

House Bill 156 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Parsons of the 44th, Martin of the 49th, Kelley of the 16th, Smith of the 133rd, Nix of the 69th, and others

A BILL TO BE ENTITLED
AN ACT

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

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

14 "38-3-22.2.

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

16 (1) 'Agency' means:

H. B. 156 (SUB)

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

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

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

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

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

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

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

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

41 (A) The cyber attack incident, data breach, or identified use of malware upon an
42 agency is of a nature required to be reported to the United States government or any

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

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

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

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

64 **SECTION 2.**

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

67

SECTION 3.

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