

The House Committee on State Planning and Community Affairs
offered the following substitute to SB 365:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated,
2 relating to organization and administration of the Georgia Emergency Management Agency,
3 so as to provide for certain state government safety plans; to provide for exemptions; to
4 provide for a program of training and technical assistance; to exempt certain records from
5 public inspection and disclosure; to amend Code Section 50-18-72 of the Official Code of
6 Georgia Annotated, relating to when public disclosure is not required and disclosure of
7 exempting legal authority, so as to provide an exemption for certain security plans and
8 vulnerability assessments; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Article 2 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to
11 organization and administration of the Georgia Emergency Management Agency, is amended
12 by inserting a new Code section to read as follows:
13

14 "38-3-22.1.

15 (a) Every state agency or authority, except those exempted in subsection (b) of this Code
16 section, shall prepare an agency safety plan to address the threat of terrorism, to respond
17 effectively to such incidents, and to provide a safe environment for state personnel and for
18 those citizens conducting business with state agencies. In addition to acts of terrorism,
19 such plan shall also address preparedness for natural disasters, hazardous materials or
20 radiological accidents, and acts of violence. The safety plans of agencies and authorities
21 shall be prepared with input from the appropriate supervisors and rank-and-file employees
22 and local law enforcement, fire service, public safety, and emergency management
23 agencies. Such plans shall be reviewed internally and, if necessary, updated annually.
24 Such plans shall be submitted to the local emergency management agency.

1 (b) The Department of Public Safety, the Department of Corrections, and any other state
 2 agency which operates secured facilities shall be exempt from the requirements of
 3 subsection (a) of this Code section.

4 (c) Subject to the availability of funds for such purpose, the Georgia Emergency
 5 Management Agency shall provide training and technical assistance to agencies and
 6 authorities and may provide such training and technical assistance to local units of
 7 government and to critical facilities operated by the private sector. Such training and
 8 technical assistance shall include, but not be limited to, crisis response team development,
 9 site surveys and safety audits, crisis management planning, exercise design, safe school
 10 planning, emergency operations planning, search and seizure, bomb threat management,
 11 and model safety plans.

12 (d)(1) The following records shall not be subject to public inspection or disclosure under
 13 Article 4 of Chapter 18 of Title 50:

14 (A) Site surveys, safety audits, and vulnerability assessments performed pursuant to
 15 subsection (a) of this Code section if, in the determination of the Director of the
 16 Georgia Emergency Management Agency, disclosure would endanger the life or the
 17 physical safety of any person or the physical safety of any public property; and

18 (B) Any other record produced pursuant to this Code section the disclosure of which
 19 would, in the determination of the Director of the Georgia Emergency Management
 20 Agency, endanger the life or physical safety of any person or the physical safety of any
 21 public property; and

22 (2) Whenever access to any document is denied on the basis of this subsection, the
 23 director or his or her designee shall explain in writing the reasons the request for access
 24 is being denied. In the event of litigation challenging the director's assessment, a court
 25 may review the documents in question in camera and may condition disclosure on such
 26 measures as the court finds in writing are necessary to protect against endangerment of
 27 life, safety, or public property."

28 SECTION 2.

29 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
 30 disclosure is not required and the disclosure of exempting legal authority, is amended by
 31 striking the word "or" at the end of paragraph (13.1) of subsection (a); by striking the period
 32 at the end of paragraph (14) of such subsection and inserting in lieu thereof the symbol and
 33 word "; or"; and by inserting at the end of such subsection the following:

34 "(15) Security plans and vulnerability assessments for any public utility, building, facility,
 35 function, or activity in effect at the time of the request for disclosure, or pertaining to a
 36 plan or assessment in effect at such time concerning vulnerability to sabotage or criminal

1 or terrorist acts, and the nondisclosure of which is necessary for the protection of life,
2 safety, or public property from endangerment. In the event of litigation challenging
3 nondisclosure by an agency, the court may review the documents in question in camera
4 and may condition disclosure upon such measures as the court may find in writing to be
5 necessary to protect against endangerment of life, safety, or public property."

6 **SECTION 3.**

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