not apply to the receipt of evidence or when
34 hearing argument on personnel matters, including whether to impose disciplinary action
35 or dismiss a public officer or employee or when considering or discussing matters of
36 policy regarding the employment or hiring practices of the agency. The vote on any
37 matter covered by this paragraph shall be taken in public and minutes of the meeting as
38 provided in this chapter shall be made available. Meetings by an agency to discuss or
39 take action on the filling of a vacancy in the membership of the agency itself shall at all
40 times be open to the public as provided in this chapter;

41 (3) Meetings of the board of trustees or the investment committee of any public
42 retirement system created by or subject to Title 47 when such board or committee is

43 discussing matters pertaining to investment securities trading or investment portfolio
 44 positions and composition; ~~and~~
 45 (4) Portions of meetings during which that portion of a record made exempt from public
 46 inspection or disclosure pursuant to Article 4 of Chapter 18 of this title is to be considered
 47 by an agency and there are no reasonable means by which the agency can consider the
 48 record without disclosing the exempt portions if the meeting were not closed; and
 49 (5) Meetings when discussing or deliberating upon cybersecurity plans, procedures, and
 50 contracts regarding the provision of cybersecurity services. No vote in executive session
 51 to enter into a cybersecurity contract shall be binding on an agency until a subsequent
 52 vote is taken in an open meeting where the identity of the contractor and the terms of the
 53 agreement that are not subject to paragraph (25) of subsection (a) of Code
 54 Section 50-18-72 are disclosed before the vote."

55 **SECTION 2.**

56 Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
 57 inspection of public records, is amended in Code Section 50-18-72, relating to when
 58 disclosure of public records is not required, by revising subparagraph (A) of paragraph (25)
 59 of subsection (a) as follows:

60 "(A) Records the disclosure of which would compromise security against sabotage or
 61 criminal or terrorist acts and the nondisclosure of which is necessary for the protection
 62 of life, safety, or public property, which shall be limited to the following:

- 63 (i) Security plans and vulnerability assessments for any public utility, technology
 64 infrastructure, building, facility, function, or activity in effect at the time of the
 65 request for disclosure or pertaining to a plan or assessment in effect at such time;
 66 (ii) Any plan for protection against terrorist or other attacks that depends for its
 67 effectiveness in whole or in part upon a lack of general public knowledge of its
 68 details;

69 (iii) Any document relating to the existence, nature, location, or function of security
70 devices designed to protect against terrorist or other attacks that depend for their
71 effectiveness in whole or in part upon a lack of general public knowledge;
72 (iv) Any plan, blueprint, or other material which if made public could compromise
73 security against sabotage, criminal, or terroristic acts; ~~and~~
74 (v) Any document or plan for protection relating to the existence, nature, location,
75 or function of cybersecurity devices, programs, or systems designed to protect
76 computer, information technology, or communication systems against terrorist or
77 other attacks that depend for their effectiveness in whole or in part upon a lack of
78 general public knowledge; and
79 (vi) Records of any government sponsored programs concerning training relative to
80 governmental security measures which would identify persons being trained or
81 instructors or would reveal information described in divisions (i) through ~~(iv)~~ (v) of
82 this subparagraph."

83 **SECTION 3**

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

86 **SECTION 4.**

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