

The House Committee on Public Safety and Homeland Security offers the following substitute to SB 416:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 12, Code Section 20-2-1185, Code Section 31-12-2.1, Chapter 3 of Title 35, Chapter 3 of Title 38, Code Sections 40-1-23 and 46-5-122, Title 48, and Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to establishment of water emergency response procedures; school safety plans; investigation of potential bioterrorism activity and regulations and planning health emergencies; the Georgia Bureau of Investigation; emergency management; regulatory compliance inspections, notifications, contacts with state, permit required for transporting materials, escorts or inspections, exceptions, recovery for damage or discharge, civil monetary penalties, routing agencies, and adoption of regulations; definitions; revenue and taxation; and general provisions regarding torts, respectively, so as to rename the Georgia Emergency Management Agency to the Georgia Emergency Management and Homeland Security Agency; to rename the director of emergency management to the director of emergency management and homeland security; to establish the Georgia Information Sharing and Analysis Center within the Georgia Bureau of Investigation; to provide for a fusion center for the sharing and analysis of homeland security activity information; to provide for and revise definitions; to provide for operations and responsibilities of the center; to provide for membership in the center; to define the duties and responsibilities of the director of emergency management and homeland security; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to establishment of water resources, is amended by revising subsection (c) of Code Section 12-5-30.4, relating to establishment of water emergency response procedures, as follows:

"(c) If the division determines that there is a threat to the health or property of downstream users of the waters of this state, the division shall as soon as possible, but not more than 24 hours after such determination, notify and consult with the Georgia Emergency

Management and Homeland Security Agency, the appropriate local emergency management agency, the appropriate local county health department, and other appropriate divisions within the department as necessary to determine if it is necessary to prepare and distribute a public notice concerning such threat. Upon notification by the division, the local emergency management agency or the local county health department shall prepare and post such public notice through electronic media and print. Such public notice shall be located at places where the public regularly uses the waters of this state or seeks information about such waters."

SECTION 2.

Said chapter is further amended by revising subsection (a) of Code Section 12-5-204, relating to completion and submission of emergency plan and costs, as follows:

"(a) The authority shall ensure the completion of the emergency plan not later than September 1, 2011, and shall submit the emergency plan to the director of the Environmental Protection Division of the Department of Natural Resources, the director of the Georgia Emergency Management and Homeland Security Agency, the Governor, Lieutenant Governor, Speaker of the House of Representatives, and chairpersons of the Senate and House Committees on Natural Resources and Environment and of the Senate and House Committees on Appropriations not later than September 15, 2011."

SECTION 3.

Code Section 20-2-1185 of the Official Code of Georgia Annotated, relating to school safety plans, is amended by revising subsections (b) and (d) as follows:

"(b) A public school may request funding assistance from the state for the installation of safety equipment, including, but not limited to, video surveillance cameras, metal detectors, and other similar security devices. Funding may be provided to a public school in accordance with a school safety plan prepared by the school and approved by the local board of education, the Department of Education, and the Georgia Emergency Management and Homeland Security Agency."

"(d) The Georgia Emergency Management and Homeland Security Agency shall provide training and technical assistance to public school systems, and may provide this same training and technical assistance to private school systems, and independent private schools throughout this state in the area of emergency management and safe school operations. This 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 school safety plans."

SECTION 4.

Code Section 31-12-2.1 of the Official Code of Georgia Annotated, relating to investigation of potential bioterrorism activity and regulations and planning for public health emergencies, is amended by revising subsections (b) and (c) as follows:

"(b) The department shall promulgate rules and regulations appropriate for management of any public health emergency declared pursuant to the provisions of Code Section 38-3-51, with particular regard to coordination of the public health emergency response of the state pursuant to subsection (i) of said Code section. Such rules and regulations shall be applicable to the activities of all entities created pursuant to Chapter 3 of this title in such circumstances, notwithstanding any other provisions of law. In developing such rules and regulations, the department shall consult and coordinate as appropriate with the Georgia Emergency Management and Homeland Security Agency, the Federal Emergency Management Agency, the Georgia Department of Public Safety, the Georgia Department of Agriculture, and the federal Centers for Disease Control and Prevention. The department is authorized, in the course of management of a declared public health emergency, to adopt and implement emergency rules and regulations pursuant to the provisions of subsection (b) of Code Section 50-13-4. Such rules and regulations shall be adopted pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' but shall be automatically referred by the Office of Legislative Counsel to the House of Representatives and Senate Committees on Judiciary.

(c) The department shall promulgate, prepare, and maintain a public health emergency plan and draft executive order for the declaration of a public health emergency pursuant to Code Section 38-3-51 and Chapter 13 of Title 50. In preparation of such public health emergency plan and draft executive order, the department shall consult and coordinate as appropriate with the Georgia Emergency Management and Homeland Security Agency, the Federal Emergency Management Agency, the Georgia Department of Public Safety, the Georgia Department of Agriculture, and the federal Centers for Disease Control and Prevention."

SECTION 5.

Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation, is amended by adding a new article to read as follows:

"ARTICLE 9

35-3-200.

As used in this article, the term:

(1) 'Center' means the Georgia Information Sharing and Analysis Center.

(2) 'Fusion center' means collaborative effort which combines resources, expertise, intelligence, and other information from various agencies of state and local governments with the goal of maximizing the ability of this state to detect, prevent, and respond to criminal activities or to otherwise engage in homeland security activities.

(3) 'Homeland security activity' means any activity related to the prevention or discovery of, response to, or recovery from:

(A) A terrorist attack;

(B) A hostile military or paramilitary action; or

(C) An extraordinary law enforcement emergency.

35-3-201.

There is established the Georgia Information Sharing and Analysis Center within the Georgia Bureau of Investigation. The center shall be a fusion center maintaining criminal intelligence and terrorism analytical components.

35-3-202.

(a) Responsibility for the development, maintenance, and operations of the center shall be vested in the director.

(b) The director shall appoint and maintain the necessary professional and support staff to enable the center to effectively and efficiently carry out its duties and responsibilities under this article.

35-3-203.

(a) The director through the center shall share and provide homeland security activity information to the director of emergency management and homeland security, including, but not limited to, threats, warnings, and developing situations, when an investigation reveals conduct of a terroristic nature or in material support of terroristic activities, recruitment of terrorists, or information on the activities of known terrorist organizations.

(b) The center shall liaise with the bureau, the Federal Bureau of Investigation, Joint Terrorism Task Force, United States Department of Homeland Security, and other local, state, and federal intelligence and law enforcement officials for purposes of carrying out its duties and responsibilities under this article.

(c) The center shall allow unrestricted access to secure communications equipment to the director of emergency management and homeland security and his or her representatives who possess the appropriate federally approved security clearances for the dissemination

of homeland security activity information by the United States Department of Homeland Security.

(d) The director of emergency management and homeland security shall serve as this state's security manager for the purpose of identifying and processing state personnel for security clearances through the United States Department of Homeland Security.

35-3-204.

(a) Membership in the center shall consist of the director, the director of emergency management and homeland security, the commissioner of public safety, the commissioner of natural resources, the commissioner of corrections, the state fire marshal, the Attorney General, the adjutant general, and state and local fire service, law enforcement, homeland security, emergency management, corrections, and other appropriate agencies and disciplines as determined by the director of emergency management and homeland security in consultation with the director. Such members shall assign or make available their analysts or other personnel to the center as such need is determined by the director of emergency management and homeland security.

(b) The director of emergency management and homeland security shall maintain Georgia Emergency Management and Homeland Security Agency analysts in the center as needed as determined by the director of emergency management and homeland security."

SECTION 6.

Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, is amended by revising Code Section 38-3-20, relating to Georgia Emergency Management Agency created, director, staff, offices, director's duties, and disaster coordinator, as follows:

"38-3-20.

(a) There is established the Georgia Emergency Management and Homeland Security Agency with a director of emergency management and homeland security who shall be the head thereof. The Georgia Emergency Management and Homeland Security Agency shall be assigned to the Office of Planning and Budget for administrative purposes only as provided in Code Section 50-4-3.

(b) The Governor shall appoint the director of emergency management and homeland security. He or she shall hold office at the pleasure of the Governor, who shall fix his or her compensation. The director of emergency management and homeland security shall hold no other state office.

(c) The director may employ such professional, technical, clerical, stenographic, and other personnel, may fix their compensation, and may make such expenditures within the

appropriation therefor, or from other funds made available for purposes of emergency management and homeland security, as may be necessary to carry out the purposes of Article 9 of Chapter 3 of Title 35, Article 1, this article, and Article 3 of this chapter, the duties of the agency and the director described in Part 4 of Article 2 of Chapter 5 of Title 46, the 'Georgia Emergency Telephone Number 9-1-1 Service Act of 1977,' as amended.

(d) The director and other personnel of the Georgia Emergency Management and Homeland Security Agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other state agencies.

(e) The director, subject to the direction and control of the Governor, shall:

(1) ~~Be~~ be the executive head of the Georgia Emergency Management and Homeland Security Agency and shall be responsible to the Governor for carrying out the program for emergency management and homeland security in this state. ~~He or she shall coordinate;~~

(2) Serve as the central authority reporting to the Governor on all matters relating to homeland security;

(3) Have command and control authority over all operational areas involving terrorist activity within this state, including, but not limited to, the Homeland Security Task Force and the Homeland Security Central Command when activated by the Governor;

(4) Coordinate the activities of all organizations for emergency management and homeland security within the state; ~~shall maintain;~~

(5) Maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government;:

(6) Oversee all risk and threat assessments and coordinate all plans for timely and complete responses through a network of state, local, and federal organizations, including, but not limited to, the coordination of efficient and timely flow of information;

(7) Be responsible for crisis and consequence management planning, including, but not limited to, measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, or resolve a threat or act of terrorism;

(8) Coordinate and review all activities involving homeland security within any agency, authority, or entity of this state, including, but not limited to, oversight of homeland security activities found within the Department of Public Safety, the Georgia Bureau of Investigation, the Georgia National Guard, the Department of Natural Resources, the Department of Community Health, and the Department of Public Health;

(9) Evaluate information developed by the criminal justice community in regard to threats or potential threats of terrorism; and

(10) ~~Have shall have~~ such additional authority, duties, and responsibilities authorized by Article 1, this article, and Article 3 of this chapter as may be prescribed by the Governor and such additional authority, duties, and responsibilities as described in Article 9 of Chapter 3 of Title 35 and Part 4 of Article 2 of Chapter 5 of Title 46, the 'Georgia Emergency Telephone Number 9-1-1 Service Act of 1977,' as amended.

(f) The director of emergency management and homeland security shall also be the disaster coordinator and shall act for the Governor when requested to do so."

SECTION 7.

Said chapter is further amended by revising subsection (a) of Code Section 38-3-22, relating to Governor's emergency management powers and duties, as follows:

"(a) The Governor shall have general direction and control of the Georgia Emergency Management and Homeland Security Agency and shall be responsible for the carrying out of the provisions of Article 1, this article, and Article 3 of this chapter and, in the event of disaster or emergency beyond local control, may assume direct operational control over all or any part of the emergency management functions within this state."

SECTION 8.

Said chapter is further amended by revising subsection (c) and paragraph (2) of subsection (d) of Code Section 38-3-22.1, relating to safety plan addressing threat of terrorism required of state agencies or authorities, exemptions, training and technical assistance, and confidentiality of plans and related documentation, as follows:

"(c) Subject to the availability of funds for such purpose, the Georgia Emergency Management and Homeland Security 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."

"(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 and Homeland Security Agency, endanger the life or physical safety of any person or persons or the physical safety of any public property."

SECTION 9.

Said chapter is further amended by revising subparagraph (a)(3)(F) and paragraph (6) of subsection (a) of Code Section 38-3-27, relating to local organizations for emergency management, creation, structure, powers, directors, appointment, qualifications, and compensation, state to provide financial assistance, and entitlement for funding, as follows:

"(F) Except as provided in this subparagraph, any director or deputy director of a local emergency management organization appointed after July 1, 1999, shall be a certified emergency manager under the Georgia Emergency Management and Homeland Security Agency's Certified Emergency Manager Program. The curriculum of the Certified Emergency Manager Program and requirements for certification shall be determined by the director of emergency management and homeland security and shall include, but not be limited to, professional development series training, independent study courses, emergency preparedness courses, and field-delivered courses. Certification may be obtained by an appointed director or deputy director within six months of his or her appointment. Certification shall expire biennially. As a condition of certification renewal, such emergency management personnel shall be required to satisfactorily complete continuing education requirements provided for in subparagraph (G) of this paragraph."

"(6) A local director whose salary is reimbursed in part or in full by the Georgia Emergency Management and Homeland Security Agency shall also meet all requirements which may be imposed by the federal emergency management agency or its successor."

SECTION 10.

Said chapter is further amended by revising subsection (d) of Code Section 38-3-50, relating to emergency interim successors to various officials and necessity of declared emergency, as follows:

"(d) Designations of emergency interim successors to state officers shall become official upon the officer filing a list of the successors with the Secretary of State, who shall inform the Governor, the Georgia Emergency Management and Homeland Security Agency, all emergency interim successors to the officer involved, and the judge of the probate court of the county of legal residence of the successors of all such designations and any changes therein. Any designation of an emergency interim successor may be changed or altered by the officer concerned filing a notice of the change or alteration with the Secretary of State."

SECTION 11.

Said chapter is further amended by revising Code Section 38-3-57, relating to establishment of standardized, verifiable, performance based unified incident command system, utilization, training, implementation, funding, and first informer broadcasters, as follows:

"38-3-57.

(a) The Georgia Emergency Management and Homeland Security 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 Operations Plan, including presidentially declared disasters and states of emergency issued by the Governor.

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

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

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

(f)(1) As used in this subsection, the term:

(A) 'Broadcaster' means any corporation or other entity that is primarily engaged in the business of broadcasting video or audio programming, whether through the public airwaves, cable, direct or indirect satellite transmission, or any other similar means of communication.

(B) 'Emergency' means the declaration of a state of emergency or disaster as provided in Code Section 38-3-51 or as presidentially declared.

(C) 'First informer broadcaster' means a broadcaster in Georgia who makes application to the Georgia Emergency Management and Homeland Security Agency for designation as a first informer broadcaster and who is granted such designation as a first

informer broadcaster pursuant to rules and regulations promulgated by the director of emergency management and homeland security.

(2) The unified incident command system and the Georgia Emergency Operations Plan shall, by July 1, 2016, establish planning for first informer broadcasters such that first informer broadcasters, to any extent practicable, may during an emergency:

(A) Have access to areas affected by an emergency for the purpose of restoring, repairing, or resupplying any facility or equipment critical to the ability of a broadcaster to acquire, produce, or transmit emergency related programming, including but not limited to repairing and maintaining transmitters and generators and transporting fuel for generators;

(B) Have access to the distribution of fuel, food, water, supplies, equipment, and any other materials necessary for maintaining or producing a broadcast or broadcasting signal; and

(C) Not have vehicles, fuel, food, water, and any other materials seized or condemned that are essential for maintaining or producing a broadcast or broadcasting signal.

(3) The Georgia Emergency Management and Homeland Security Agency may develop or adopt courses of instruction for use in training personnel of first informer broadcasters on personal safety and navigation in an area affected by an emergency. The requirements of any such training shall be established pursuant to rules and regulations promulgated by the director of emergency management and homeland security. The costs of any such training shall be paid by the first informer broadcasters participating in the training."

SECTION 12.

Said chapter is further amended by revising Code Section 38-3-140, relating to short title, as follows:

"38-3-140.

This article shall be known and may be cited as the 'Georgia Emergency Management and Homeland Security Agency Nomenclature Act of 2008.'

SECTION 13.

Said chapter is further amended by revising Code Section 38-3-141, relating to definitions, as follows:

"38-3-141.

As used in this article, the term:

(1) 'Badge' means any official badge, identification card, or security pass used by members of the Georgia Emergency Management and Homeland Security Agency, either in the past or currently.

(2) 'Director' means the director of the Georgia Emergency Management and Homeland Security Agency.

(3) 'Emblem' means any official patch or other emblem worn currently or formerly or used by the Georgia Emergency Management and Homeland Security Agency to identify the agency, a division of the agency, or employees of the agency.

(4) 'Person' means any person, corporation, organization, or political subdivision of the State of Georgia.

(5) 'Seal' means any official symbol, mark, or abbreviation which represents and is used, currently or in the past, by the Georgia Emergency Management and Homeland Security Agency or any other division or operation under the command of the Georgia Emergency Management and Homeland Security Agency to identify the agency, a division of the agency, or employees of the agency.

(6) 'Willful violator' means any person who knowingly violates the provisions of this article. Any person who violates this article after being advised in writing by the director that such person's activity is in violation of this article shall be considered a willful violator and shall be considered in willful violation of this article. Any person whose agent or representative is a willful violator and who has knowledge of the violation by the agent or representative shall also be considered a willful violator and in willful violation of this article unless, upon learning of the violation, he or she immediately terminates the agency or other relationship with such violator."

SECTION 14.

Said chapter is further amended by revising Code Section 38-3-142, relating to use of agency name without written permission prohibited in certain circumstances, as follows:

"38-3-142.

Whoever, except with the written permission of the director, knowingly uses the words 'Georgia Emergency Management Agency,' 'Georgia Homeland Security Agency,' 'Emergency Management Agency,' or '~~GEMA~~' 'Homeland Security Agency,' '~~GEMA~~,' 'GEMHSA,' or 'GEMA/HS' in referring to Georgia's Emergency Management and Homeland Security Agency in connection with any advertisement, circular, book, pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by or associated with the Georgia Emergency Management and Homeland Security Agency shall be in violation of this article."

SECTION 15.

Said chapter is further amended by revising Code Section 38-3-143, relating to use or display of agency symbols without written permission prohibited, as follows:

"38-3-143.

Any person who uses or displays any symbol, including any emblem, seal, or badge, current or historical, used by the Georgia Emergency Management and Homeland Security Agency without written permission from the director shall be in violation of this article."

SECTION 16.

Said chapter is further amended by revising Code Section 38-3-144, relating to requests for permission and grants of permission at director's discretion, as follows:

"38-3-144.

Any person seeking permission to use or display the nomenclature or symbols of the Georgia Emergency Management and Homeland Security Agency may request such permission in writing to the director. The director shall serve notice on the requesting party within 15 calendar days after receipt of the request of his or her decision on whether the person may use the nomenclature or the symbol. If the director does not respond within the 15 day time period, then the request is presumed to have been denied. The grant of permission under this article shall be at the discretion of the director and under such conditions as the director may impose."

SECTION 17.

Said chapter is further amended by revising Code Section 38-3-151, relating to definitions, as follows:

"38-3-151.

As used in this article, the term:

(1) 'Agency' means the Georgia Emergency Management and Homeland Security Agency established by Code Section 38-3-20.

(2) 'Building mapping information system' means a state-wide informational system containing maps of designated public buildings.

(3) 'Director' means the director of the agency."

SECTION 18.

Code Section 40-1-23 of the Official Code of Georgia Annotated, relating to regulatory compliance inspections, notifications, contacts with state, permit required for transporting materials, escorts or inspections, exceptions, recovery for damage or discharge, civil

403 monetary penalties, routing agencies, and adoption of regulations, is amended by revising
404 subsection (q) as follows:

405 "(q) The department is designated as the routing agency as defined in Title 49 C.F.R. Part
406 397, Subpart E. Routing determinations for hazardous materials shall be made in
407 accordance with the provisions of Federal Hazardous Materials Law, 49 U.S.C. Section
408 5112. The commissioner or his or her designee shall consult with Georgia Department of
409 Transportation, Georgia Department of Natural Resources, Georgia Emergency
410 Management and Homeland Security Agency, Georgia Department of Homeland Security,
411 or other agencies as necessary to carry out these responsibilities."

412 **SECTION 19.**

413 Code Section 46-5-122 of the Official Code of Georgia Annotated, relating to definitions,
414 is amended by revising paragraph (2) as follows:

415 "(2) 'Agency' means the Georgia Emergency Management and Homeland Security
416 Agency established pursuant to Code Section 38-3-20 unless the context clearly requires
417 otherwise."

418 **SECTION 20.**

419 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
420 amended by revising subsections (g) and (h) of Code Section 48-2-100, relating to short title,
421 definitions, legislative findings, certain exemptions for out-of-state businesses and employees
422 conducting operations related to declared state of emergency, and post-emergency of state
423 laws and requirements, as follows:

424 "(g)(1) Any out-of-state business that enters this state to perform qualified work during
425 a disaster or emergency period shall provide to the department and to the Georgia
426 Emergency Management and Homeland Security Agency a statement that it is in this
427 state for purposes of responding to the disaster or emergency, which statement shall
428 include the business' name, state of domicile, principal business address, federal tax
429 identification number, date of entry, and contact information.

430 (2) A registered business in this state shall provide the information required in paragraph
431 (1) of this subsection to the department and to the Georgia Emergency Management and
432 Homeland Security Agency for any affiliate that enters this state that is an out-of-state
433 business. The notification shall also include contact information for the registered
434 business in this state.

435 (h) The Georgia Emergency Management and Homeland Security Agency and the
436 department shall promulgate regulations as necessary to comply with the requirements of
437 this Code section."

SECTION 21.

Said title is further amended by revising subsection (a) of Code Section 48-7-29.4, relating to tax credit for disaster assistance funds received and rules and regulations, as follows:

"(a) A taxpayer who receives disaster assistance during a taxable year from the Georgia Emergency Management and Homeland Security Agency or the Federal Emergency Management Agency shall be allowed a credit against the tax imposed by Code Section 48-7-20 in an amount equal to \$500.00 or the actual amount of such disaster assistance, whichever is less. The commissioner may require adequate supporting documentation showing that the taxpayer received such assistance."

SECTION 22.

Said title is further amended by revising subsection (f) of Code Section 48-8-13, relating to taxing jurisdiction for mobile telecommunications services, as follows:

"(f) A home service provider shall identify each customer's place of primary use and shall provide at least quarterly a complete listing of the total number of customers to the Georgia Emergency Management and Homeland Security Agency. The home service provider shall indicate in such report whether it is employing an enhanced ZIP Code to assign each street address to a specific taxing jurisdiction so as to qualify for the safe harbor provisions of 4 U.S.C. Section 120. Further, each home service provider shall, upon request, provide information showing the total number of billings and the amount of fees collected to any taxing jurisdiction as to the customers whose place of primary use is within the jurisdiction of such taxing jurisdiction; provided, however, that in no event shall customer identification be required to be released. Such information shall initially be made available not later than July 1, 2006."

SECTION 23.

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts, is amended by revising Code Section 51-1-50, relating to immunity of broadcasters from liability for Levi's Call: Georgia's Amber Alert Program, as follows:

"51-1-50.

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

(1) 'Broadcast' means the transmission of video or audio programming by an electronic or other signal conducted by radiowaves or microwaves, by wires, lines, coaxial cables, wave guides or fiber optics, by satellite transmissions directly or indirectly to viewers or listeners, or by any other means of communication.

(2) 'Broadcaster' means any corporation or other entity that is engaged in the business of broadcasting video or audio programming, whether through the public airwaves, by cable, by direct or indirect satellite transmission, or by any other means of communication.

(3) 'Levi's Call: Georgia's Amber Alert Program' means the voluntary program entered into by the Georgia Bureau of Investigation, the Georgia Emergency Management and Homeland Security Agency, the Georgia Association of Broadcasters, and certain broadcasters licensed to serve in the State of Georgia, which program provides that if the Georgia Bureau of Investigation verifies that a child has been abducted and is in danger, an alert containing known details of the abduction is transmitted to the Georgia Emergency Management and Homeland Security Agency, which is then transmitted by the Georgia Emergency Management and Homeland Security Agency to broadcasters in Georgia; and those broadcasters participating in the program then broadcast or otherwise disseminate the alert to listeners, viewers, or subscribers.

(b) Any broadcaster participating in Levi's Call: Georgia's Amber Alert Program shall not be liable for any civil damages arising from the broadcast or other dissemination of any alert generated pursuant to the Levi's Call: Georgia's Amber Alert Program. The immunity provided for in this Code section shall apply to any broadcast or dissemination of information that is substantially consistent with the information transmitted by the Georgia Emergency Management and Homeland Security Agency and that takes place during an alert requested by the Georgia Emergency Management and Homeland Security Agency and for a period of two hours after such alert has ended or the Georgia Emergency Management and Homeland Security Agency informs the participating broadcasters that the alert has changed in content.

(c) Nothing in this Code section shall be construed to limit or restrict in any way any legal protection a broadcaster may have under any other law for broadcasting or otherwise disseminating any information."

SECTION 24.

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