

Senate Bill 243

By: Senators Smith of the 52nd, Mullis of the 53rd, Bowen of the 13th, Tolleson of the 18th, Kemp of the 46th and others

AS PASSED

**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.

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

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

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

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

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

SECTION 2.

Said chapter is further amended by inserting a new Code section to read as follows:
"38-3-22.2.

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

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

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

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

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

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

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

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

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

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

SECTION 3.

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

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

(b) Such system shall be consistent with the Georgia Emergency Operations Plan and shall 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.