

House Bill 405

By: Representatives Hitchens of the 161st, Lumsden of the 12th, Rogers of the 10th, Powell of the 32nd, Tanner of the 9th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 3 of Chapter 3 of Title 38 of the Official Code of Georgia
2 Annotated, relating to the emergency powers of the Governor, so as to require the Georgia
3 Emergency Management and Homeland Security Agency to establish a state-wide system
4 to facilitate the transport and distribution of essentials in commerce during a state of
5 emergency declared by the Governor; to provide for a definition; to provide for the
6 certification of organizations and business entities that would be engaged in such
7 transportation and such distribution; to provide for privileges for employees and agents of
8 such organizations and business entities; to provide for related matters; to repeal conflicting
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 1 of Article 3 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated,
13 relating to the emergency powers of the Governor, is amended by adding a new Code section
14 to read as follows:

15 "38-3-58.

16 (a) As used in this Code section, the term 'essentials' means goods that are consumed or
17 used as a direct result of a state of emergency declared by the Governor or that are
18 consumed or used to preserve, protect, or sustain life, health, safety, or economic
19 well-being.

20 (b) Notwithstanding Code Section 38-3-56, the Georgia Emergency Management and
21 Homeland Security Agency shall establish a state-wide system to facilitate the transport
22 and distribution of essentials in commerce during a state of emergency declared by the
23 Governor for the purpose of meeting the needs of the residents of this state during such an
24 emergency and to ensure the continuing economic resilience of communities impacted by
25 such an emergency.

26 (c) In conformance with subsection (b) of this Code section, such system shall provide for
 27 a certification of organizations and business entities that facilitate, or are likely to facilitate,
 28 the transport or distribution of essentials where such certification shall apply to all
 29 employees or agents of such organizations and business entities who, as designated by such
 30 organizations and business entities, are employed to facilitate the transport or distribution
 31 of essentials. In providing for such certification, the Georgia Emergency Management and
 32 Homeland Security Agency:

33 (1) May provide for a preemergency or postemergency certification;

34 (2) May rely on information provided for by bona fide employers in this state about the
 35 jobs performed by their employees relating to essentials;

36 (3) Shall create easily recognizable indicia of certification to assist the efforts of local
 37 officials in determining the employees and agents of such organizations and business
 38 entities which are certified pursuant to this Code section;

39 (4) Shall limit the duration of each certification issued to an organization or business
 40 entity to no more than one year from the date of issuance; provided, however, that such
 41 certification can be renewed for successive one-year periods; and

42 (5) May provide for an electronic certification process and an electronic distribution of
 43 the recognizable indicia of certification.

44 (d) Except as provided for in this Code section, the Georgia Emergency Management and
 45 Homeland Security Agency shall not require any organization, business entity, or
 46 individual to obtain any additional certification or to fulfill any additional requirement to
 47 transport or distribute essentials in commerce during a state of emergency declared by the
 48 Governor.

49 (e) Notwithstanding any established curfew, a designated employee or agent of an
 50 organization or business entity certified pursuant to this Code section may enter or remain
 51 in a curfew area beyond the restrictions of the curfew for the limited purpose of facilitating
 52 the transport or distribution of essentials. Nothing in this Code section shall be construed
 53 to prohibit any law enforcement officer from specifying a permissible route of ingress or
 54 egress."

55 **SECTION 2.**

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