

ADOPTED

Senators Cowser of the 46th, Harper of the 7th, Dugan of the 30th and Thompson of the 14th offered the following amendment:

1 *Amend the Senate Committee on Public Safety substitute to HB 452 (LC 41 1162S) by*
 2 *replacing lines 1 through 24 with the following:*

3 To amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement
 4 officers and agencies, so as require the bureau to publicly post and share certain information
 5 from the Law Enforcement Notification System of the Enforcement Integrated Database of
 6 the United States Department of Homeland Security to the extent permitted by federal law;
 7 to create the Board of Homeland Security, the Department of Homeland Security, and the
 8 position of commissioner of homeland security; to provide for definitions; to provide for the
 9 duties and responsibilities of the board, department, and commissioner; to provide for the
 10 promulgation of rules and regulations; to amend various provisions of the Official Code of
 11 Georgia Annotated so as to provide for conforming nomenclature and cross-references; to
 12 provide for related matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I**SECTION 1-1.**

16 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
 17 agencies, is amended by adding a new Code section to read as follows:

18 "35-3-14.

19 To the extent permitted by federal law, the bureau shall post on its public website the
 20 information of persons who are aliens and who have been released from federal custody
 21 within the boundaries of this state after having committed a felony, as such information is
 22 presented within the Law Enforcement Notification System of the Enforcement Integrated
 23 Database of the United States Department of Homeland Security or the National Law
 24 Enforcement Telecommunications System as received by the Georgia Information Sharing
 25 and Analysis Center within the bureau or any replacement agency. Within 12 hours of
 26 receiving such information, the bureau shall post such information as required by this Code
 27 section and electronically send a copy of such information to the Georgia Sheriffs'
 28 Association. The bureau shall promulgate rules and regulations for the implementation of
 29 this Code section."

30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

53
54
55
56
57
58
59
60
61
62
63
64
65

SECTION 1-2.

Said title is further amended by revising Code Section 35-3-203, relating to the duties and responsibilities of the director, as follows:

"35-3-203.

(a) The director through the center shall share and provide homeland security activity information to the director of emergency management and the commissioner of 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~~ commissioner of 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~~ commissioner of 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."

SECTION 1-3.

Said title is further amended by revising Code Section 35-3-204, relating to the membership and availability of analysts, as follows:

"35-3-204.

(a) Membership in the center shall consist of the director, the director of emergency management ~~and homeland security~~, the commissioner of homeland security, the commissioner of public safety, the commissioner of natural resources, the commissioner of corrections, the chief information officer for the State of Georgia, 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~~ commissioner of homeland security in consultation with the director. Such members shall assign or make available their analysts or other personnel to the center

66 as such need is determined by the ~~director of emergency management and~~ commissioner
67 of homeland security.

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

72 **SECTION 1-4.**

73 Said title is further amended by adding a new chapter to read as follows:

74 "CHAPTER 11

75 35-11-1.

76 As used in this chapter, the term:

77 (1) 'Board' means the Board of Homeland Security.

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

79 (3) 'Commissioner' means the commissioner of homeland security.

80 (4) 'Critical infrastructure' shall have the same meaning as set forth in Code Section
81 16-11-220.

82 (5) 'Department' means the Georgia Department of Homeland Security.

83 (6) 'Domestic terrorism' shall have the same meaning as set forth in Code Section
84 16-11-220.

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

87 (A) Domestic terrorism;

88 (B) A hostile military or paramilitary action; or

89 (C) An extraordinary law enforcement emergency.

90 (8) 'Public transportation system' shall have the same meaning as set forth in Code
91 Section 16-11-220.

92 (9) 'Serious bodily harm' shall have the same meaning as set forth in Code Section
93 16-11-220.

94 (10) 'State or government facility' shall have the same meaning as set forth in Code
95 Section 16-11-220.

96 35-11-2.

97 (a) There is created a Board of Homeland Security.

98 (b) The board shall consist of 17 members who shall be as follows:

- 99 (1) The Governor, ex officio, who shall be chairperson of the board;
100 (2) The commissioner of homeland security;
101 (3) The director of emergency management;
102 (4) The commissioner of public safety;
103 (5) The director of the Georgia Bureau of Investigation;
104 (6) The adjutant general;
105 (7) The commissioner of natural resources;
106 (8) The commissioner of public health;
107 (9) The Attorney General or his or her designee who shall be the deputy attorney general
108 or an assistant attorney general;
109 (10) The commissioner of transportation;
110 (11) The Commissioner of Agriculture;
111 (12) The executive director of the Georgia Technology Authority; and
112 (13) Five appointees of the Governor who shall be individuals from the public or private
113 sector who are directly involved in policy, program, security, or funding activities
114 relevant to homeland security or infrastructure protection; provided, however, that one
115 such appointment shall be a sheriff and one such appointment shall be a chief executive
116 of a law enforcement agency of a county or a municipality. Such appointees under this
117 paragraph shall serve at the pleasure of the Governor.
118 (c)(1) Any legislative members of the board who may be appointed pursuant to
119 paragraph (13) of subsection (b) of this Code section shall receive the allowances
120 provided for in Code Section 28-1-8.
121 (2) Members of the board who are state or local government officials, other than
122 legislative members, or state or local government employees shall receive no
123 compensation for their services on the board, but they may be reimbursed for expenses
124 incurred by them in the performance of their duties as members of the board in the same
125 manner as they are reimbursed for expenses in their capacities as state or local
126 government officials or state or local government employees.
127 (3) Members of the board who are not legislators, state or local government officials, or
128 state or local government employees shall receive a daily expense allowance in an
129 amount the same as that specified in subsection (b) of Code Section 45-7-21, as well as
130 the mileage or transportation allowance authorized for state employees.
131 (4) Funds for the reimbursement of the expenses of state or local government officials,
132 other than legislative members, and state or local government employees shall come from
133 funds appropriated to or otherwise available to their respective governments,
134 departments, authorities, or agencies.

135 35-11-3.

136 (a) The board shall:

137 (1) Establish the general policy to be followed by the department; and

138 (2) Advise the Governor and commissioner on:

139 (A) The implementation of the homeland security strategy by state and local agencies
140 and provide specific guidance and counsel for helping those agencies implement the
141 strategy; and

142 (B) All matters related to the planning, development, coordination, and implementation
143 of initiatives to promote the homeland security strategy of the state.

144 (b) The board shall develop a state-wide homeland security strategy that improves the
145 state's ability to:

146 (1) Protect against, respond to, and recover from domestic terrorism and other homeland
147 security threats and hazards; and

148 (2) Mitigate loss of life and property by lessening the impact of future homeland security
149 threats and hazards.

150 (c) The board's homeland security strategy shall coordinate homeland security activities
151 among and between local, state, and federal agencies and the private sector and shall
152 include specific plans for:

153 (1) Intelligence gathering, analysis, and sharing;

154 (2) Reducing the state's vulnerability to domestic terrorism and other homeland security
155 threats and hazards;

156 (3) Protecting critical infrastructure, public transportation systems, and state or
157 government facilities;

158 (4) Protecting the state's ports and airports;

159 (5) Detecting, deterring, and defending against domestic terrorism and cyber, biological,
160 chemical, and nuclear terrorism;

161 (6) Positioning equipment, technology, and personnel to improve the state's ability to
162 respond to a homeland security threats and hazards;

163 (7) Providing the center certain forms of authority to implement the homeland security
164 strategy of this state; and

165 (8) Using technological resources to:

166 (A) Facilitate the interoperability of governmental technology resources, including
167 data, networks, and applications;

168 (B) Coordinate the warning and alert systems of state and local agencies;

169 (C) Incorporate multidisciplinary approaches to homeland security; and

170 (D) Improve the security of governmental and private sector information technology
171 and information resources.

172 (d) The homeland security strategy shall complement and operate in coordination with
 173 federal strategic guidance on homeland security.

174 (e) The board shall adopt rules and regulations which shall be adopted, established,
 175 promulgated, amended, repealed, filed, and published in accordance with the applicable
 176 provisions and procedures set forth in Chapter 13 of Title 50, the 'Georgia Administrative
 177 Procedure Act.' The courts shall take judicial notice of any such rules or regulations. As
 178 used in this subsection, the term 'rules and regulations' shall have the same meaning as the
 179 word 'rule' as defined in paragraph (6) of Code Section 50-13-2.

180 35-11-4.

181 (a) There is established the Department of Homeland Security with a commissioner of
 182 homeland security who shall be the head thereof. The department shall be assigned to the
 183 Office of Planning and Budget for administrative purposes only as provided in Code
 184 Section 50-4-3.

185 (b) The department shall direct and implement the board's homeland security strategy.

186 35-11-5.

187 (a) The Governor shall appoint the commissioner of homeland security. He or she shall
 188 hold office at the pleasure of the Governor, who shall fix his or her compensation. The
 189 commissioner of homeland security shall hold no other state office.

190 (b) The commissioner may employ such professional, technical, clerical, stenographic, and
 191 other personnel, may fix their compensation, and may make such expenditures within the
 192 appropriation therefor, or from other funds made available for purposes of homeland
 193 security, as may be necessary to carry out the purposes of this chapter.

194 (c) The commissioner, with the approval of the board, may establish units within the
 195 department as he or she deems proper for its administration and shall designate persons to
 196 be assistant commissioners of each unit and to exercise authority as he or she may delegate
 197 to them in writing.

198 (d) The commissioner and other personnel of the department shall be provided with
 199 appropriate office space, furniture, equipment, supplies, stationery, and printing in the same
 200 manner as provided for personnel of other state departments and agencies.

201 (e) The commissioner shall:

202 (1) Be the executive head of the department and shall be responsible to the Governor for
 203 carrying out the program for homeland security in this state;

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

- 206 (3) Have command and control authority over all operational areas involving terrorist
 207 activity within this state;
- 208 (4) Coordinate the activities of all organizations for homeland security within the state;
- 209 (5) Maintain liaison with and cooperate with homeland security agencies and
 210 organizations of other states and of the federal government;
- 211 (6) Oversee all risk and threat assessments and coordinate all plans for timely and
 212 complete responses through a network of state, local, and federal organizations,
 213 including, but not limited to, the coordination of efficient and timely flow of information;
- 214 (7) Be responsible for measures to identify, acquire, and plan the use of resources needed
 215 to anticipate, prevent, or resolve a threat or act of domestic terrorism;
- 216 (8) Coordinate and review all activities involving homeland security within any agency,
 217 authority, or entity of this state, including, but not limited to, oversight of homeland
 218 security activities found within the Department of Public Safety, the Georgia Bureau of
 219 Investigation, the Georgia National Guard, the Department of Natural Resources, the
 220 Georgia Technology Authority, the Department of Community Health, and the
 221 Department of Public Health;
- 222 (9) Evaluate information developed by the criminal justice community in regard to
 223 threats or potential threats of domestic terrorism; and
- 224 (10) Have such additional authority, duties, and responsibilities authorized by law.

225 35-11-6.

226 Appropriations to the Georgia Emergency Management Agency for functions transferred
 227 to the department pursuant to this chapter shall be transferred to the department as provided
 228 for in Code Section 45-12-90. Personnel, equipment, and facilities previously employed
 229 by the Georgia Emergency Management Agency for functions transferred to the
 230 department pursuant to this chapter shall likewise be transferred to the department. Any
 231 disagreement as to any of such transfers shall be resolved by the Governor.

232 35-11-7.

233 A state or local agency that performs a homeland security activity shall cooperate with and
 234 assist the commissioner and the center in the performance of their duties under this chapter
 235 and other state or federal law."

236

PART II

237

SECTION 2-1.

238

Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to 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:

239

240

241

"(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."

242

243

244

245

246

247

248

249

250

251

252

SECTION 2-2.

253

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:

254

255

"(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."

256

257

258

259

260

261

262

SECTION 2-3.

263

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:

264

265

"(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

266

267

268

269 board of education, the Department of Education, and the Georgia Emergency Management
270 ~~and Homeland Security Agency.~~"

271 "(d) The Georgia Emergency Management ~~and Homeland Security Agency~~ shall provide
272 training and technical assistance to public school systems, and may provide this same
273 training and technical assistance to private school systems, and independent private schools
274 throughout this state in the area of emergency management and safe school operations.
275 This training and technical assistance shall include, but not be limited to, crisis response
276 team development, site surveys and safety audits, crisis management planning, exercise
277 design, safe school planning, emergency operations planning, search and seizure, bomb
278 threat management, and model school safety plans."

279 **SECTION 2-4.**

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

283 "(b) The department shall promulgate rules and regulations appropriate for management
284 of any public health emergency declared pursuant to the provisions of Code Section
285 38-3-51, with particular regard to coordination of the public health emergency response of
286 the state pursuant to subsection (i) of said Code section. Such rules and regulations shall
287 be applicable to the activities of all entities created pursuant to Chapter 3 of this title in
288 such circumstances, notwithstanding any other provisions of law. In developing such rules
289 and regulations, the department shall consult and coordinate as appropriate with the
290 Georgia Emergency Management ~~and Homeland Security Agency~~, the Federal Emergency
291 Management Agency, the Georgia Department of Public Safety, the Georgia Department
292 of Agriculture, and the federal Centers for Disease Control and Prevention. The
293 department is authorized, in the course of management of a declared public health
294 emergency, to adopt and implement emergency rules and regulations pursuant to the
295 provisions of subsection (b) of Code Section 50-13-4. Such rules and regulations shall be
296 adopted pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' but
297 shall be automatically referred by the Office of Legislative Counsel to the House of
298 Representatives and Senate Committees on Judiciary.

299 (c) The department shall promulgate, prepare, and maintain a public health emergency
300 plan and draft executive order for the declaration of a public health emergency pursuant to
301 Code Section 38-3-51 and Chapter 13 of Title 50. In preparation of such public health
302 emergency plan and draft executive order, the department shall consult and coordinate as
303 appropriate with the Georgia Emergency Management ~~and Homeland Security Agency~~, the
304 Federal Emergency Management Agency, the Georgia Department of Public Safety, the

305 Georgia Department of Agriculture, and the federal Centers for Disease Control and
 306 Prevention."

307 **SECTION 2-5.**

308 Code Section 35-6A-3 of the Official Code of Georgia Annotated, relating to membership
 309 of the Criminal Justice Coordinating Council, vacancies, and membership not bar to holding
 310 public office, is amended by revising paragraph (1) of subsection (a) as follows:

311 "(1) The chairperson of the Georgia Peace Officer Standards and Training Council, the
 312 ~~director~~ commissioner of homeland security, the chairperson of the Judicial Council of
 313 Georgia, the chairperson of the Council of Accountability Court Judges of Georgia, the
 314 chairperson of the Prosecuting Attorneys' Council of the State of Georgia, the
 315 commissioner of corrections, the chairperson of the Board of Corrections, the
 316 commissioner of community supervision, the chairperson of the Board of Community
 317 Supervision, the vice chairperson of the Board of Public Safety, the chairperson of the
 318 State Board of Pardons and Paroles, the State School Superintendent, the commissioner
 319 of community affairs, the president of the Council of Juvenile Court Judges, the
 320 chairperson of the Georgia Public Defender Council, the chairperson of the Governor's
 321 Office for Children and Families, and the commissioner of juvenile justice or their
 322 designees shall be ex officio members of the council, as full voting members of the
 323 council by reason of their office; and"

324 **SECTION 2-6.**

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

329 "38-3-20.

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

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

339 (c) The director may employ such professional, technical, clerical, stenographic, and other
 340 personnel, may fix their compensation, and may make such expenditures within the
 341 appropriation therefor, or from other funds made available for purposes of emergency
 342 management ~~and homeland security~~, as may be necessary to carry out the purposes of
 343 ~~Article 9 of Chapter 3 of Title 35~~, Article 1, this article, and Article 3 of this chapter, and
 344 the duties of the agency and the director described in Part 4 of Article 2 of Chapter 5 of
 345 Title 46, the 'Georgia Emergency Telephone Number 9-1-1 Service Act of 1977,' as
 346 amended.

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

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

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

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

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

360 ~~(4)~~(2) Coordinate the activities of all organizations for emergency management ~~and~~²
 361 ~~homeland security~~ within the state;

362 ~~(5)~~(3) Maintain liaison with and cooperate with emergency management agencies and
 363 organizations of other states and of the federal government; and

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

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

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

375 ~~(9) Evaluate information developed by the criminal justice community in regard to~~
 376 ~~threats or potential threats of terrorism; and~~
 377 ~~(10)(4) Have such additional authority, duties, and responsibilities authorized by Article~~
 378 1, this article, and Article 3 of this chapter as may be prescribed by the Governor and
 379 such additional authority, duties, and responsibilities as described in ~~Article 9 of Chapter~~
 380 ~~3 of Title 35 and Part 4 of Article 2 of Chapter 5 of Title 46, the 'Georgia Emergency~~
 381 ~~Telephone Number 9-1-1 Service Act of 1977,' as amended.~~
 382 (f) The director of emergency management ~~and homeland security~~ shall also be the
 383 disaster coordinator and shall act for the Governor when requested to do so."

384 **SECTION 2-7.**

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

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

392 **SECTION 2-8.**

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

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

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

SECTION 2-9.

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 2-10.

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 2-11.

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

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

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

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

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

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

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

498 **SECTION 2-12.**

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

501 "38-3-140.

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

504 **SECTION 2-13.**

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

507 "38-3-141.

508 As used in this article, the term:

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

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

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

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

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

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

532 **SECTION 2-14.**

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

535 "38-3-142.

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

546

SECTION 2-15.

547

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:

548

549

"38-3-143.

550

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."

551

552

553

SECTION 2-16.

554

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:

555

556

"38-3-144.

557

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."

558

559

560

561

562

563

564

565

SECTION 2-17.

566

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

567

568

"38-3-151.

569

As used in this article, the term:

570

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

571

572

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

573

574

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

575

SECTION 2-18.

576

Said chapter is further amended by revising paragraph (2) of Code Section 38-3-161, relating to definitions, as follows:

577

578 "(2) 'Disaster relief organization' means an entity that provides emergency or disaster
 579 relief services that include health services or veterinary services provided by volunteer
 580 health practitioners and that:

581 (A) Is designated or recognized as a provider of those services pursuant to a disaster
 582 response and recovery plan adopted by an agency of the federal government or the
 583 Georgia Emergency Management ~~and Homeland Security~~ Agency; or

584 (B) Regularly plans and conducts its activities in coordination with an agency of the
 585 federal government, the Department of Public Health, a local emergency management
 586 agency, a local public health district, or the Georgia Emergency Management ~~and~~
 587 ~~Homeland Security~~ Agency."

588 **SECTION 2-19.**

589 Said chapter is further amended by revising paragraph (1) of subsection (c) of Code Section
 590 38-3-163, relating to regulation of volunteer health practitioners during an emergency, as
 591 follows:

592 "(1) Consult and coordinate its activities with the Georgia Emergency Management ~~and~~
 593 ~~Homeland Security~~ Agency, consistent with the Georgia Emergency Operations Plan, to
 594 provide for the efficient and effective use of volunteer health practitioners; and"

595 **SECTION 2-20.**

596 Said chapter is further amended by revising subparagraph (a)(4)(D) and subsection (b) of
 597 Code Section 38-3-164, relating to registration systems, as follows:

598 "(D) Be designated by the Georgia Emergency Management ~~and Homeland Security~~
 599 Agency as a registration system for purposes of this article.

600 (b) While an emergency declaration is in effect, the Georgia Emergency Management ~~and~~
 601 ~~Homeland Security~~ Agency, consistent with the Georgia Emergency Operations Plan; a
 602 person authorized to act on behalf of the Georgia Emergency Management ~~and Homeland~~
 603 ~~Security~~ Agency; or a host entity may confirm whether volunteer health practitioners
 604 utilized in this state are registered with a registration system that complies with subsection
 605 (a) of this Code section. Confirmation shall be limited to obtaining the identities of the
 606 volunteer health practitioners from the system and determining whether the system
 607 indicates that the volunteer health practitioners are licensed and in good standing."

608 **SECTION 2-21.**

609 Said chapter is further amended by revising subsection (b) of Code Section 38-3-168, relating
 610 to construction with other provisions and inclusion, as follows:

611 "(b) The Georgia Emergency Management ~~and Homeland Security~~ Agency, pursuant to
 612 the Emergency Management Assistance Compact, may incorporate into the emergency
 613 forces of this state volunteer health practitioners who are not officers or employees of this
 614 state, a political subdivision of this state, or a municipality or other local government
 615 within this state."

616 **SECTION 2-22.**

617 Said chapter is further amended by revising Code Section 38-3-169, relating to regulatory
 618 authority, as follows:

619 "38-3-169.

620 The Department of Public Health may promulgate rules and regulations to implement this
 621 article. In doing so, the Department of Public Health shall consult with and consider the
 622 recommendations of the Georgia Emergency Management ~~and Homeland Security~~ Agency,
 623 consistent with the Georgia Emergency Operations Plan, and shall also consult with and
 624 consider rules and regulations promulgated by similarly empowered agencies in other states
 625 to promote uniformity of application of this article and make the emergency response
 626 systems in the various states reasonably compatible."

627 **SECTION 2-23.**

628 Code Section 40-1-23 of the Official Code of Georgia Annotated, relating to regulatory
 629 compliance inspections, notifications, contacts with state, permit required for transporting
 630 hazardous materials, escorts or inspections, exceptions, recovery for damage or discharge,
 631 civil monetary penalties, routing agencies, and adoption of regulations, is amended by
 632 revising subsection (q) as follows:

633 "(q) The department is designated as the routing agency as defined in Title 49 C.F.R. Part
 634 397, Subpart E. Routing determinations for hazardous materials shall be made in
 635 accordance with the provisions of Federal Hazardous Materials Law, 49 U.S.C. Section
 636 5112. The commissioner or his or her designee shall consult with Georgia Department of
 637 Transportation, Georgia Department of Natural Resources, Georgia Emergency
 638 Management ~~and Homeland Security~~ Agency, Georgia Department of Homeland Security,
 639 or other agencies as necessary to carry out these responsibilities."

640 **SECTION 2-24.**

641 Code Section 46-5-122 of the Official Code of Georgia Annotated, relating to definitions for
 642 the emergency telephone number 9-1-1 system, is amended by revising paragraph (2) as
 643 follows:

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

647 **SECTION 2-25.**

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

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

659 (2) A registered business in this state shall provide the information required in
 660 paragraph (1) of this subsection to the department and to the Georgia Emergency
 661 Management ~~and Homeland Security~~ Agency for any affiliate that enters this state that
 662 is an out-of-state business. The notification shall also include contact information for the
 663 registered business in this state.

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

667 **SECTION 2-26.**

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

670 "(a) A taxpayer who receives disaster assistance during a taxable year from the Georgia
 671 Emergency Management ~~and Homeland Security~~ Agency or the Federal Emergency
 672 Management Agency shall be allowed a credit against the tax imposed by Code Section
 673 48-7-20 in an amount equal to \$500.00 or the actual amount of such disaster assistance,
 674 whichever is less. The commissioner may require adequate supporting documentation
 675 showing that the taxpayer received such assistance."

676

SECTION 2-27.

677

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:

678

679

"(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."

680

681

682

683

684

685

686

687

688

689

690

SECTION 2-28.

691

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:

692

693

694

"51-1-50.

695

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

696

697

(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.

698

699

700

701

(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.

702

703

704

(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

705

706

707

708

709

710

711

712 Georgia; and those broadcasters participating in the program then broadcast or otherwise
713 disseminate the alert to listeners, viewers, or subscribers.

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

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

727

PART III

728

SECTION 3-1.