

HOUSE SUBSTITUTE TO SENATE BILL 243

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to
 2 emergency management, so as to provide for certain state government safety plans; to
 3 provide for exemptions; to provide for a program of training and technical assistance; to
 4 exempt certain records from public inspection and disclosure; to provide for an Airport
 5 Anti-Terrorism Training Committee and the training of airport managers; to provide that the
 6 Georgia Emergency Management Agency shall establish and maintain a standardized,
 7 verifiable, performance-based unified incident command system; to provide for the
 8 development of and instruction in such command system; to provide for the implementation
 9 of such command system; to provide penalties for local agencies that do not establish such
 10 command system by October 1, 2004; to provide for related matters; to repeal conflicting
 11 laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency
 15 management, is amended by inserting a new Code section to read as follows:

16 "38-3-22.1.

17 (a) Every state agency or authority, except those exempted in subsection (b) of this Code
 18 section, shall prepare an agency safety plan to address the threat of terrorism, to respond
 19 effectively to such incidents, and to provide a safe environment for state personnel and for
 20 those citizens conducting business with state agencies. In addition to acts of terrorism,
 21 such plan shall also address preparedness for natural disasters, hazardous materials or
 22 radiological accidents, and acts of violence. The safety plans of agencies and authorities
 23 shall be prepared with input from the appropriate supervisors and rank-and-file employees
 24 and local law enforcement, fire service, public safety, and emergency management
 25 agencies. Such plans shall be reviewed internally and, if necessary, updated annually.
 26 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 operate 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) The following records shall not be subject to public inspection or disclosure under
13 Article 4 of Chapter 18 of Title 50:

14 (1) Site surveys, safety audits, and vulnerability assessments performed pursuant to
15 subsection (a) of this Code section; and

16 (2) Any other record produced pursuant to this Code section the disclosure of which
17 would, in the determination of the director of the Georgia Emergency Management
18 Agency, endanger the life or physical safety of any person or persons or the physical
19 safety of any public property."

20 SECTION 2.

21 Said chapter is further amended by inserting a new Code section to read as follows:

22 "38-3-22.2.

23 (a) As used in this Code section, the term:

24 (1) 'Airport Anti-Terrorism Training Committee' means a committee composed of five
25 members: one appointed by and to serve at the pleasure of the Homeland Security
26 Director; one appointed by and to serve at the pleasure of the director of emergency
27 management; one appointed by and to serve at the pleasure of the commissioner of
28 transportation; one appointed by and to serve at the pleasure of the State Board of
29 Technical and Adult Education; and one appointed by and to serve at the pleasure of the
30 commissioner of public safety.

31 (2) 'Airport manager' means, with respect to each airport located in this state, the person
32 who serves as manager, serves as general manager, or otherwise serves as the chief
33 administrative officer of such airport. If for any airport, there is more than one person
34 who may fit such definition, the local government, authority, or company operating such
35 airport shall designate one such person as its airport manager for purposes of this Code
36 section.

1 (b) The Airport Anti-Terrorism Training Committee shall establish and maintain an annual
 2 training program for persons who serve as airport managers. It shall be unlawful for any
 3 person to serve as an airport manager in this state unless such person is in compliance with
 4 rules and regulations of the Airport Anti-Terrorism Training Committee implementing this
 5 Code section. Such rules and regulations:

6 (1) Shall require each airport manager in this state to complete 14 hours of initial training
 7 and eight hours of annual training thereafter, with the first training to be completed in
 8 calendar year 2004;

9 (2) Shall establish the curriculum of such annual training;

10 (3) May provide for exemption from or delay of the annual training otherwise required
 11 in cases of providential cause or hardship; and

12 (4) May provide for exemption from the annual training otherwise required for airport
 13 managers who demonstrate that they have or will otherwise obtain the competencies
 14 taught in the annual training curriculum.

15 (c) The Airport Anti-Terrorism Training Committee shall by agreement or contract arrange
 16 for the annual training required under this Code section to be administered by the Georgia
 17 Aviation Technical College under the jurisdiction of the State Board of Technical and
 18 Adult Education.

19 (d) The tuition costs of providing such training may be paid in whole or in part from funds
 20 appropriated or otherwise available to any department represented on the Airport
 21 Anti-Terrorism Training Committee or may be paid in whole or in part by the airport
 22 managers being trained or any combination thereof, as established by the Airport
 23 Anti-Terrorism Training Committee."

24 SECTION 3.

25 Said chapter is further amended by adding a new Code Section 38-3-57 to read as follows:
 26 "38-3-57.

27 (a) The Georgia Emergency Management Agency shall establish and maintain, in
 28 collaboration with all appropriate state agencies and volunteer organizations with
 29 emergency support function roles, and professional organizations that represent local public
 30 safety agencies, including the Emergency Management Association of Georgia, the
 31 Georgia Association of Police Chiefs, the Georgia Fire Chiefs' Association, and the
 32 Georgia Sheriffs' Association, a standardized, verifiable, performance-based unified
 33 incident command system.

34 (b) Such system shall be consistent with the Georgia Emergency Operations Plan and shall
 35 be utilized in response to emergencies and disasters referenced in the Georgia Emergency

1 Operations Plan, including Presidentially declared disasters and states of emergency issued
2 by the Governor.

3 (c) The Georgia Emergency Management Agency, in cooperation with the Georgia Public
4 Safety Training Center and the Georgia Forestry Commission, shall develop or adopt a
5 course of instruction for use in training and certifying emergency response personnel in
6 unified incident command.

7 (d) All local public safety and emergency response organizations, including emergency
8 management agencies, law enforcement agencies, fire departments, and emergency medical
9 services, shall implement the standardized unified incident command system provided for
10 in subsection (a) of this Code section by October 1, 2004.

11 (e) Local agencies that have not established such system by October 1, 2004, shall not be
12 eligible for state reimbursement for any response or recovery related expenses."

13

SECTION 4.

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