

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 779:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to
2 emergency management, so as to revise the duties of the director of the Georgia Emergency
3 Management and Homeland Security Agency; to provide for definitions; to amend Chapter 3
4 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of
5 Investigation, so as to revise the duties of the director of the Georgia Bureau of Investigation
6 pertaining to the Georgia Information Sharing and Analysis Center; to revise the duties of
7 the Georgia Information Sharing and Analysis Center; to provide for related matters; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

12 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency
13 management, is amended by revising Code Section 38-3-3, relating to definitions, as follows:
14 "38-3-3.

15 As used in Articles 1 through 3 of this chapter, the term:

16 (1) 'Bioterrorism' means the intentional creation or use of any microorganism, virus,
17 infectious substance, or any component thereof, whether naturally occurring or
18 bioengineered, to cause death, illness, disease, or other biological malfunction in a
19 human, animal, plant, or other living organism in order improperly or illegally to
20 influence the conduct of government, to interfere with or disrupt commerce, or to
21 intimidate or coerce a civilian population.

22 (2) 'Emergency management' means the preparation for the carrying out of all emergency
23 functions other than functions for which military forces are primarily responsible to
24 prevent, minimize, and repair injury and damage resulting from emergencies, energy
25 emergencies, disasters, or the imminent threat thereof, of manmade or natural origin

26 caused by enemy attack, sabotage, acts of domestic or international terrorism, civil
 27 disturbance, fire, flood, earthquake, wind, storm, wave action, oil spill or other water
 28 contamination requiring emergency action to avert danger or damage, epidemic, air
 29 contamination, blight, drought, infestation, explosion, riot or other hostile action,
 30 radiological action, or other causes. These functions include, without limitation,
 31 fire-fighting services; police services; emergency medical services; rescue; engineering;
 32 warning services; communications; defense from radiological, chemical, biological, and
 33 other special weapons to include weapons of mass destruction; evacuation of persons
 34 from stricken areas; emergency welfare services; consequence management functions to
 35 include victim services; emergency transportation; plant protection; temporary restoration
 36 of public utility services; and other functions related to civilian protection, together with
 37 all other activities necessary or incidental to the preparation for and carrying out of the
 38 foregoing functions.

39 (2.1) 'Emergency Operations Command' means the unified command group comprising
 40 the director of emergency management and homeland security, the director of the
 41 Georgia Bureau of Investigation, the commissioner of public safety, the commissioner
 42 of natural resources, the commissioner of transportation, and the adjutant general that is
 43 responsible for coordinating the public safety response to natural disasters, homeland
 44 security activities, and other emergencies within the state.

45 (3) 'Energy emergency' means a condition of danger to the health, safety, welfare, or
 46 economic well-being of the citizens of this state arising out of a present or threatened
 47 shortage of usable energy resources; also any condition of substantial danger to the
 48 health, safety, or welfare of the citizens of this state resulting from the operation of any
 49 electrical power-generating facility, the transport of any energy resource by any means
 50 whatsoever, or the production, use, or disposal of any source material, special nuclear
 51 material, or by-product, as defined by the Atomic Energy Act of 1954, 68 Stat. 919, 42
 52 U.S.C. Section 2011, et seq.; also any nuclear incident, as defined by the Atomic Energy
 53 Act of 1954, occurring within or outside this state, substantially affecting the health,
 54 safety, or welfare of the citizens of this state.

55 (4) 'Energy resources' means all forms of energy or power including, without limitation,
 56 oil, gasoline, and other petroleum products; natural or synthetic gas; electricity in all
 57 forms and from all sources; and other fuels of any description, except wood.

58 (4.1) 'Homeland security activity' shall have the same meaning as provided for in Code
 59 Section 35-3-200.

60 ~~(4.1)~~(4.2) 'Pandemic influenza emergency' means the declaration by the World Health
 61 Organization of at least a Phase 5 Pandemic Alert for influenza occurring in the United
 62 States or the State of Georgia or the declaration by the Centers for Disease Control and

63 Prevention of at least a Category 2 Pandemic Severity Index for influenza occurring in
64 the United States or the State of Georgia.

65 (5) 'Political subdivision' means:

66 (A) Cities having a population of over 1,000;

67 (B) Cities having a population of less than 1,000 in which the Governor has established
68 a local organization; and

69 (C) Counties.

70 (6) 'Public health emergency' means the occurrence or imminent threat of an illness or
71 health condition that is reasonably believed to be caused by bioterrorism or the
72 appearance of a novel or previously controlled or eradicated infectious agent or biological
73 toxin and poses a high probability of any of the following harms:

74 (A) A large number of deaths in the affected population;

75 (B) A large number of serious or long-term disabilities in the affected population; or

76 (C) Widespread exposure to an infectious or toxic agent that poses a significant risk
77 of substantial future harm to a large number of people in the affected population.

78 (7) 'State of emergency' means the condition declared by the Governor when, in his or
79 her judgment, the threat or actual occurrence of a disaster, emergency, or energy
80 emergency in any part of the state is of sufficient severity and magnitude to warrant
81 extraordinary assistance by the state to supplement the efforts and available resources of
82 the several localities and relief organizations in preventing or alleviating the damage,
83 loss, hardship, or suffering threatened or caused thereby."

84 **SECTION 1-2.**

85 Said chapter is further amended by revising Code Section 38-3-20, relating to Georgia
86 Emergency Management and Homeland Security Agency created, director, staff, offices,
87 director's duties, and disaster coordinator, as follows:

88 "38-3-20.

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

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

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

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

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

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

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

116 (3) Have ~~command and control~~ authority over ~~all operational~~ areas involving imminent
 117 or current terrorist activity within this state, including, but not limited to, leading and
 118 directing the actions of the Homeland Security Task Force and the ~~Homeland Security~~
 119 ~~Central Command when activated by the Governor~~ Emergency Operations Command;

120 (4) Coordinate the activities of all organizations for emergency management and
 121 homeland security within the state;

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

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

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

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

- 135 (9) Evaluate information developed by the criminal justice community in regard to
 136 threats or potential threats of terrorism; and
- 137 (10) Serve as this state's security manager for the purpose of identifying and processing
 138 state personnel for security clearances through the United States Department of
 139 Homeland Security; and
- 140 (11) Have such additional authority, duties, and responsibilities authorized by Article 1,
 141 this article, and Article 3 of this chapter as may be prescribed by the Governor and such
 142 additional authority, duties, and responsibilities as described in Article 9 of Chapter 3 of
 143 Title 35 and Part 4 of Article 2 of Chapter 5 of Title 46, the 'Georgia Emergency
 144 Telephone Number 9-1-1 Service Act of 1977,' as amended.
- 145 (f) The director of emergency management and homeland security shall also be the
 146 disaster coordinator and shall act for the Governor when requested to do so."

147 **SECTION 1-3.**

148 Said chapter is further amended by repealing Code Section 38-3-22.2, relating to
 149 establishment of the Airport Antiterrorism Training Committee and annual training, in its
 150 entirety.

151 **PART II**

152 **SECTION 2-1.**

153 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia
 154 Bureau of Investigation, is amended by revising Article 9, relating to the Georgia
 155 Information Sharing and Analysis Center, as follows:

156 "ARTICLE 9

157 35-3-200.

158 As used in this article, the term:

- 159 (1) 'Center' means the Georgia Information Sharing and Analysis Center.
- 160 (2) 'Fusion center' means collaborative effort which combines resources, expertise,
 161 intelligence, and other information from various agencies of state and local governments
 162 with the goal of maximizing the ability of this state to detect, prevent, and respond to
 163 criminal activities or to otherwise engage in homeland security activities.
- 164 (3) 'Homeland security activity' means any activity related to the prevention or discovery
 165 of, response to, or recovery from:
- 166 (A) A terrorist attack;

- 167 (B) A hostile military or paramilitary action; or
 168 (C) An extraordinary law enforcement emergency.

169 35-3-201.

170 There is established the Georgia Information Sharing and Analysis Center as a distinct
 171 division within the Georgia Bureau of Investigation. The center shall be a fusion center
 172 maintaining criminal intelligence and terrorism analytical components. The officer or
 173 agent charged with operating the center shall report directly to the director.

174 35-3-202.

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

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

180 35-3-203.

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

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

190 ~~(c) The center shall allow unrestricted access to secure communications equipment to the~~
 191 ~~director of emergency management and homeland security and his or her representatives~~
 192 ~~who possess the appropriate federally approved security clearances for the dissemination~~
 193 ~~of homeland security activity information by the United States Department of Homeland~~
 194 ~~Security.~~

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

198 35-3-204.

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

208 (b) The director of emergency management and homeland security ~~shall~~ may maintain
 209 Georgia Emergency Management and Homeland Security Agency analysts in the center
 210 ~~as needed~~ as determined by the director of emergency management and homeland security.
 211 Such analysts assigned to the center who are funded by or employees of the Georgia
 212 Emergency Management and Homeland Security Agency shall focus on homeland security
 213 activity."

214

PART III

215

SECTION 3-1.

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