

The House Committee on Energy, Utilities and Telecommunications offers the following substitute to HB 156:

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 38 and 50 of the Official Code of Georgia Annotated, relating to military,
2 emergency management, and veterans affairs and state government, respectively, so as to
3 facilitate the sharing of information and reporting of cyber attacks; to require governmental
4 agencies and utilities to report any cyber attacks to the director of emergency management
5 and homeland security; to provide for definitions; to provide for the director to promulgate
6 certain rules and regulations; to provide for proceedings related to cybersecurity to be held
7 in executive session; to provide for certain information, data, and reports related to
8 cybersecurity and cyber attacks to be exempt from public disclosure and inspection; to
9 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 38 of the Official Code of Georgia Annotated, relating to military, emergency
14 management, and veterans affairs, is amended by adding a new Code section to read as
15 follows:

H. B. 156 (SUB)

16 "38-3-22.2.

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

18 (1) 'Agency' means:

19 (A) The executive, judicial, or legislative branch of this state and any department,
20 agency, board, bureau, office, commission, public corporation, and authority thereof;

21 (B) Every county, municipal corporation, school district, or other political subdivision
22 of this state;

23 (C) Every department, agency, board, bureau, office, commission, authority, or similar
24 body of each such county, municipal corporation, or other political subdivision of this
25 state; and

26 (D) Every city, county, regional, or other authority established pursuant to the laws of
27 this state.

28 Such term shall not include any county, municipal corporation, or public corporation or
29 any authority of a county, municipal corporation, or public corporation when such
30 county, municipal corporation, public corporation, or authority is acting in the capacity
31 of a provider of wholesale or retail electric or gas service or in the capacity of a conduit
32 through which a municipal corporation furnishes electric or gas service.

33 (2) 'Utility' means any publicly, privately, or cooperatively owned line, facility, or
34 system for producing, transmitting, or distributing power, electricity, light, heat, or gas.

35 (b)(1) Except as provided in paragraph (2) of this subsection, every agency shall report
36 to the director of emergency management and homeland security, or his or her designee,
37 any cyber attack incident, data breach, or identified use of malware on an agency or
38 computer or network determined by the director to be the type of cyber attack, data
39 breach, or use of malware to create a life-safety event, substantially impact the security
40 of data and information systems, or affect critical systems, equipment, or service delivery.

41 (2) The reporting requirements of paragraph (1) of this Code section shall be satisfied
42 if:

43 (A) The cyber attack incident, data breach, or identified use of malware upon an
44 agency is of a nature required to be reported to the United States government or any
45 agency thereof or the agency elects to report such cyber attack incident, data breach, or
46 identified use of malware to the United States government or any agency thereof; and
47 (B) Within two hours of making such report to the United States government or any
48 agency thereof, the agency provides substantially the same information to the director
49 of emergency management and homeland security or his or her designee.

50 (3) The director of emergency management and homeland security shall, subject to
51 approval by the Governor, promulgate rules and regulations specifying the reporting
52 mechanism for making a report under paragraphs (1) and (2) of this subsection and the
53 required information and time frame for making a report under paragraph (1) of this
54 subsection.

55 (c) Every utility shall report to the director of emergency management and homeland
56 security, or his or her designee, any cyber attack incident, data breach, or identified use of
57 malware on a utility computer or network as such information is required to be reported to
58 the United States government or any agency thereof. Within two hours of making such
59 report to the United States government or any agency thereof, the utility shall provide
60 substantially the same information to the director of emergency management and homeland
61 security or his or her designee; provided, however, if such information is prohibited under
62 any federal law, rule, or regulation from being disseminated, the utility shall provide such
63 information upon the expiration or lifting of such prohibition.

64 (d) Any reports or records produced pursuant to this Code section shall not be subject to
65 public inspection or disclosure under Article 4 of Chapter 18 of Title 50."

66

SECTION 2.

67 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
68 by revising subsection (b) of Code Section 50-14-3, relating to excluded proceedings, by

69 deleting "and" at the end of paragraph (3), by replacing the period with "; or" at the end of
70 paragraph (4), and by adding a new paragraph to read as follows:

71 "(5) Any portions of meetings when any agency is discussing cybersecurity or voting to
72 approve any action related to cybersecurity; provided, however, that a vote in executive
73 session to enter into a cybersecurity contract shall not be binding on an agency until a
74 subsequent vote is taken in an open meeting wherein the identity of the contractor and the
75 any terms of such agreement that if made public would not increase the risk of
76 unauthorized access to the information technology assets of the state are disclosed before
77 the vote. For purposes of this paragraph, 'cybersecurity' means information technology
78 infrastructure details, including network architecture, schematics, and information
79 technology system designs, source code, detailed hardware and software inventories,
80 security plans, vulnerability reports, security risk assessment details, audit reports,
81 security compliance reports, authentication credentials, security policies and processes,
82 security incident reports, information collected during incident response, and any other
83 information technology data that, if disclosed, could allow unauthorized access to the
84 information technology assets of the state."

85 **SECTION 3.**

86 Said title further amended in subsection (a) of Code Section 50-18-72, relating to when
87 disclosure of public records is not required, by deleting "or" at the end of paragraph (50), by
88 replacing the period with a semicolon at the end of paragraph (51), and by adding two new
89 paragraphs to read as follows:

90 "(52) Records, data, or information concerning cybersecurity. For purposes of this
91 paragraph, 'cybersecurity' shall have the same meaning as provided in paragraph (5) of
92 subsection (b) of Code Section 50-14-3; or

93 (53) Any reports or records produced pursuant to Code Section 38-3-22.2."

94 **SECTION 4.**

95 This Act shall become effective upon its approval by the Governor or upon its becoming law
96 without such approval.

97 **SECTION 5.**

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